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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of August 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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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
88-03	Dec 23, 1987	Jan 6, 1988	Jan 20	Feb 3	Feb 23
88-04	Jan 6	Jan 20	Feb 3	Feb 17	Mar 8
88-05	Jan 20	Feb 3	Feb 17	Mar 2	Mar 22
88-06	Feb 3	Feb 17	Mar 2	Mar 16	Apr 5
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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
88-11	Apr 20	May 4	May 18	Jun 1	Jun 21
88-12	May 4	May 18	Jun 1	Jun 15	Jul 5
88-13	May 25	Jun 8	Jun 22	Jul 6	Jul 26
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88-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1989

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

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

³No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 88-15-005**ADOPTED RULES****WHATCOM COMMUNITY COLLEGE**

[Order 88-03—Filed July 8, 1988]

Be it resolved by the board of trustees of Whatcom Community College, acting at Bellingham, Washington, that it does adopt the annexed rules relating to:

New	ch. 132U-104	WAC	Meetings of board of trustees.
New	ch. 132U-120	WAC	Student rights and responsibilities.
New	ch. 132U-122	WAC	Withholding services for outstanding debts.
New	ch. 132U-140	WAC	Use of facilities.
New	ch. 132U-276	WAC	Access to public records.
New	ch. 132U-280	WAC	Family Educational Rights and Privacy Act.
New	ch. 132U-300	WAC	Grievances—Discrimination .
New	ch. 132U-325	WAC	State Environmental Policy Act.
Rep	chs.132U-04, 132U-10, 132U-36, 132U-40 and 132U-80	WAC.	

This action is taken pursuant to Notice No. WSR 88-07-029 filed with the code reviser on March 9, 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.50.130 and [28B.50].140 which directs that Whatcom Community College has authority to implement the provisions of RCW 28B.50.140 (10) and (14).

This rule is promulgated under the general rule-making authority of Whatcom Community College as authorized in RCW 28B.50.130 and [28B.50].140.

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

APPROVED AND ADOPTED June 14, 1988.

By Patricia Hite
Chairman

Chapter 132U-104

Board of Trustees—Bylaws—Meetings

NEW SECTION

WAC 132U-104-010 **BYLAWS**. The board of trustees may adopt bylaws to govern its operations. A record of these bylaws shall be maintained in the office of the president.

NEW SECTION

WAC 132U-104-020 **RESTRICTIONS OF INDIVIDUAL AUTHORITY—QUORUM** (1) Legal authority is vested in the board of trustees and may be exercised only by formal action of the board taken in a regular or special meeting. No individual member of the board may act on behalf of the board unless specifically instructed by action of the board.

(2) Three members shall constitute a quorum, and no action may be taken with less than a quorum present.

NEW SECTION

WAC 132U-104-030 **MEETINGS OF THE BOARD OF TRUSTEES**. The board customarily holds monthly meetings on the second Tuesday of each month at such place as it may designate. Notices of the time and place of all regular and special meetings shall be governed by the requirements of RCW 42.30 Open Public Meetings Act.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 132U-04-100 **BY LAWS**

(2) WAC 132U-04-110 **RESTRICTIONS OF INDIVIDUAL AUTHORITY**

Chapter 132U-120

Student Rights and Responsibilities

NEW SECTION

WAC 132U-120-010 **TITLE**. This chapter shall be known as the Code of Student Rights and Responsibilities of Whatcom Community College.

NEW SECTION

WAC 132U-120-020 **DEFINITIONS**. As used in this chapter, the following words and phrases shall be defined as follows:

(1) "Academic dishonesty" shall mean plagiarism, cheating on examinations, fraudulent representation of student work product or other similar act of academic dishonesty.

(2) "Alcoholic beverages" shall mean the definition of liquor as contained within RCW 66.04.010(15) as now law or hereafter amended.

(3) "Assembly" shall mean any overt activity engaged in by two or more persons, the object of which is to gain publicity, advocate a view, petition for a cause, or disseminate information to any person, persons or group of persons.

(4) "ASWCC" shall mean the Associated Students of Whatcom Community College as defined in the Constitution of that body.

(5) "Board" shall mean the Board of Trustees of Community College District No. 21, State of Washington.

(6) "President" shall mean the president of Whatcom Community College and president of Community College District No. 21, State of Washington.

(7) "College" shall mean Whatcom Community College, and any other community college centers or facilities established within Community College District No. 21.

(8) "College facilities" shall mean and include any and all personal property and real property including all buildings and appurtenances affixed thereon or attached thereto District-wide.

(9) "Demonstrations" shall mean any overt activity engaged in by one or more persons, the object of which is to gain publicity, advocate a view, petition for a cause

or disseminate information to any person, persons, or group of persons.

(10) "Disciplinary action" shall mean and include a warning, reprimand, probation, suspension, or dismissal of any student by a Dean or the President issued pursuant to this chapter where that student has violated any designated rule or regulation of the rules of conduct for which a student is subject to disciplinary action.

(11) "Controlled substance" shall mean and include any drug or substance as defined in Chapter 69.50 RCW as now law or hereafter amended.

(12) "Faculty" shall mean any full-time or part-time academic employee of the District whose assignment is one of a combination of instruction, counseling or library services.

(13) "Rules of conduct" shall mean those rules contained within this chapter as now exist or which may be hereafter amended, the violation of which subjects a student to disciplinary action.

(14) "Student," unless otherwise qualified, shall mean and include any person who is registered for classes at the college.

(15) "Petition Review Committee" shall mean the judicial body provided in this chapter.

(16) "Trespass" shall mean the definition of trespass as contained within Chapter 9A.52 RCW, as now law or hereafter amended.

NEW SECTION

WAC 132U-120-030 JURISDICTION. (1) All rules herein adopted shall apply to every student whenever said student is present upon or in any college facility and whenever said student is present at or engaged in any college-sponsored activity which is held on or in non-college facilities.

(2) Faculty members, other college employees, students, and members of the public who breach or aid or abet another in the breach of any provision of this chapter shall be subject to (a) possible prosecution under the state criminal law; (b) any other civil or criminal remedies available to the public; or (c) appropriate disciplinary action pursuant to the state of Washington Higher Education Personnel Board Rules or the district's policies and regulations.

(3) Statutory authority of the Revised Code of Washington cited in this document is on file and available in the Administrative Office.

NEW SECTION

WAC 132U-120-040 STUDENT RIGHTS. The following enumerated rights are guaranteed to each student within the limitations of statutory law and college policy which are deemed necessary to achieve the educational goals of the college:

(1) Academic freedom.

(a) Students are guaranteed the rights of free inquiry, expression, and assembly upon and within college facilities that are generally open and available to the public.

(b) Students are free to pursue appropriate educational objectives from among the college's curricula,

programs and services, subject to the limitations of RCW 28B.50.090 (3)(b).

(c) Students shall be protected from academic evaluation which is arbitrary, prejudiced or capricious, but are responsible for meeting the standards of academic performance established by each of their instructors.

(d) Students have the right to a learning environment which is free from unlawful discrimination, inappropriate and disrespectful conduct, and sexual harassment.

(2) Due process.

(a) The rights of students to be secure in their persons, quarters, papers and effects against unreasonable searches and seizures is guaranteed.

(b) No disciplinary sanction may be imposed on any student without notice to the accused of the nature of the charges.

(c) A student accused of violating this code of student rights and responsibilities is entitled, upon request, to procedural due process as set forth in this chapter.

(3) Distribution and posting. Students may distribute or post printed or published material subject to official procedures printed and available in the Administrative Office.

(4) Off-Campus speakers. Recognized student organizations shall have the right to invite outside speakers to speak on campus subject to the availability of campus facilities, funding, and compliance with the college procedures available in the Administrative Office.

NEW SECTION

WAC 132U-120-050 STUDENT RESPONSIBILITIES. Any student shall be subject to disciplinary action as provided for in this chapter who, either as a principle actor, aider, abettor or accomplice as defined in RCW 9A.08.020, interferes with the personal rights or privileges of others or the educational process of the college; violates any provision of this chapter; or commits any of the following personal, property or status offenses which are hereby prohibited:

(1) Personal offenses. (a) Assault, reckless endangerment, intimidation or interference upon another person in the manner set forth in RCW 9A.36.010, 9A.36.020, 9A.36.030, 9A.36.040, 9A.36.050 or 28B.10.570 through 28B.10.572 as now or hereafter amended.

(b) Disorderly, abusive, or bothersome conduct. Disorderly or abusive behavior which interferes with the rights of others or which obstructs or disrupts teaching, research, or administrative functions.

(c) Failure to follow instructions. Inattentiveness, inability, or failure of student to follow instructor's instructions, thereby infringing upon the rights and privileges of other students.

(d) Illegal assembly, obstruction or disruption. Any assembly or other act which materially and substantially interferes with vehicular or pedestrian traffic, classes, hearings, meetings, the educational and administrative functions of the college, or the private rights and privileges of others.

(e) False complaint. Filing a formal complaint falsely accusing another student or college employee with violating a provision of this chapter.

(f) False alarms. Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(g) Sexual harassment. Engaging in unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature where such behavior offends the recipient, causes discomfort or humiliation, or interferes with job or school performance.

(2) Property offenses. (a) Theft and Robbery. Theft of the property of the district or of another as defined in the RCW 9A.56.010—9A.56.050 and 9A.56.100 as now law or hereafter amended.

(b) Malicious mischief. Intentional or negligent damage to or destruction of any college facility or other public or private real or personal property.

(c) Unauthorized use of college equipment and supplies. Converting of college equipment or supplies for personal gain or use without proper authority.

(3) Status offenses. (a) Cheating and plagiarism. Submitting to a faculty member any work product that the student fraudulently represents to the faculty member as the student's work product for the purpose of fulfilling or partially fulfilling any assignment or task required by the faculty member as part of the student's program of instruction.

(b) Forgery or alteration of records. Forging or tendering any forged records or instruments, as defined in RCW 9A.60.010—9A.60.020 as now law or hereafter amended, of any district record or instrument to an employee or agent of the district acting in his official capacity as such.

(c) Refusal to provide identification in appropriate circumstances. Refusal to provide positive identification (e.g., valid driver's license or state identification card) in appropriate circumstances to any college employee in the lawful discharge of said employee's duties.

(d) Illegal entry. Entering any administrative or other employee office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

(e) Smoking. Smoking in any classroom or laboratory, the library, or in any college facility or office posted "no smoking" or any other smoking not in compliance with RCW 70.160.

(f) Controlled substances. Using, possessing, being demonstrably under the influence of, or selling any narcotic or controlled substance as defined in Chapter 69.50 RCW as now law or hereafter amended, except when the use or possession of a drug is specifically prescribed as medication by an authorized medical doctor or dentist. For the purpose of this regulation, "sale" shall include the statutory meaning defined in RCW 69.50.410 as now law or hereafter amended.

(g) Alcoholic beverages. Being demonstrably under the influence of any form of alcoholic beverage. Possessing or consuming any form of alcoholic beverage on college property, with the exception of sanctioned events, approved by the president or his or her designee and in compliance with state law.

(h) Weapons, explosives, and dangerous chemicals. Illegal or unauthorized use or possession of any device or

substance which can be used to inflict bodily harm or to damage real or personal property.

NEW SECTION

WAC 132U-120-060 TRESPASS. The President or his or her designee(s) shall have the authority and power to prohibit the entry or withdraw the license or privilege of any person or group of persons to enter into or remain in any college property or facility. Such power and authority may be exercised to halt any event which is deemed to be unreasonably disruptive of order or impedes the movement of persons or vehicles or which disrupts or threatens to disrupt the ingress and/or egress of persons from facilities owned and/or operated by the college. Any individual who disobeys a lawful order given by the president, or his or her designee(s), shall be subject to disciplinary action and/or charges of criminal trespass.

NEW SECTION

WAC 132U-120-070 DELEGATION OF DISCIPLINARY AUTHORITY. The President or his or her designee(s) shall have authority to administer the disciplinary action prescribed in this chapter. The president shall be informed of all student dismissals, suspensions or probation proceedings by the person conducting those proceedings, or his or her designee(s).

NEW SECTION

WAC 132U-120-080 DISCIPLINARY ACTION. The following disciplinary actions are hereby established and shall be imposed upon violators of the rules of conduct enumerated in this chapter, and pursuant to the right of appeal as outlined in this chapter.

(1) Disciplinary warning. Verbal notice to a student by a dean or his or her designee(s) that she/he has violated the rules of conduct as outlined in this chapter or has otherwise failed to satisfy the College's expectations regarding conduct shall be considered a disciplinary warning. Such warnings imply that continuing or repeating the specific violation or engaging in other misconduct will result in one of the more serious disciplinary actions described below. Formal files or records will not be kept on informal verbal warnings.

(2) Disciplinary reprimand. Formal action censuring a student for violating the rules of conduct as outlined in 132U-120-050. Reprimands shall be made in writing to the student by the president, or his or her designee(s), with copies placed on file in the Administrative Office. A reprimand shall indicate to the student that continuing or repeating the specific violation involved will result in one of the more serious disciplinary actions described below.

(3) Disciplinary probation. Formal action by the president or his or her designee(s) placing conditions upon the student's continued attendance for violation of WAC 132U-120-050. Notice shall be made in writing and shall specify the period of probation and the conditions, such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a

specific term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the College.

(4) Limited dismissal. Temporary dismissal from the College and termination of the person's student status for violation of WAC 132U-120-050. Notice shall be made in writing and specify the duration of the dismissal and any special conditions which must be met before readmission.

(5) Expulsion. Permanent termination of a student's status for violation of WAC 132U-120-050. Notice must be given in writing. There shall be no refund of fees for the quarter in which the action is taken but fees paid in advance for a subsequent quarter will be refunded.

NEW SECTION

WAC 132U-120-090 INITIAL DISCIPLINARY PROCEEDINGS. (1) All disciplinary proceedings will be initiated by the appropriate dean or his or her designated representative. The student may be placed on suspension pending commencement of disciplinary action, pursuant to the conditions set forth in WAC 132U-120-190 and -200.

(2) Any student accused of violating any provision of the rules of conduct shall be called for an initial meeting with the appropriate dean or his or her designated representative. The student will be informed of what provision or provisions of the rules of conduct he/she is charged with violating, and what appears to be the range of penalties, if any, which might result from initiation of disciplinary proceedings.

(3) After considering the evidence in the case and interviewing the accused student, if the accused student has appeared at the scheduled conference, the dean may take any of the following actions: (a) terminate the proceeding, exonerating the student or students; (b) dismiss the case after whatever counseling and advice the dean deems appropriate; (c) impose verbal warning to student directly, not subject to the student's right of appeal as provided in this chapter; (d) impose additional sanctions of reprimand, probation, limited dismissal or expulsion, subject to the student's right of appeal as provided in the following provisions.

NEW SECTION

WAC 132U-120-100 APPEALS—GENERALLY
(1) Appeals contesting any disciplinary action may be made by the student(s) involved. Such appeals shall be made in the following order:

(a) Disciplinary action taken by the dean or his or her designee(s) may be appealed to the petition review committee, which may, at the request of the student(s), hear the case de novo.

(b) Disciplinary recommendations made by the petition review committee may be appealed by the student to the president of the college. The president shall review the record of the proceedings which gave rise to the appeal, as well as the recommendations made by the dean and the petition review committee. The president's decision shall be final.

(2) Any appeal by a student receiving a disciplinary sanction must meet the following conditions: (a) the appeal must be in writing and must clearly state errors in fact or matters in extenuation or mitigation which justify the appeal; and (b) the appeal must be filed within ten (10) working days from the date on which the student was notified that disciplinary action was being taken.

(3) All decisions shall be sent from the office of the assistant to the president. Written decisions shall include the signature of the petition review committee chairperson. Copies shall be sent to the president of the college or his or her designee and the student involved in the proceeding.

NEW SECTION

WAC 132U-120-110 COMPOSITION AND STRUCTURE OF THE PETITION REVIEW COMMITTEE. (1) The petition review committee shall be composed of a chairperson and four members. The chairperson shall be that dean who did not handle the initial disciplinary proceedings and the members shall be chosen as follows:

(a) Two members shall be students in good academic standing appointed by the ASWCC president for a one-year term; and

(b) one member shall be a faculty member appointed by the president of the college for a three-year term; and

(c) one member shall be an administrator appointed by the president for a two-year term.

(d) Members of the petition review committee shall be chosen by no later than October 15 of each academic year.

(e) Petition review committee members shall serve during their term of office as set forth above and until their successors are appointed or elected.

(2) If any member of the petition review committee is unable to consider a particular disciplinary proceeding for any reason (including but not limited to conflict of interest, matters of conscience or related reasons), such members shall abstain from considering the issues. If the chairperson abstains for any of the above reasons, the president shall appoint a temporary chairperson who will preside over the committee.

(3) The chairperson shall preside over all proceedings in cases relating to student violation of the rules of conduct established by this chapter. He or she shall exercise the powers and duties usually granted to the presiding officer of a judicial body including but not limited to the power to make rulings on all evidentiary and procedural matters heard in the course of the disciplinary hearing. The chairperson shall be responsible for (a) maintaining a record of the proceedings, (b) drafting findings of fact, conclusions of law and recommendations at the conclusion of the hearing, (c) issuing subpoenas, (d) administering oaths and affirmations and (e) examining witnesses; provided, that no person shall be forced to divulge information which he could not be forced to divulge in a court of law.

(4) A quorum for all proceedings of the petition review committee shall consist of a chairperson and at

least three members; provided, that one student, one faculty member and one administrator are present.

NEW SECTION

WAC 132U-120-120 HEARING PROCEDURES BEFORE THE PETITION REVIEW COMMITTEE.

(1) The petition review committee shall conduct a hearing within fourteen (14) working days after disciplinary action has been referred to it.

(2) Where a person is charged with an offense punishable by suspension, limited dismissal, or termination of his or her relationship with the institution, and where the person (a) waives the opportunity for an informal hearing, or (b) by his conduct in the judgement of the hearing officer makes it impossible to conduct an informal hearing, or (c) is dissatisfied with the results of the informal hearing; that person is entitled to a formal hearing according to the provisions of RCW 28B.19.110 and the guidelines of this chapter. Where a formal hearing is neither required by law nor requested by the student or the college, the matter may be resolved informally. Informal hearings before the petition review committee shall be conducted in any manner which will bring about a prompt, fair resolution of the matter.

(3) The student has a right to a fair and impartial hearing before the petition review committee on any charge of violating the rules of conduct. However, the student's failure to cooperate with the committee's hearing procedures shall not preclude the petition review committee from making its findings of fact, conclusions and recommendations.

(4) Written notice of the time and place of the hearing before the petition review committee shall be given to the student by personal service or registered mail. Service will be regarded as complete upon deposit with the United States postal service. Such notice shall be afforded not less than ten (10) calendar days in advance of the hearing and shall be issued by the committee chairperson. The notice shall include:

(a) A statement of time, place and nature of the disciplinary proceedings; and

(b) A statement of the specific charges against him or her including reference to the particular sections of the rules of conduct involved; and

(c) To the extent known, a list of witnesses who will appear and a summary description of any documentary or other physical evidence that will be presented by the college at the hearing.

(5) The committee has the power to issue subpoenas on its own motion or the motion of a party according to the provisions of RCW 28B.19.130.

(6) The student shall be entitled to:

(a) hear and examine the evidence against him or her and be informed of the identity of its source; and

(b) present evidence in his or her own behalf and cross-examine witnesses testifying on behalf of the college as to factual matters; and

(c) take depositions upon oral examination or written interrogatories. Discovery shall be done according to the rules of civil procedure or by a less formal method where all parties agree.

(7) The student may be represented by counsel of his or her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in the state of Washington as counsel, notice thereof must be tendered by the student to the chairperson at least five working days prior to the hearing.

(8) In all disciplinary proceedings, the college may be represented by a designee appointed by the committee chairperson. That designee will then present the college's case against the student accused of violating the rules of conduct; provided, that in those cases in which the student elects to be represented by a licensed attorney, the committee chairperson may elect to have the college represented by an assistant attorney general.

(9) The chairperson shall designate a recorder to take notes during the hearing and to prepare a written summary of all evidence, facts, and testimony presented to the petition review committee during the course of the hearing. The proceedings of the hearing shall also be electronically recorded.

(10) The record in a formal hearing shall contain: (a) all documents, motions, and intermediate rulings; (b) evidence received and considered; (c) a statement of matters officially noticed; and (d) questions and offers of proof, objections, and rulings thereon.

(11) All records of disciplinary proceedings shall be maintained in the Administrative Office and shall be available only during the course of the disciplinary proceedings to the petition review committee, the student and his/her attorney, and any other college official designated by the president.

(12) Following the conclusion of the disciplinary proceeding, access to records of the case and the hearing files will be limited to those designated by the college president.

(13) Following final disposition of the case and any appeals therefrom, the president may direct the destruction of any records of any disciplinary proceedings, provided that such destruction is in conformance with the requirements of Chapter 40.14 RCW.

(14) The time of the hearing may be advanced by the petition review committee at the request of the student or continued for good cause.

(15) Hearings conducted by the petition review committee generally will be held in closed session; provided, the accused student may request the hearing to be held in open session.

(16) If at any time during the hearing a visitor disrupts the proceedings, the chairperson of the petition review committee may exclude that person from the hearing room.

(17) Any student of the college attending the disciplinary hearing who continues to disrupt the proceedings after the presiding officer has asked him/her to cease or to leave the hearing room, shall be subject to disciplinary action.

NEW SECTION

WAC 132U-120-130 EVIDENCE ADMISSIBLE IN HEARINGS. (1) Only those matters presented at the hearing, in the presence of the accused student (except where the student fails to attend after receipt of

proper notice) will be considered in determining whether the petition review committee has sufficient cause to believe that the accused student is guilty of violating the rules he or she is charged with having violated. Hearsay evidence is admissible in the hearing.

(2) The presiding officer of the petition review committee shall, in the course of presiding at the disciplinary hearing, give effect to the rules of privilege recognized by law and exclude incompetent, irrelevant, immaterial and unduly repetitious evidence.

(3) Evidence or testimony to be offered by or on behalf of the student in extenuation or mitigation shall not be presented or considered until all substantive evidence or testimony has been presented.

NEW SECTION

WAC 132U-120-140 DECISION BY THE PETITION REVIEW COMMITTEE. (1) Upon conclusion of the disciplinary hearing, the petition review committee shall consider all the evidence therein presented and decide by majority vote whether to uphold the initial disciplinary action or to recommend institution of any of the following actions:

(a) That the college terminate the proceedings and exonerate the student; or

(b) That the college impose any of the disciplinary actions as provided in this chapter.

(2) The committee's written decision shall include findings of fact, conclusions of law and recommendations for final disposal of the matter at issue.

(3) Within seven (7) working days of the conclusion of the hearing, the student will be provided with a copy of the committee's findings of fact and conclusions regarding what occurred and whether the student did violate any rule or rules of the code of conduct. The copy shall be dated and contain a statement advising the student of his or her right, within seven calendar days, to submit a written statement to the president of the college appealing the recommendation of the petition review committee.

NEW SECTION

WAC 132U-120-150 FINAL APPEAL. (1) Any student feeling aggrieved by the findings or conclusions of an appeal to the petition review committee may appeal the same in writing to the president within seven (7) calendar days following notification of the student of the action taken by the committee. The president may, at his or her discretion, suspend any disciplinary action pending determination of the merits of the findings, conclusions and disciplinary actions imposed. In the consideration of such an appeal, the president shall base his findings and decision only on the official written record of the case and on any reports or recommendations of the petition review committee and/or of the dean who conducted the original hearing.

NEW SECTION

WAC 132U-120-160 EFFECTIVE DATE OF THE RULES OF CONDUCT. The rules contained

within chapter 132U-120 shall become effective thirty days after filing with the Code Reviser.

NEW SECTION

WAC 132U-120-170 PRIOR RULES. The rules contained within chapter 132U-120 WAC supercedes all former rules for which a student was subject to disciplinary action as defined by WAC 132U-120-020.

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 132U-120-180 SEVERABILITY. If any provisions of chapter 132U-120 WAC is adjudged by a court to be unconstitutional, the remaining provisions of chapter 132U-120 shall continue in effect.

NEW SECTION

WAC 132U-120-190 SUMMARY SUSPENSION PROCEEDINGS. (1) If a dean or his or her designee(s) has cause to believe that any student (a) has committed a felony; or (b) has violated any provision of this chapter; and (c) presents an imminent danger either to himself or herself, other persons on the college campus or to the educational process; that student shall be summarily suspended and shall be notified by certified and regular mail at the student's last known address, or shall be personally served. Summary suspension is appropriate only where (c) can be shown, either alone or in conjunction with (a) or (b).

(2) The notice shall be entitled "Notice of Summary Suspension Proceedings" and shall state: (a) the charges against the student including reference to the provisions of WAC 132U-120-050 or statutory law involved; and (b) that the student charged must appear before the appropriate dean or his or her designee at a time specified in the notice for a hearing. The hearing shall be held as soon as practical after the summary suspension.

NEW SECTION

WAC 132U-120-200 PROCEDURES OF SUMMARY SUSPENSION HEARING. (1) The summary suspension hearing shall be considered an informal hearing. The hearing must be conducted as soon as possible and the appropriate dean will preside over the meeting.

(2) The Dean shall, at summary suspension proceeding, determine whether there is probable cause to believe that continued suspension is necessary and/or whether some other disciplinary action is appropriate.

NEW SECTION

WAC 132U-120-210 DECISION BY THE DEAN. If the Dean, following the conclusion of the summary suspension hearing, finds that there is probable cause to believe that: (1) the student against whom specific violations are alleged has actually committed one or more such violations; and (2) summary suspension of said student is necessary for the safety of the student,

other students or persons on college facilities, the educational process of the institution, or to restore order to the campus; and (3) such violation or violations constitute grounds for disciplinary action as provided for in WAC 132U-120-050; then the Dean may continue to enforce the suspension of the student from college and may impose any other disciplinary action appropriate.

NEW SECTION

WAC 132U-120-220 NOTICE OF SUSPENSION. (1) If a student's summary suspension is upheld or if the student is otherwise disciplined, the student will be provided with a written notice including the Dean's findings of fact and conclusions which lead the Dean to believe that the summary suspension of the student should continue.

(2) The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by certified and regular mail at the student's last known address within three working days following the conclusion of the hearing with the dean.

(3) The notice of suspension shall stipulate the duration of the suspension or nature of the disciplinary action and conditions under which the suspension may be terminated.

NEW SECTION

WAC 132U-120-230 SUSPENSION FOR FAILURE TO APPEAR. The Dean is authorized to enforce the suspension of the summarily suspended student in the event the student has been served pursuant to the notice requirement and fails to appear at the time designated for the summary suspension proceeding.

NEW SECTION

WAC 132U-120-240 APPEALS FROM SUMMARY SUSPENSION HEARING. Any student aggrieved by an order issued at the summary suspension proceeding may appeal to the petition review committee. No such appeal shall be entertained, however, unless (a) the student has first appeared before the appropriate dean at the hearing called for in the WAC 132U-120-200; (b) the student has been officially notified of the outcome of that hearing; (c) summary suspension or another disciplinary sanction has been upheld; and (d) the appeal conforms to the standards set forth in WAC 132U-120-100(2).

(2) The petition review committee shall, within five (5) working days, conduct a formal hearing in the manner described in WAC 132U-120-120.

NEW SECTION

WAC 132U-120-250 FINAL DECISION. The president or his or her designee(s) shall review the findings and conclusions of the dean in conjunction with the recommendations of the petition review committee and will issue a final decision within three days.

NEW SECTION

WAC 132U-120-260 STUDENT GRIEVANCES. The purpose of this section through section -320 is to protect each student's freedom of expression in the classroom; to protect each student from improper, arbitrary or capricious academic evaluation as evidenced by the student's final course grade; and to afford each student reasonable protection against arbitrary or capricious actions taken outside the classroom by other members of the college community.

NEW SECTION

WAC 132U-120-270 GRIEVANCES EXCLUDED. (1) A student may not use the provisions of these sections as the basis for filing a grievance based on the outcome of summary or other disciplinary proceedings described in earlier sections of this student rights and responsibilities code.

(2) Federal and state laws, rules and regulations, in addition to policies, regulations and procedures adopted by the state board for community college education or the board of trustees of Community College District No. 21 shall not be grievable matters.

(3) Students shall use chapter 132U-300 WAC for grievances pertaining to sexual or handicapped discrimination.

NEW SECTION

WAC 132U-120-280 GRIEVANCE PROCEDURES. (1) If a student believes he or she has been unfairly treated by an officer of the college, faculty member or a member of the college staff, the student shall first discuss the matter with the individual toward whom the grievance is directed. The purpose of this discussion should be to clarify the perceived problem and request specific action. The request for specific action should be written, dated, and submitted to the faculty or staff member within sixty (60) days of the incident which gave rise to the grievance. The person to whom the request was submitted shall reply in writing within five (5) working days of the date on which the request was received.

(2) If, within ten (10) instructional days following the student's attempt to resolve the grievance in the manner described above, the student feels a satisfactory resolution has not been achieved, the student shall file a formal grievance with the appropriate dean.

(3) The grievant shall present his or her grievance in writing to the appropriate dean and shall include a statement specifying the nature of the grievance, a summary of actions taken by the student to resolve the grievance up to that point, and any proposed solution the grievant wishes to offer.

(4) The appropriate dean will attempt to resolve the problem within ten (10) working days by:

(a) serving as an intermediary between the student and the faculty or staff member and bringing about a resolution that is satisfactory to all concerned parties; or

(b) reviewing the facts of the situation and making a decision. The decision shall be communicated in writing to all concerned parties.

NEW SECTION

WAC 132U-120-290 APPEALS. If the hearing with the dean does not resolve the grievance to the student's satisfaction, he or she may appeal to the petition review committee by submitting a written petition to the chairperson of that committee within ten (10) instructional days of receiving the written decision of the dean. The petition review committee may call any witnesses and hear any testimony needed to reach a prompt, fair resolution of the grievance. The committee shall be constructed as provided in WAC 132U-120-110. The hearing before the petition review committee shall not be considered a formal hearing. Where requested by the student and approved by the president of the college, a formal hearing (to be conducted according to the provisions of WAC 132U-120-120) may be granted. Within twenty days of receiving the appeal, the committee shall make a recommendation to the president.

NEW SECTION

WAC 132U-120-300 FINAL DECISION REGARDING STUDENT GRIEVANCES. (1) The president, after reviewing the record of the case prepared by the appropriate dean, together with any appeal statement filed by any party to the grievance, shall issue either a written acceptance of the recommendations of the dean, or written directions regarding alternative courses of action.

(2) The president shall notify all parties to the grievance of the decision within seventy-two hours by certified mail.

(3) The decision of the president shall be final.

NEW SECTION

WAC 132U-120-310 NATURE OF GRIEVANCE PROCEEDINGS. All hearings growing out of a student-initiated grievance, including appeals to the office of the president, shall remain closed unless all parties to the grievance agree on an open hearing.

NEW SECTION

WAC 132U-120-320 WITHDRAWAL OF GRIEVANCE. (1) At any time during the grievance procedure, the grievant may officially withdraw the grievance in writing. Further, any appeal of the operational dean's decision forwarded to the office of the president may be officially withdrawn in writing at any time by the appellant.

(2) In the event the grievant or appellant fails to appear for any scheduled hearing without prior notification or evidence of extenuating circumstances, this shall be considered to constitute withdrawal of the grievance or appeal.

NEW SECTION

WAC 132U-120-330 ADMINISTRATIVE, FACULTY AND STAFF GRIEVANCES. Any administrator, faculty member or staff member who is the subject of a student's grievance and who is dissatisfied with the results of the student grievance proceedings shall file a

grievance under the appropriate grievance procedure established by Whatcom Community College.

Chapter 132U-122 WAC
WITHHOLDING SERVICES FOR OUTSTANDING DEBTS

WAC

132U-122-010 Statement of policy.

132U-122-020 Withholding services for outstanding debts.

NEW SECTION

WAC 132U-122-010 STATEMENT OF POLICY. The college expects that students who receive services for which a financial obligation is incurred will exercise responsibility in meeting these obligations. Appropriate college staff are empowered to act in accordance with regularly adopted procedures to carry out the intent of this policy, and if necessary to initiate legal action to insure that collection matters are brought to a timely and satisfactory conclusion.

Admission to or registration with the college, conferring of degrees and issuance of academic transcripts may be withheld for failure to meet financial obligations to the college.

NEW SECTION

WAC 132U-122-020 WITHHOLDING SERVICES FOR OUTSTANDING DEBTS. Upon receipt of a request for services where there is an outstanding debt due the institution from the requesting person, the institution shall notify the person, in writing, that the services will not be provided since there is an outstanding debt due the institution, and further that until that debt is satisfied, no such services will be provided the individual.

Notification that services will be withheld shall also inform the individual that he or she has a right to a hearing before a person designated by the president of the institution if he or she believes that no debt is owed. Notification shall also indicate that the request for the hearing must be made within ten days from the date of the notification.

Upon receipt of a timely request for a hearing, the person designated by the president shall have the records and files of the institution available for review and, at that time, shall hold an informal hearing concerning whether the individual owes or owed any outstanding debts to the institution. After the informal hearing, a decision shall be rendered by the president's designee indicating whether the institution is correct in withholding services and/or applying off set for the outstanding debt. If the outstanding debt is found to be owed by the individual involved, no further services shall be provided. Notification of this shall be sent to the individual within five days after the hearing.

NEW SECTION

WAC 132U-140-010 USE OF COLLEGE FACILITIES. Community College District No. 21 serves

Whatcom County by providing continued educational opportunity for its citizens. In keeping with this general purpose, the college believes that facilities should be available for a variety of uses which are of benefit to the general public, provided; that such general uses do not interfere with the educational mission of the college. However, a state agency is under no obligation to make its public facilities available to the community for private purposes.

NEW SECTION

WAC 132U-140-020 LIMITATION OF USE TO SCHOOL ACTIVITIES. When allocating use of college facilities, top priority shall always be given to activities specifically related to the college's mission. No arrangements shall be made that may interfere with or operate to the detriment of, the college's own teaching, research, or public service programs. In particular, the college buildings, properties, and facilities (including those assigned to student programs) shall be used primarily for:

(1) The regularly established teaching, research, or public service activities of the college and its departments or related agencies.

(2) Cultural, educational, or recreational activities of the students, faculty or staff.

(3) Short courses, conferences, seminars, or similar events, conducted either in the public service or for the advancement of specific departmental professional interests, when arranged under the sponsorship of the college or its departments.

(4) Public events of a cultural or professional nature brought to the campus at the request of college departments or committees and presented with their active sponsorship and active participation.

(5) Activities or programs sponsored by educational institutions, by state or federal agencies, by charitable agencies or civic or community organizations whose activities are of widespread public service and of a character appropriate to the college.

(6) College facilities shall be assigned to student organizations for regular business meetings, social functions and for programs open to the public. Any recognized campus student organization may invite speakers from outside the college community. In conformance with state guidelines, the appearance of an invited speaker on campus does not represent an endorsement by the college, its students, faculty, administration, or the board of trustees, whether implicit or explicit, of the speaker's views.

(7) Reasonable conditions may be imposed to regulate the timeliness of requests, to determine the appropriateness of space assigned, time of use, and to insure the proper maintenance of the facilities. Subject to the same limitations, college facilities shall be made available for assignment to individuals or groups within the college community. Arrangements by both organizations and individuals must be made through the designated administrative officer. Allocation of space shall be made in accordance with college regulations and on the basis of time, space, priority of request and the demonstrated needs of the applicant.

(8) The college may restrict an individual or group's use of college facilities if that person or group has, in the past, physically abused college facilities. Charges may be imposed for rental, damage, or for any other unusual costs for the use of facilities. The individual, group or organization requesting space will be required to state in advance the general purpose of any meeting. If any charge or collection of funds is contemplated, advance permission from the party giving authority for space allocations will be required.

NEW SECTION

WAC 132U-140-030 STATEMENT OF INTENTIONS. The college neither intends nor desires to compete with any local agency or private enterprise in making its facilities available to the community. Privately operated facilities exist which are well qualified to best meet many community needs. The college encourages the community to patronize local businesses or agencies. With this approach, the college hopes to work cooperatively with local private enterprise to the mutual benefit of all concerned.

NEW SECTION

WAC 132-140-040 GENERAL POLICIES LIMITING USE. (1) College facilities may not be used for purposes of political campaigning by or for candidates who have filed for public office except for student-sponsored activities.

(2) Religious groups shall not, under any circumstances, use the college facilities as a permanent meeting place. Use shall be intermittent only.

(3) The college reserves the right to prohibit the use of college facilities by groups which restrict membership or participation in a manner inconsistent with the college's commitment to non-discrimination as set forth in its written policies and commitments.

(4) The college may designate areas in its facilities and times for use by commercial entities on a space-available basis. The college may establish procedures for allocating such space and time to assure equal opportunity for access to different commercial enterprises. Such designation shall be made in keeping with other college policies.

(5) Activities of a political or commercial nature may be approved providing they do not involve the use of promotional signs or posters on building, trees, walls, or bulletin boards, or the distribution of samples outside the rooms or facilities to which access has been granted.

(6) These general policies shall apply to recognized student groups using college facilities.

(7) Handbills, leaflets, and similar materials except those which are commercial, obscene, or unlawful may be distributed only in designated areas on the campus where, and at times when, such distribution shall not interfere with the orderly administration of the college affairs or the free flow of traffic. Any distribution of materials as authorized by the designated administrative officer and regulated by established guidelines shall not be construed as support or approval of the content by the college community or the board of trustees.

(8) Use of audio amplifying equipment is permitted only in locations and at times that will not interfere with the normal conduct of college affairs as determined by the appropriate administrative officer.

(9) No person or group may use or enter onto college facilities having in their possession firearms, even if licensed to do so, except commissioned police officers as prescribed by law.

(10) The right of peaceful dissent within the college community shall be preserved. The college retains the right to insure the safety of individuals, the continuity of the educational process, and the protection of property. While peaceful dissent is acceptable, violence or disruptive behavior is an illegitimate means of dissent. Should any person, group or organization attempt to resolve differences by means of violence, the college and its officials need not negotiate while such methods are employed.

(11) Orderly picketing and other forms of peaceful dissent are protected activities on and about the college premises. However, interference with free passage through areas where members of the college community have a right to be, interference with ingress and egress to college facilities, interruption of classes, injury to persons, or damage to property exceeds permissible limits.

(12) Where college space is used for an authorized function (such as a class or a public or private meeting under approved sponsorship, administrative functions or service related activities) groups must obey or comply with directions of the designated administrative officer or individual in charge of the meeting.

(13) If a college facility abuts a public area or street, and if student activity, although on public property, unreasonably interferes with ingress and egress to college buildings, the college may choose to impose its own sanctions although remedies might be available through local law enforcement agencies.

Reviser's note: The above new section was filed by the institution as WAC 132-140-040. This section is placed among sections forming new chapter 132U-140 WAC, and therefore should be numbered WAC 132U-140-040. Pursuant to the requirements of RCW 34.08-.040, the section is published in the same form as filed by the institution.

NEW SECTION

WAC 132U-140-050 ADMINISTRATIVE CONTROL. The board hereby delegates to the president or his or her designee(s), authority to set up administrative procedures for proper review of the use of college facilities; to establish, within the framework of these policies, regulations governing such use; and to establish rental schedules where appropriate.

NEW SECTION

WAC 132U-140-060 TRESPASS. (1) Individuals who are not students or members of the faculty or staff and who violate these regulations will be advised of the specific nature of the violation, and if they persist in the violation, they will be requested by the president, or his or her designee, to leave the college property. Such a request prohibits the entry of and withdraws the license or privilege to enter onto or remain upon any portion of the

college facilities by the person or group of persons requested to leave. Such persons shall be subject to arrest under the provisions of Chapter 9A.52 RCW.

(2) Members of the college community (students, faculty, and staff) who do not comply with these regulations will be reported to the appropriate college office or agency for action in accord with established college policies.

(3) Persons who violate a district policy may have their license or privilege to be on district property revoked and be ordered to withdraw from and refrain from entering upon any district property. Remaining on or re-entering district property after one's license or privilege to be on that property has been revoked shall constitute trespass and such individual shall be subject to arrest for criminal trespass.

NEW SECTION

WAC 132U-140-070 PROHIBITED CONDUCT AT COLLEGE FACILITIES. (1) State law relative to public institutions governs the use or possession of intoxicants on campus or at college functions. The use or possession of unlawful drugs or narcotics, not medically prescribed, on college property or at college functions, is prohibited. Students obviously under the influence of intoxicants, unlawful drugs or narcotics while in college facilities shall be subject to disciplinary action.

(2) The use of tobacco is restricted by law and by regulations of the fire marshal to designated smoking areas.

(3) Destruction of property is also prohibited by state law in reference to public institutions.

Chapter 132U-276 WAC ACCESS TO PUBLIC RECORDS AND DOCUMENTS AT WHATCOM COMMUNITY COLLEGE

WAC

132U-276-100	Purpose.
132U-276-110	Definitions.
132U-276-120	Description of organization.
132U-276-130	Operations and procedures.
132U-276-140	Substantive rules and policies of general applicability.
132U-276-150	Public records available.
132U-276-160	Public records officer.
132U-276-170	Office hours.
132U-276-180	Requests for public records.
132U-276-190	Copying.
132U-276-200	Determination regarding exempt records.
132U-276-210	Review of denials of public record requests.
132U-276-220	Protection of public records.
132U-276-230	Records index.
132U-276-240	Adoption of form.

NEW SECTION

WAC 132U-276-100 PURPOSE. The purpose of this chapter shall be to ensure compliance by Community College District No. 21 with the provisions of chapter

42.17 RCW, Disclosure—Campaign finances—Lobbying—Records; and in particular sections 250-340 of that act, dealing with public records.

NEW SECTION

WAC 132U-276-110 DEFINITIONS. (1) Public records. "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics; provided, however, that the personal and other records cited in RCW 42.17.310 are exempt from the definition of public record.

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

NEW SECTION

WAC 132U-276-120 DESCRIPTION OF ORGANIZATION. (1) Community College District No. 21 is a state agency established and organized under the authority of chapter 28B.50 RCW for the purpose of implementing the educational goals established by the legislature in RCW 28B.50.020. The administrative office of the district is located at 237 - West Kellogg Rd., Whatcom County, Washington. The college service center comprises the central headquarters for all operations of the district.

(2) The district is operated under the supervision and control of a board of trustees. The board of trustees consists of five members appointed by the governor. The board of trustees normally meets twice each month, as provided in WAC 132U-104-030. The board of trustees employs a president, an administrative staff, members of the faculty and other employees. The board of trustees takes such actions and promulgates such rules, regulations, and policies in harmony with the rules and regulations established by the state board for community college education, as are necessary to the administration and operation of the district.

(3) The president of the district is responsible to the board of trustees for the operation and administration of the district. A detailed description of the administrative organization of the district is contained within the Policies and Procedures Manual for Community College District No. 21, a current copy of which is available for inspection at the administrative office of the district.

NEW SECTION

WAC 132U-276-130 OPERATIONS AND PROCEDURES. (1) Formal decision-making procedures are established by the board of trustees through rules promulgated in accordance with the requirements of chapter 28B.19 RCW, the State Higher Education Administrative Procedure Act (HEAPA).

(2) Informal decision-making procedures at the college, as established by the board of trustees, are set forth in the Policies and Procedures Manual of Community College District No. 21, a current copy of which is available for inspection at the administrative office of the district.

NEW SECTION

WAC 132U-276-140 SUBSTANTIVE RULES AND POLICIES OF GENERAL APPLICABILITY. (1) Except as provided in subsection (2) of this section, all of the district's substantive rules and policies of general applicability.

(a) The violation of which subject an individual to a penalty or administrative sanction; or

(b) Which establish, alter, or revoke any procedures, practice, or requirement relating to institutional hearings; or

(c) Which establish, alter, or revoke any qualification or requirement relating to the enjoyment of benefits or privileges conferred by law, are promulgated by the board of trustees in accordance with the requirements of chapter 28B.19 RCW, and are contained within Title 132U of the Washington Administrative Code.

(2) Those of the district's substantive rules and policies of general applicability which relate primarily to the following subjects are not promulgated by the board of trustees in accordance with the requirements of chapter 28B.19 RCW and are not contained within Title 132U WAC, but rather are adopted by resolution of the board of trustees or by action of the president and are contained within the Policies and Procedures Manual of Community College District No. 21, a current copy of which is available for inspection at the administrative office of the district: Standards for admission; academic advancement, academic credits, graduation and the granting of degrees; tuition and fees, scholarships, financial aid, and similar academic matters; employment relationships; fiscal processes; and matters concerning only the internal management of the district and not affecting private rights or procedures available to the general public.

NEW SECTION

WAC 132U-276-150 PUBLIC RECORDS AVAILABLE. All public records of the district, as defined in WAC 132U-276-110, are deemed to be available for public inspection and copying pursuant to this chapter, except as otherwise provided by RCW 42.17-.310 and WAC 132U-276-190.

NEW SECTION

WAC 132U-276-160 PUBLIC RECORDS OFFICER. The district's public records shall be in the charge of the public records officer designated by the chief administrative officer of the district. The person so designated shall be located in the district administrative office as set forth in WAC 132U-276-120. The public records officer shall be responsible for the following: Implementation of the district's rules and regulations regarding

release of public records, coordinating the district employees in this regard, and generally insuring compliance by district employees with the public records disclosure requirements of chapter 42.17 RCW.

NEW SECTION

WAC 132U-276-170 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the district. For purposes of this chapter, the customary office hours shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays and holidays established by the college calendar.

NEW SECTION

WAC 132U-276-180 REQUESTS FOR PUBLIC RECORDS. In accordance with the requirement of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records are only obtainable by members of the public when those members of the public comply with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the district which shall be available at the district administrative office. The form shall be presented to the public records officer or, if the public records officer is not available, to any member of the district's staff at the district administrative office during customary office hours. The request shall include the following information:

- (a) The name of the person requesting the record;
- (b) The time of day and calendar date on which the request was made;
- (c) The nature of the request;
- (d) If the matter requested is referenced within the current index maintained by the public records officer, a reference to the requested record as it is described in such current index;
- (e) If the requested matter is not identifiable by reference to the current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer, or person to whom the request is made, to assist the member of the public in succinctly identifying the public record requested.

NEW SECTION

WAC 132U-276-190 COPYING. No fee shall be charged for the inspection of public records. The district may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records; such charges shall not exceed the amount necessary to reimburse the district for its actual costs incident to such copying. No person shall be released a record so copied until and unless the person requesting the copied public record has tendered

payment for such copying to the appropriate district official. All charges must be paid by money order, cashier's check or cash in advance.

NEW SECTION

WAC 132U-276-200 DETERMINATION REGARDING EXEMPT RECORDS. (1) The district reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 132U-276-180 is exempt pursuant to the provisions set forth in RCW 42.17.310. Such determination may be made in consultation with the public records officer, president of the college district, or an assistant attorney general assigned to the district.

(2) Pursuant to RCW 42.17.260, the district reserves the right to delete identifying details when it makes available or publishes any public record when there is reason to believe that disclosure of such details would be an unreasonable invasion of personal privacy; provided, however, in each case, the justification for the deletion shall be explained fully in writing.

(3) Response to requests for a public record must be made promptly. For the purposes of this section, a prompt response occurs if the person requesting the public record is notified within two business days as to whether his request for a public record will be honored.

(4) All denials of requests for public records must be accompanied by a written statement, signed by the public records officer or his designee, specifying the reason for the denial, a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the public record withheld.

NEW SECTION

WAC 132U-276-210 REVIEW OF DENIALS OF PUBLIC RECORD REQUESTS. (1) Any person who objects to the denial of a request for a public record may petition for prompt review of such decision by tendering a written request for a review of such denial. The written request shall specifically refer to the written statement which constituted or accompanied the denial.

(2) The written request by a person demanding prompt review of a decision denying a public record shall be submitted to the president of the district, or his designee.

(3) Within two business days after receiving the written request by a person petitioning for prompt review of a decision denying a public record, the president of the district, or his or her designee, shall complete such review.

(4) During the course of the informal hearing the president or his or her designee shall consider the obligations of the district fully to comply with the intent of chapter 42.17 RCW insofar as it requires providing full public access to official records, but shall also consider both the exemptions provided in RCW 42.17.310 and the provisions of the statute which require the district to protect public records from damage or disorganization, prevent excessive interference with essential functions of

the agency, and prevent any unreasonable invasion of personal privacy by deleting identifying details.

NEW SECTION

WAC 132U-276-220 PROTECTION OF PUBLIC RECORDS. Requests for public records shall be made at the administrative office of the district at Whatcom County, Washington. Public records and a facility for their inspection will be provided by the public records officer. Such records shall not be removed from the place designated for their inspection. Copies of such records may be arranged according to the provisions of WAC 132U-276-190.

NEW SECTION

WAC 132U-276-230 RECORDS INDEX. (1) The district has available for the use of all persons a current index which provides identifying information as to the following records issued, adopted, or promulgated by the district after June 30, 1972:

- (a) Final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;
- (b) Those statements of policy and interpretations of policy, statute and the constitution which have been adopted by the agency;
- (c) Administrative staff manuals and instructions to staff that affect a member of the public;
- (d) Planning policies and goals, and interim and final planning decisions;
- (e) Factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and
- (f) Correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(2) The current index maintained by the district shall be available to all persons under the same rules and on the same conditions as are applied to public records available for inspection.

NEW SECTION

WAC 132U-276-240 ADOPTION OF FORM. The district hereby adopts for use by all persons requesting inspection and/or copying or copies of its records the following form:

REQUEST FOR PUBLIC RECORD TO
COMMUNITY COLLEGE DISTRICT NO. 21

(a)
Name (please print) Signature

.....
Name of Organization, if applicable

.....
Mailing Address of applicant Phone

(b)
Date Request made Time of Day Request made

(c) Nature of Request

.....

(d) Identification Reference on current index (please describe)
.....
.....

(e) Description of record, or matter, requested if not identifiable by reference to the Community College District 21
.....
.....

Request: Approved ... Denied ... Date

By
Name Title

Reasons for Denial:

.....

.....

Referred to Date

Chapter 132U-280 WAC
FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT

WAC

- 132U-280-010 Confidentiality of student records.
- 132U-280-015 Definition of a student.
- 132U-280-020 Education records—Student's right to inspect.
- 132U-280-025 Requests and appeal procedures.
- 132U-280-030 Release of personally-identifiable records.
- 132U-280-035 College records.

NEW SECTION

WAC 132U-280-010 CONFIDENTIALITY OF STUDENT RECORDS. The college continually receives requests from outside sources for information about students, both past and present. The staff and faculty of the college are reminded that 20 U.S.C. 1232(g) the Family Educational Rights and Privacy Act of 1974 directs the college to adopt a policy on student education records to insure that information contained in such records is treated in a responsible manner with due regard to the personal nature of the information contained in those records. In order to prevent embarrassment or possible legal involvement of the college and its employees because of improper disclosure of information, it is important that college policy be implemented in the release of such information.

NEW SECTION

WAC 132U-280-015 DEFINITION OF A STUDENT. A student is defined as any person who is or has been officially registered at Whatcom Community College and with respect to whom the college maintains education records or personally-identifiable information.

NEW SECTION

WAC 132U-280-020 EDUCATION RECORDS—STUDENT'S RIGHT TO INSPECT. (1) A student has the right to inspect and review his or her education records.

(a) For purposes of this section the term "education records" means those records, files, documents, and other materials which contain information directly related to a student.

(b) The term "education records" does not include:

(i) Records of instructional, supervisory and administrative personnel which exist solely for the use of the maker and which are not accessible or revealed to any other person except a substitute.

(ii) In the case of persons who are employed by an educational institution but who are not attending that institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for any other use.

(iii) Records on a student which are created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity and which are created, maintained or used only in connection with the treatment of the student, and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.

(2)(a) Recommendations, evaluations or comments concerning a student that are provided in confidence, either expressed or implied, as between the author and the recipient, shall be made available to the student, except as provided in (b), (c), and (d) of this subsection.

(b) The student may specifically release his right to review where the information consists only of confidential recommendations respecting:

(i) Admission to any educational institution; or

(ii) An application for employment; or

(iii) Receipt of an honor or honorary recognition.

(c) A student's waiver of his or her right of access to confidential statements shall apply only if:

(i) The student is, upon request, notified of the names of all persons making confidential statements concerning him, and

(ii) Such confidential statements are used solely for the purpose for which they were originally intended, and

(iii) Such waivers are not required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the college.

(d) Recommendations, evaluations or comments concerning a student that have been provided in confidence, either expressed or implied, as between the author and the recipient, prior to January 1, 1975, shall not be subject to release under (a) of this subsection. Such records shall remain confidential and shall be released only with the consent of the author. Such records shall be used by the institution only for the purpose for which they were originally intended.

(3) Where requested records or data include information on more than one student, the student shall be entitled to receive or be informed of only that part of the record or data that pertains to the student.

(4) Students have the right to obtain copies of their education records. Charges for the copies shall not exceed the cost normally charged by the college (except in cases where charges have previously been approved by the boards of trustees' action for certain specified services, such as transcripts and grade sheets).

(5) The college registrar is the official custodian of academic records and therefore is the only official who may issue a transcript of the student's official academic record.

(6) Student education records may be destroyed in accordance with a department's routine retention schedule. In no case will any record which is requested by a student for review in accordance with this section and WAC 132U-280-025 be removed or destroyed prior to providing the student access.

NEW SECTION

WAC 132U-280-025 REQUESTS AND APPEAL PROCEDURES. (1) A request by a student for review of information should be made in writing to the college individual or office having custody of the particular record.

(2) An individual or office must respond to a request for education records within a reasonable period of time, but in no case more than thirty days after the request has been made. A college individual or office which is unable to comply with a student's request within the above-state time period shall inform the student of that fact and the reasons in writing.

(3) (a) A student who feels that his or her request has not been properly answered by a particular individual or office or who feels that the information contained in those records is incorrect should contact the appropriate dean responsible for the individual or office for mediation.

(b) In cases where a student remains dissatisfied after consulting with the appropriate dean the student may then request a hearing by the president or his or her designee(s). Following the hearing the hearing officer shall render his or her decision within a reasonable period of time. In all cases the decision of the hearing officer shall be final.

(c) In no case shall any request for review by a student be considered by the college which has not been filed with that body in writing within ninety days from the date of the initial request to the custodian of the record.

(d) The college shall not review any matter regarding the appropriateness of official academic grades beyond that provided for in WAC 132U-120-200, et seq.

NEW SECTION

WAC 132U-280-030 RELEASE OF PERSONALLY-IDENTIFIABLE RECORDS. (1) The college shall not permit access to or the release of education records or personally-identifiable information contained therein, other than "directory information" without the written consent of the student, to any party other than the following:

(a) College staff, faculty and students when officially appointed to a faculty council or administrative committee, when the information is required for a legitimate educational interest within the performance of their responsibilities to the college, with the understanding that its use will be strictly limited to the performance of those responsibilities.

(b) Federal and state officials requiring access to education records in connection with the audit and evaluation or a federally or state-supported education program or in connection with the enforcement of the federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials and such personally-identifiable data shall be destroyed when no longer needed for such audit, evaluation or enforcement of legal requirements.

(c) Agencies or individuals requesting information in connection with a student's application for, or receipt of financial aid.

(d) Organizations conducting studies for or on behalf of the college for purposes of developing, validating or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such organizations, and such information will be destroyed when no longer needed for the purposes for which it was provided.

(e) Accrediting organizations in order to carry out their accrediting functions.

(f) Any person or entity designated by judicial order or lawfully-issued subpoena, upon condition that the student is notified of all such orders or subpoenas in advance of the compliance therewith. Any college individual(s) or office(s) receiving a subpoena or judicial order for education records should immediately notify the attorney general.

(2) Where the consent of a student is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:

(a) A specification of the records to be released;

(b) The reasons for such release; and

(c) The names of the parties to whom such records will be released.

(3) In cases where records are made available without student release as permitted by subsection (1)(b), (c), (d), (e) and (f) of this section, the college shall maintain a record kept with the education record released which will indicate the parties which have requested or obtained access to a student's records maintained by the college and which will indicate the legitimate interest of the investigating party. Releases in accordance with subsection (1)(a) of this section need not be recorded.

(4) Personally-identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the

information cannot be subsequently released in a personally-identifiable form to any other parties without obtaining consent of the student.

(5) The term "directory information" used in subsection (1) of this section is defined as student's name, address, telephone number, dates of attendance, and degrees and awards received. Students may request that the college withhold directory information except through written notice to the registration office.

(6) Information from education records may be released to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other person(s).

NEW SECTION

WAC 132U-280-035 COLLEGE RECORDS. All college individuals or offices having custody of education records will develop procedures in accord with WAC 132U-280-010 through 132U-280-040. Any supplementary regulations found necessary by departments will be filed with the college which will be responsible for periodic review of policy and procedures.

No records shall be kept that reflect a student's political or ideological beliefs or associations.

Chapter 132U-300 WAC GRIEVANCES—DISCRIMINATION

WAC

132U-300-010 Statement of policy.

132U-300-020 Grievance procedure—Sexual harassment, sex discrimination, handicapped discrimination.

NEW SECTION

WAC 132U-300-010 STATEMENT OF POLICY. Whatcom Community College is covered by Title IX of the Education Amendments of 1972 prohibiting sex discrimination in education and Section 504 of the Rehabilitation Act of 1973 prohibiting discrimination on the basis of handicap. It is the policy of Whatcom Community College to ensure equal opportunity without regard to sex or handicap status in all areas of admission, education, application for employment, and employment. It is also the policy of Whatcom Community College to provide an environment in which members of the college community can work or study free from sexual harassment or sexual intimidation. Sexual harassment is a form of sex discrimination. As such it is a violation of the 1964 Civil Rights Act and Title IX of the 1972 Education Amendments.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct when:

(1) Submission to the conduct is either explicitly or implicitly made a term or condition of an individual's academic or career advancement; and/or

(2) Submission to or rejection of such conduct by an individual is used as the basis for employment or academic decisions affecting that individual; and/or

(3) Such conduct has the effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive environment.

A grievance procedure is required by Title IX of the Education Amendments of 1972 and Section 504 of the Rehabilitation Act of 1973.

NEW SECTION

WAC 132U-300-020 GRIEVANCE PROCEDURE—SEXUAL HARASSMENT, SEX DISCRIMINATION, HANDICAPPED DISCRIMINATION.

(1) Any applicant for admission, enrolled student, applicant for employment or employee of Whatcom Community College who believes he/she has been discriminated against on the basis of sex or on the basis of a handicap may lodge a formal institutional grievance according to the following procedures:

(a) Step 1: Informal meeting. The complainant may request an informal meeting with the individual believed to have committed the discriminatory act in an attempt to informally resolve the concern.

(b) Step 2: Official hearing. If not satisfied by the results of the informal meeting, or if he or she has waived rights to an informal meeting, the complainant may request a meeting with the college designated grievance officer.

(i) The request for an official hearing must be made in writing and must stipulate the specific grievance(s) the complainant wishes to raise.

(ii) Within thirty calendar days of receiving the written request, the college designated grievance officer shall arrange a meeting to hear the complaint. It shall be at the discretion of the complainant to determine whether the officer will meet with the complainant and the person to whom the complaint has been directed separately or in a single meeting. If the complainant requests a single meeting, the meeting shall be attended by the complainant, the person to whom the complaint is directed, and the college officer, who will chair the meeting.

(iii) Following the hearing and within thirty calendar days of receiving the written request, the college officer will report his/her findings in writing to both the complainant and the person to whom the complaint has been directed.

(c) Step 3: Presidential appeal. If the complaint is not resolved as a result of the hearing conducted by the college designated grievance officer, either the complainant or the person to whom the complaint is directed may request an appeal to the college president.

(i) The request must be made in writing within ten days after receipt of the written results of the official hearing.

(ii) Within fifteen days after receiving the request, the college president or the president's designee will conduct the presidential appeal hearing and report the findings in writing to both the complainant and the person to whom the complaint is directed.

(iii) Attendance at the presidential appeal hearing shall be limited to the college president or designee, the designated grievance officer, the complainant, and the person to whom the complaint is directed unless otherwise mutually agreed by the parties. The college president or presidential designee shall preside.

(iv) Either the complainant or the person to whom the complaint is directed may call witnesses at the discretion of the person presiding.

(v) The written findings of the presidential appeal will be considered final. No further intra-institutional appeal exists.

(2) If desired, inquiries or appeals beyond the institutional level may be directed to:

(a) Regional Director, Office of Civil Rights, Department of Education, HEW, 2901-3rd Avenue, M.S. 106, Seattle, Washington 98101.

(b) The Equal Opportunity Commission, 1321-2nd Avenue, 7th Floor, Arcade Plaza, Seattle, Washington 98101.

(c) The Human Rights Commission, 402 Evergreen Plaza Building, Mailstop FJ-41, 711 S. Capitol Way, Olympia, Washington 98502.

Chapter 132U-325 WAC ENVIRONMENTAL POLICY ACT RULES

WAC

132U-325-010 Implementation of State Environmental Policy Act.

NEW SECTION

WAC 132U-325-010 IMPLEMENTATION OF STATE ENVIRONMENTAL POLICY ACT. (1) It shall be the policy of Community College District No. 21 that all actions taken by the district shall comply with the provisions of chapter 43.21C RCW (State Environmental Policy, chapters 197-10 and 131-24 WAC, as presently enacted or hereafter amended.

(2) The president of Community College District No. 21 shall be responsible for administering and implementing this policy.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 132U-04 BOARD OF TRUSTEES—BYLAWS

(2) WAC 132U-10 ACCESS TO PUBLIC RECORDS AND DOCUMENTS AT WHATCOM COMMUNITY COLLEGE

(3) WAC 132U-36 ENVIRONMENTAL POLICY ACT RULES

(4) WAC 132U-40 GRIEVANCE RULES

(5) WAC 132U-80 FACULTY EMPLOYMENT

WSR 88-16-001
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Western Library Network)
 [Memorandum—July 18, 1988]

There is a change of date and location for the 1988 Western Library Network, Network Services Council August meeting. The August meeting was scheduled for August 12, 1988, in the Olympic Room of the West Coast Hotel, 18220 Pacific Highway South, Seattle, WA 98188 beginning at 10:00 a.m. The new date and location of the August meeting is August 10, 1988, at the Convention Center, Juneau, Alaska 99801 beginning at 10:00 a.m.

WSR 88-16-002
ADOPTED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
 [Order 88-15—Filed July 21, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, the annexed rules relating to:

- Amd ch. 296-13 WAC Practice and procedure—Electrical advisory and electrical examining board.
- Amd WAC 296-13-001 Foreword.
- Amd WAC 296-13-010 Definitions.
- Amd WAC 296-13-020 Officers.
- Amd WAC 296-13-035 Dates of meetings.
- Amd WAC 296-13-040 Duties of advisory board.
- Amd WAC 296-13-050 Hearings.
- Amd WAC 296-13-057 Place and time of filing.
- Rep WAC 296-13-045 Duties of examining board.
- Amd WAC 296-401-030 Issuing of temporary permits.
- Amd WAC 296-401-080 Eligibility for journeyman's examination.
- New WAC 296-401-085 Eligibility for specialty examination.
- New WAC 296-401-087 Partial credit for experience.
- Amd WAC 296-401-090 Status of person who has failed an examination for an electrician's certificate of competency.
- Amd WAC 296-401-100 Computation of years of employment.
- Amd WAC 296-401-120 Electrical trainee certificates.
- Amd WAC 296-401-170 Hearing or appeal procedure.
- Amd WAC 296-401-180 Examination subjects for specialty's and journeyman's certificates of competency.
- Amd WAC 296-402-030 Definitions.
- Amd WAC 296-402-140 Initial laboratory evaluation.
- Amd WAC 296-402-150 Renewals.
- Amd WAC 296-402-190 Revocation and suspension procedures.
- New WAC 296-402-200 Appeal procedures.
- Amd WAC 296-403-010 Definitions.
- Amd WAC 296-403-070 Appeals.

This action is taken pursuant to Notice No. WSR 88-11-085 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 Department of Labor and Industries as authorized in RCW 19.28.060.

Correspondence related to this notice and the proposed rules should be addressed to:

J. Philip Simmons, Chief Electrical Inspector
 Department of Labor and Industries
 Building and Construction Safety Inspection Services
 805 Plum Street, Second Floor
 P.O. Box 9519
 HC-660
 Olympia, WA 98504

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 21, 1988.

By Joseph A. Dear
 Director

Chapter 296-13 WAC
PRACTICE AND PROCEDURE—ELECTRICAL
((~~ADVISORY BOARD AND ELECTRICAL EXAM-~~
INING)) BOARD

AMENDATORY SECTION (Amending Order 84-16, filed 8/27/84)

WAC 296-13-001 FOREWORD. (1) The electrical law, chapter 19.28 RCW, establishes the electrical ~~((advisory board and the electrical examining))~~ board and fixes their responsibilities. The ~~((advisory))~~ board's principal functions ~~((is))~~ are: To advise the department in adopting rules with respect to electrical installations and appliances((~~The advisory board will also~~)); to act as a board of appeals in contested cases regarding the application or interpretation of ((~~a rule. The examining board's principal function is~~)) installation, alteration or maintenance standards prescribed in the electrical law, chapter 19.28 RCW or chapter 296-46 WAC, Safety standards—Installing electric wires and equipment—Administrative rules; to act as an appeals board in contested cases as provided for in chapter 296-402 WAC, Electrical testing laboratory accreditation; to act as an appeals board in contested cases as provided for in chapter 296-403 WAC, Amusement rides or structures; to establish tests and test procedures for electricians and administrators((~~The examining board will also~~)); and to act as a board of appeals in contested cases that have been heard by the office of administrative hearings regarding the revocation or suspension of an electrical contractor's license or an electrician's or administrator's certificate.

(2) The purpose of this chapter is to provide a uniform procedure for persons, firms, corporations, or other entities to: (a) Communicate with the department about rules that should be adopted, amended, or repealed((-)); (b) appeal ((an order)) a decision of the department revoking or suspending a contractor's license, an electrician's certificate, or an administrator's certificate((- and)); (c) ((~~appeal a ruling or interpretation of the provisions of chapter 19.28 RCW or chapter 296-46 WAC made by the department~~)) appeal a decision of the department suspending, revoking, refusing to renew, or reducing or refusing to renew the product categories

for an electrical testing laboratory under chapter 296-402 WAC; and (d) appeal a decision of the department denying or revoking an amusement ride or structure operating permit or ordering the cessation of the operation of an amusement ride or structure, or suspending, revoking, or refusing to issue an amusement ride inspector certificate of competency under chapter 296-403 WAC.

AMENDATORY SECTION (Amending Order 84-16, filed 8/27/84)

WAC 296-13-010 DEFINITIONS. Whenever used in ~~((these rules))~~ this chapter, the words:

(1) "Administrative law judge(:)" means an administrative law judge appointed pursuant to chapter 34.12 RCW.

~~(2) ((Advisory board. Means the electrical advisory board established pursuant to RCW 19.28.065.~~

~~(3)) "Board(:)" means the electrical ((advisory board and the electrical examining)) board established pursuant to RCW 19.28.065. The term "board" also includes an administrative law judge or a board member appointed by the board to hear a contested case.~~

~~((4)) (3) "Chapter(:)" means chapter 296-13 WAC.~~

~~((5)) (4) "Contested case(:)" means a contested case as defined by RCW 34.04.010(3). It includes appeals from decisions or orders of the department: (a) Revoking or suspending an electrical contractor's license or an administrator's or electrician's certificate; (b) revoking or suspending or refusing to renew an electrical testing laboratory accreditation or product categories; and (c) denying or revoking an amusement ride or structure operating permit, ordering the cessation of the operation of an amusement ride or structure or suspending, revoking, or refusing to issue an amusement ride inspector certificate of competency. It also includes challenges to the department's interpretation of the installation requirements of chapter((s)) 19.28 RCW and chapter 296-46 WAC and appeals of a citation issued by the department for violations of chapter 19.28 or 67.42 RCW, or chapter 296-46, 296-401, 296-402, or 296-403 WAC.~~

~~((6)) (5) "Department(:)" means the department of labor and industries of the state of Washington.~~

~~((7)) (6) "Director(:)" means the director of the department.~~

~~((8) Examining board. Means the electrical examining board established pursuant to RCW 19.28.123.~~

~~(9)) (7) "Proceeding(:)" means any matter before the board other than a contested case.~~

AMENDATORY SECTION (Amending Order 84-16, filed 8/27/84)

WAC 296-13-020 OFFICERS. In addition to the chairperson, the board shall elect from its members a vice chairperson who shall perform all functions of the chairperson in his or her absence. The department chief electrical inspector serves as secretary to the board.

AMENDATORY SECTION (Amending Order 84-16, filed 8/27/84)

WAC 296-13-035 DATES OF MEETINGS. (1) The ~~((advisory))~~ board shall hold regular meetings on the last ~~((Friday))~~ Thursday of January, April, July, and October of each year.

~~(2) ((The examining board shall hold regular meetings on the first Monday of February, May, August, and November of each year.~~

~~(3))~~ The director or the chairperson of the board may call a special meeting at any other time.

(3) Each board member and the board secretary shall be notified in writing of the date, time, and place of each regular meeting and special meeting.

AMENDATORY SECTION (Amending Order 84-16, filed 8/27/84)

WAC 296-13-040 DUTIES OF ~~((ADVISORY))~~ THE BOARD. (1) The ~~((advisory))~~ board shall study proposed rules submitted to it by the department and shall make recommendations concerning their adoption.

(2) The ~~((advisory))~~ board shall develop and submit for consideration to the department administrative procedures, organizational plans, and rules relating to improving the functions of the electrical section.

(3) The ~~((advisory))~~ board shall at each meeting consider any written proposals made by any persons, firms, corporations, or other entities for electrical rules or for changes in administrative procedures of the electrical section.

(4) The ~~((advisory))~~ board shall hear formal appeals in matters under its jurisdiction in contested cases involving a ruling or interpretation by the department of the provisions of chapter((s)) 19.28 RCW and chapters 296-46, 296-402, and 296-403 WAC ~~((made by the department))~~.

(5) The board shall consider proposed expenditures from the electrical fund.

(6) The board shall establish tests and test procedures for journeyman and specialty electricians and for general and specialty administrators.

(7) The board will hear informal appeals in matters under its jurisdiction, including those from persons who desire to contest:

(a) Decisions of the department that they do not qualify to take an examination;

(b) The loss of a certificate because of a failure timely to renew the certificate; and

(c) Grades given on examinations for administrator or electrician certificates.

(8) The board will issue a decision on formal appeals that have been heard by an administrative law judge in contested cases involving an order or decision of the department as provided for in RCW 19.28.350 and WAC 296-401-170 that revokes or suspends an electrical contractor's license, an administrator's certificate, or an electrician's certificate, or lessens the number of hours of work a trainee electrician has accumulated.

AMENDATORY SECTION (Amending Order 84-16, filed 8/27/84)

WAC 296-13-050 HEARINGS. (1) The board will grant a formal hearing on contested cases. It will grant an informal hearing on all other proceedings that are within its jurisdiction.

(2) A person, firm, corporation, or other entity that desires a formal hearing on a contested case must file a written appeal of the department's decision, order, or interpretation with the secretary of the board. The written appeal must state the decision, order, or interpretation of the department that is being appealed and the relief that is desired. An appeal of a decision or order of the department must be filed within fifteen days of the day the appellant received notice of the department's decision ~~((or)), order, or interpretation.~~

(3) The board may delegate to an administrative law judge or a board member the responsibility to preside over the hearing and to issue a proposed decision and order. If the board does so, the administrative law judge or a board member shall set the time and place for the hearing. If the board retains the responsibility to preside over the hearing, the board shall set the time and place.

(4) The board shall assign to the office of administrative hearings each appeal of the department's decision, order citation, or interpretation regarding an electrical contractor license, administrator certificate, electrician certificate, or training certificate as provided for in RCW 19.28.350 and 19.28.620, or citation for the sale or exchange of electrical equipment associated with spas, hot tubs, swimming pools, and hydromassage bathtubs that does not bear the product certification mark of an electrical products testing laboratory that has been accredited by the department. The board shall be allowed a minimum of twenty days to review the proposed decision of the administrative law judge and shall issue its decision and order no later than the next regularly scheduled board meeting.

(5) A person, firm, corporation, or other entity desiring an informal hearing on a proceeding other than a contested case shall file a written request to that effect with the secretary of the board. The written request should describe concisely the matters or proposals on which the informal hearing is requested and the relief that is desired.

AMENDATORY SECTION (Amending Order 84-16, filed 8/27/84)

WAC 296-13-057 PLACE AND TIME OF FILING. A paper that must be filed with the board shall be filed only at the Office of the ~~((Administrator))~~ Chief Electrical Inspector, Electrical Section, ((300-W. Harrison, Seattle, WA 98119)) 805 Plum Street S.E., P.O. Box 9519, Olympia, WA 98504-9519. The paper may be filed by ordinary mail, certified or registered mail, telegram, or by personal delivery. The date of filing is the date the paper is actually received in the office of the ~~((administrator))~~ chief electrical inspector.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-13-045 DUTIES OF EXAMINING BOARD.

AMENDATORY SECTION (Amending Order 86-23, filed 8/29/86)

WAC 296-401-030 ISSUING OF TEMPORARY PERMITS. (1) The department will issue to an applicant who meets the eligibility requirements of RCW 19.28.530, one out-of-state temporary permit ~~((for a)) during the period of ((ninety days or less before the examination of)) time between filing an application to take the next certification examination and the date the results of the examination are furnished to the applicant.~~

If the applicant with a temporary permit does not appear for the examination the applicant has been scheduled for, the permit will expire on the expiration date specified on the permit.

(2) The department will issue a second temporary certificate of competency to an applicant for a period of ninety days or less only if the applicant furnishes evidence to the department of enrollment in an electrician training or refresher course which has been approved by the ~~((board of))~~ electrical ~~((examiners))~~ board.

AMENDATORY SECTION (Amending Order 86-23, filed 8/29/86)

WAC 296-401-080 ELIGIBILITY FOR JOURNEYMAN~~((S))~~ EXAMINATION. A person holding an electrical ~~((trainee))~~ training certificate who has: (1) Been employed under the direct supervision of a journeyman electrician for four years, or ~~((who))~~ (2) has completed a four year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council or the Federal Bureau of Apprenticeship and Training, or ~~((who))~~ (3) is a graduate of a trade school program in the electrical construction trade that was established during 1946, shall be eligible to take the examination for a journeyman~~((S))~~ certificate of competency. A person who has had two years of schooling under the conditions provided in RCW 19.28.530 in addition to two years of employment under the direct supervision of a journeyman electrician shall be eligible to take the examination for a journeyman~~((S))~~ certificate of competency.

NEW SECTION

WAC 296-401-085 ELIGIBILITY FOR SPECIALTY EXAMINATION. A person holding an electrical trainee certificate who has: (1) Been employed in the appropriate specialty under the direct supervision of a journeyman electrician or an appropriate specialty electrician for a minimum of two years, or (2) has completed a two year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council or the Federal Bureau of Apprenticeship and Training in the appropriate specialty,

shall be eligible to take the examination for a specialty electrician certificate of competency.

NEW SECTION

WAC 296-401-087 PARTIAL CREDIT FOR EXPERIENCE. (1) A person holding a journeyman electrician certificate in a country outside the United States of America that requires at least four years of training shall be granted two years credit toward a journeyman certificate. An additional two years training under the direct supervision of a journeyman electrician is necessary to qualify to take the journeyman electrician certificate of competency examination.

(2) A person who has two years or more training or experience in a specialized electrical field in the Armed Forces of the United States that is similar to, but not identical to, a specialty electrician category under WAC 296-401-060 shall be granted one year experience. An additional year of work experience in the appropriate specialty under the direct supervision of a journeyman or specialty electrician is necessary to qualify to take a specialty examination.

AMENDATORY SECTION (Amending Order 86-23, filed 8/29/86)

WAC 296-401-090 STATUS OF PERSON WHO HAS FAILED AN EXAMINATION FOR AN ELECTRICIAN CERTIFICATE OF COMPETENCY. (1) A person who fails an examination for an electrician certificate of competency may take a ((ninety day)) training or refresher course that has been approved by the electrical board and may work in the electrical construction trade only if the person has a valid electrician training certificate or temporary permit. A person is eligible to retake an examination upon application and payment of applicable fees only upon satisfactory completion of an approved electrician training or refresher course.

(2) A person who has a training certificate and/or who is taking a refresher course shall work only under the supervision of a certificated electrician.

(3) Upon application, the department may issue an electrician ((trainee)) training certificate to a person who has failed an examination for a certificate of competency, only if the person furnishes evidence of enrollment in an electrician training or refresher course which is approved by the electrical board ((of electrical examiners)). To be eligible to renew the training certificate, the person must furnish evidence of, (a) successfully completing the electrician training or refresher course, and (b) failing the certificate of competency again.

AMENDATORY SECTION (Amending Order 86-23, filed 8/29/86)

WAC 296-401-100 COMPUTATION OF YEARS OF EMPLOYMENT—RENEWAL OF TRAINING CERTIFICATES. (1) For the purposes of RCW 19.28.530, 1800 hours of employment shall be considered one year of employment.

(2) At the time of renewal of an electrical training certificate, the holder shall provide the department with

an accurate list of the holder's employers in the electrical industry for the previous year, the specialty the holder worked in and the number of hours worked for each employer in each specialty.

(3) The employer or apprenticeship program director shall upon request by the holder of the training certificate furnish an accurate list of the hours worked by the holder within twenty days of the request.

(4) A person who has completed a four year apprenticeship program in the electrical construction trade that is registered with the state apprenticeship council or the Federal Bureau of Apprenticeship and Training shall be considered to have completed 7200 hours (four years) of employment.

AMENDATORY SECTION (Amending Order 86-23, filed 8/29/86)

WAC 296-401-120 ELECTRICAL ((TRAINEE)) TRAINING CERTIFICATES. (1) The department upon proper application and verification shall issue separate electrical ((trainee)) training certificates for the first, second, third, and fourth years of training. If a person has 1800 hours of employment or less in the electrical construction trade, the department shall issue the individual a first year certificate; if more than 1800 through 3600 hours, a second year certificate; if more than 3600 through 5400 hours, a third year certificate; and if more than 5400 hours a fourth year certificate.

(2) A holder of an electrical ((trainee)) training certificate may apply for the next year's certificate whenever he or she has sufficient hours of employment.

(3) A holder of an electrical ((trainee)) training certificate may apply for authorization to work without supervision if he or she has over 6299 hours of employment, and has successfully completed or is currently enrolled in an approved apprenticeship program or in a technical school program in the electrical construction trade in a school approved by the ((commission for vocational education)) superintendent of public instruction.

(4) The department shall not issue an electrical ((trainee)) training certificate to a person who is eligible for a temporary or reciprocal electrician certificate of competency.

AMENDATORY SECTION (Amending Order 86-23, filed 8/29/86)

WAC 296-401-170 HEARING OR APPEAL PROCEDURE. (1) An employer or employee to whom a citation or cease and desist order is directed; a person who is aggrieved by the department's ((denial)) suspension or revocation of a trainee, journeyman, or specialty certificate~~(:);~~; or the ((opportunity)) denying an application to take an examination for a certificate; or a person who has had his or her hours reduced pursuant to WAC 296-401-150; may request a formal or informal hearing before the electrical board within fifteen days from receipt of the citation, cease and desist order, the ((denial)) suspension or revocation of a certificate, denial of an application, or the reduction of hours.

(2) The formal appeal shall be made in writing to the department chief electrical inspector and shall state the

action by the department that is being appealed and the relief that is desired and shall be accompanied by a certified check in the amount of two hundred dollars made payable to the department. The deposit shall be returned to the aggrieved party if the decision of the department is not sustained or upheld. If the decision of the department is sustained or upheld, the deposit shall be used to pay the expenses of holding the hearing and any balance remaining after payment of the hearing expenses shall be paid into the electrical license fund. The formal appeal shall be assigned to an administrative law judge and shall be held in conformance with the requirements of the Administrative Procedure Act, chapter 34.04 RCW. Findings of fact, conclusions of law, and a decision are given as a result of a formal appeal.

(3) The electrical board will hear informal appeals from persons who desire to contest a decision of the department. Informal appeals will be heard by the board at a regular or special board meeting. An informal appeal shall be made in writing to the department chief electrical inspector and shall state the action by the department that is being appealed and the relief that is desired. An informal decision is given as a result of an informal appeal.

(4) See chapter 296-13 WAC for additional information on appeals before the electrical board.

AMENDATORY SECTION (Amending Order 81-5, filed 2/27/81, effective 4/1/81)

WAC 296-401-180 EXAMINATION SUBJECTS FOR SPECIALTY((S)) AND JOURNEYMAN((S)) CERTIFICATES OF COMPETENCY. The following subjects are among those that may be included in the examination for a certificate of competency. The list is not exclusive, and the test may also contain subjects not in the list.

JOURNEYMAN ELECTRICIAN EXAMINATIONS MAY BE BASED ON THE SUBJECTS FOR SPECIALTY ELECTRICIAN EXAMINATIONS IN ADDITION TO THESE ((ITEMS)) SUBJECTS:

AC – Generator; three-phase; meters; characteristics of; power in AC circuits (power factor); mathematics of AC circuits
 Air conditioning – Basic
 Blueprints – Surveys and plot plans; floor plans; service and feeders; Electrical symbols; elevation views; plan views
 Building wire – Sizes
 Cable trays
 Calculations
 Capacitive reactance
 Capacitor – Types; in series and parallel
 Circuits – Series; parallel; combination; basic; branch; outside branch circuits; calculations
 Conductor – Voltage drop (line loss); grounded
 Conduit – Wiring methods
 DC – Generator; motors; construction of motors; meters

Definitions
 Electrical units
 Electron theory
 Fastening devices
 Fire alarms – Introduction to; initiating circuits
 Fuses
 Generation – Principles of
 Grounding
 Incandescent lights
 Inductance – Introduction to; reactance
 Insulation – of wire
 Mathematics – Square root; vectors' figuring percentages
 Motors – Motors vs. Generators/CEMF; single phase; capacitor; repulsion; shaded pole; basic principles of AC motors
 Ohm's Law
 Power
 Power factor – AC circuits; correction of; problems
 Rectifiers
 Resistance – of wire
 Rigging
 Safety – Electrical shock
 Services
 Three-wire system
 Tools
 Transformers – Principles of; types; single phase; three-phase connections
 Voltage polarity across a load
 Wiring methods – Conduit; general
 Wiring systems – Less than ((400)) 600 volts; 480/277 volts; three-phase delta or wye; distribution systems over 600 volts.

SPECIALTY ((RESIDENTIAL)) ELECTRICIAN EXAMINATIONS MAY BE BASED ON THESE ((ITEMS)) SUBJECTS:

AC – Meters
Appliance circuits or controls
 Blueprints – ((Residential plans;)) Floor plans; service and feeders
Cables – Wiring methods
 Calculations
 Circuits – Series; parallel; combination; basic; outside branch
 Conductor – Voltage drop (line loss); grounded; Aluminum or copper
 Conduit – Wiring methods
Electrical signs, circuits, controls, or services
 Electrical units
 First aid
 Fuses
 General lighting
 Grounding of conductors
 Insulation of wire
 Ladder safety
Limited energy circuits or systems
Maintenance of electrical systems
 Mathematics – Figuring percentage
Motor circuits, controls, feeders, or services

- Ohm's Law
- Overcurrent protection
- Resistance of wire
- Services
- Sizes of building wire
- Three-wire system
- Tools
- Transformer - Ratios; single-phase

AMENDATORY SECTION (Amending Order 85-27, filed 10/2/85)

WAC 296-402-030 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter.

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

~~((2))~~ (2) "Board" means the electrical board established pursuant to RCW 19.28.065. The term "board" also includes an administrative law judge or board member appointed by the board to hear an appeal.

(3) "Certified electrical product" means an electrical product that is certified under this chapter:

(a) To which a label, symbol, or other identifying mark of an approved testing laboratory has been attached to indicate that the manufacturer produced the product in compliance with appropriate standards or that the product performs in a specified manner.

(b) That is not decertified.

~~((3))~~ (4) "Certification mark" means a specified approved testing laboratory identification indicating that a certified electrical product has been manufactured in accordance with the requirements of appropriate standards or tested for specific end uses.

~~((4))~~ (5) "Certification program" means a specified set of testing, inspection, and quality assurance procedures, with appropriate implementing authority directed toward evaluating products for certification of compliance to the requirements of appropriate standards.

~~((5))~~ (6) "Department" means the department of labor and industries.

~~((6))~~ (7) "Electrical board" means the board established pursuant to RCW 19.28.065. The term "electrical board" also includes an administrative law judge or board member appointed by the board to hear an appeal.

(8) "Labeled" means an electrical product to which a label, symbol, or other identifying mark of an approved laboratory is attached.

~~((7))~~ (9) "Laboratory operations control manual" means a document consisting of specified procedures and information for each test method responding to the application requirements of the product standard.

~~((8))~~ (10) "Quality control manual" means a document consisting of general guidelines for the quality control of the laboratory's method of operation. Specific information is provided for portions of individual test methods whenever specifics are needed to comply with the criteria or otherwise support the laboratory's operations.

AMENDATORY SECTION (Amending Order 85-27, filed 10/2/85)

WAC 296-402-140 INITIAL LABORATORY EVALUATION. (1) The department shall:

(a) Accept requests for testing laboratory certification.

(b) Make an administrative review to ensure completeness and accuracy of information.

(c) Review the request.

(d) Arrange for the laboratory on-site inspection by a technically qualified representative of the department to evaluate compliance with accreditation criteria. The cost shall be borne by the applicant.

(2) Notification of evaluation and evaluation results. The department shall notify the applicant of the recommendation of the department and time and place of the hearing to consider the request.

(3) Fees. There shall be an initial filing fee accompanying the application, an initial accreditation fee, and a biennial renewal fee as established from time to time by the department. Evaluation costs including travel expenses and any additional related expenses shall be borne by the laboratory. On-site inspections, requiring fees, shall not be made more than once a year, unless additional inspections are required by the department or requested by the laboratory.

Initial filing fee	\$ 500.00
Initial accreditation fee:	
One product category	\$ 250.00
Each additional category for the next nineteen categories	\$ 100.00 each
Maximum for twenty categories or more	\$2150.00
Biennial renewal fee	50% of the amount of the initial accreditation fee

(4) Number and category. Each accredited testing laboratory shall be identified by the number of electrical product category(ies) that the department has determined the laboratory is qualified to evaluate. The accreditation shall indicate the electrical product category(ies) for which accreditation is issued.

(5) Approval. The department shall accept or deny laboratory approval. Such approval shall be subject to reexamination when deemed necessary by the department.

~~((6) Appeal. If an applicant disagrees with the action of the department regarding accreditation or qualifications, an appeal may be made to the electrical advisory board within thirty days of the notice by the department.))~~

AMENDATORY SECTION (Amending Order 85-27, filed 10/2/85)

WAC 296-402-150 RENEWALS. ~~((+))~~ At least thirty days prior to the expiration date of any such accreditation, the electrical testing laboratory shall forward to the department an application for renewal. The department, upon receipt of the completed form and fee, shall renew accreditation for a period of two years or

notify such applicant of the department's refusal with reasons thereof. Accreditation may be renewed for one or more electrical product category(ies) and renewal may be refused for one or more electrical product category(ies).

~~((2) Appeal. If an applicant disagrees with the action of the department regarding accreditation or electrical product category(ies), an appeal may be made to the electrical advisory board within thirty days of the notice by the department.))~~

AMENDATORY SECTION (Amending Order 85-27, filed 10/2/85)

WAC 296-402-190 REVOCATION AND SUSPENSION PROCEDURES. (1) Revocation and suspension. The department on its own initiative may suspend or revoke the accreditation of any testing laboratory found to be in noncompliance with these rules and regulations, the laws of the state of Washington, or having substantial evidence of the laboratory's conduct in unethical business practices.

(2) Notice and conference. Prior to suspension, revocation, or failure to renew the accreditation of a laboratory, written notice of such intent shall be served by ~~((registered))~~ certified mail by the department. Within ~~((ten))~~ fifteen calendar days of receipt of such notice, the affected laboratory may request a conference before the department. Should the electrical testing laboratory disagree with the decision of the department, an appeal may be made to the electrical ~~((advisory))~~ board, as provided for in WAC 296-402-200. ~~((Direct an appeal to Chairman, Electrical Advisory Board, 520 South Water St., P.O. Box 9519, Olympia, WA 98504.))~~

(3) Effect of suspension and revocation. If the accreditation is suspended, revoked, or not renewed, the laboratory shall immediately notify the involved manufacturers whose products are covered by the accreditation that such products manufactured subsequent to the revocation and offered for sale in the state of Washington can no longer bear the laboratory's label that identified it as a certified product.

NEW SECTION

WAC 296-402-200 APPEAL PROCEDURES. (1) An applicant or electrical product testing laboratory that disagrees with the action of the department regarding accreditation, qualification or approval or denial of product categories may appeal to the electrical board. An appeal shall be made in writing to the department chief electrical inspector as secretary to the board within fifteen days of receiving an adverse decision from the department. The written appeal shall state the decision of the department that is being appealed and the relief that is desired.

(2) A request for a formal appeal shall be accompanied by a certified check in the amount of two hundred dollars made payable to the department. The deposit shall be returned to the aggrieved party if the decision of the department is not sustained or upheld. If the decision of the department is sustained or upheld, the deposit shall be used to pay the expenses of holding the hearing

and any balance remaining after payment of the hearing expenses shall be paid into the electrical license fund. The formal appeal shall be held in conformance with the requirements of the Administrative Procedure Act, chapter 34.04 RCW, and will be heard at a regular or special board meeting, at a special hearing date or may be assigned by the board to an administrative law judge.

(3) An informal appeal will be heard by the board at a regular or special board meeting.

(4) See chapter 296-13 WAC for additional information on appeals before the electrical board.

AMENDATORY SECTION (Amending Order 86-16, filed 5/28/86)

WAC 296-403-010 DEFINITIONS. (1) "Amusement structure" means any electrical or mechanical devices or combinations thereof operated for revenue and to provide amusement or entertainment to viewers or audiences at carnivals, fairs, or amusement parks. "Amusement structure" does not include games in which a member of the public must perform an act, nor concessions at which customers may make purchases.

(2) "Amusement ride" means any vehicle, boat, or other mechanical device moving upon or within a structure, along cables or rails, through the air by centrifugal force or otherwise, or across water, that is used to convey one or more individuals for amusement, entertainment, diversion, or recreation. "Amusement ride" includes, but is not limited to, devices commonly known as skyrides, ferris wheels, carousels, parachute towers, tunnels of love, and roller coasters. "Amusement ride" shall not include: (a) Conveyances for persons in recreational winter sports activities such as ski lifts, ski tows, j-bars, t-bars, and similar devices subject to regulation under chapter 70.88 RCW; (b) any single-passenger coin-operated ride that is manually, mechanically, or electrically operated and customarily placed in a public location and that does not normally require the supervision or services of an operator; (c) nonmechanized playground equipment, including but not limited to, swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines, and physical fitness devices; or (d) water slides.

(3) "Board" means the electrical board established pursuant to RCW 19.28.065. The term "board" also includes an administrative law judge or board member(s) appointed by the board to hear an appeal.

(4) "Electrical board" means the board established pursuant to RCW 19.28.065. The term "electrical board" also includes an administrative law judge or board member(s) appointed by the board to hear an appeal.

(5) "Department" means the department of labor and industries.

~~((4))~~ (6) "Insurance policy" means an insurance policy written by an insurer authorized to do business in this state under Title 48 RCW.

~~((5))~~ (7) "Certificate of inspection" means a document given under oath or affirmation from an insurer or a person with whom the insurer has contracted to make a mechanical safety inspection of the amusement ride or structure. The certificate shall contain the name, address

and notarized signature of the inspector, the complete description of the amusement ride or structure and the name and address of the owner or operator.

~~((6))~~ (8) "Certificate of insurance" means a document certifying that the insurance required by chapter 67.42 RCW is in effect.

~~((7))~~ (9) "Operating permit" means a permit which is issued by the department.

~~((8))~~ (10) "Operating permit decal" is a decal issued by the department which shall be affixed on or adjacent to the control panel of the amusement ride or structure in a location visible to the patrons of the ride or structure.

AMENDATORY SECTION (Amending Order 86-16, filed 5/28/86)

WAC 296-403-070 APPEALS. (1) A decision by the department in which; an operating permit has been denied or revoked ~~((or in case))~~; the department has ordered the cessation of the operation of an amusement ride or structure; an amusement ride inspector application has been denied, or certificate has been suspended or revoked, may be appealed to the electrical ~~((advisory))~~ board. The appeal shall be conducted in accordance with chapter 34.04 RCW. An appeal shall not stay the decision of the department. The appeal shall be filed within fifteen days after notice of the decision of the department is given by certified mail, return receipt requested, or is served upon the owner or operator.

~~((The))~~ (2) A formal appeal shall be affected by filing a written notice of appeal with the ~~((department,))~~ department's chief electrical inspector and shall state the decision by the department that is being appealed and the relief that is desired. The formal appeal shall be accompanied by a certified check for two hundred dollars which shall be returned to the holder of the certificate or permit if the decision of the department is not sustained by the board. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund.

(3) An informal appeal shall be made in writing to the department chief electrical inspector and shall state the action by the department that is being appealed and the relief that is desired.

(4) See chapter 296-13 WAC for additional information on appeals before the electrical board.

WSR 88-16-003
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-56—Filed July 21, 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 this regulation is adopted at the recommendation of the Pacific Fisheries Management Council to prevent wastage while maintaining conservation of the sablefish species.

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 21, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-44-05000P COASTAL BOTTOMFISH CATCH LIMITS. *Notwithstanding the provisions of WAC 220-44-050, effective 12:01 A.M. August 3, 1988, 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 (Sebastolobus 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 fishermen, 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 by filing a declaration of intent to stop fishing other than once weekly on other species of rockfish with the department in the above manner. The declaration to stop 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 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 - One landing per calendar week not to exceed 2,000 pounds round weight. (To convert to round weight from dressed weight, multiply the dressed weight by 1.75). A calendar week is defined as Wednesday through the following Tuesday.

(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 or 3 percent of the total fish on board, which ever is greater. All weights refer to round weight.

(6) It is unlawful during unloading of the catch and prior to its being weighted 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.

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 effective 11:59 p.m. August 2, 1988:

WAC 220-44-05000N COASTAL BOTTOM-FISH CATCH LIMITS. (88-50)

WSR 88-16-004

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 88-57—Filed July 21, 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 this regulation is needed to include signature notarization of persons wishing to transfer charter boat angler permits from one boat to another.

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 20, 1988.

By Judith Merchant
for Joseph R. Blum
Director

NEW SECTION

WAC 220-20-06000B COMMERCIAL FISHING LICENSE, OR CHARTER BOAT ANGLER PERMIT TRANSFER—NOTARIZATION. Effective immediately until further notice, any person making application to transfer a commercial fishing license or charter boat angler permit must have the signature of the transferor notarized, and absent such notarization the Department will not transfer a license or charter boat angler permit, except the department may transfer the license or angler permit of a decedent without notarization but with appropriate legal certification supporting the transfer.

REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 220-20-06000A COMMERCIAL FISHING
LICENSE TRANSFER—NOTARIZATION. (88-30)**

**WSR 88-16-005
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-58—Filed July 21, 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 to conform with general Puget Sound marine area barbless hook regulations for 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 July 20, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-56-12600A UNLAWFUL PROVISIONS—DUWAMISH WATERWAY. Notwithstanding the provisions of WAC 220-56-126, effective during the period September 1 through October 15, in those waters of the Duwamish Waterway downstream from the First Avenue South Bridge to east-west line through SW Hanford Street on Harbor Island and parallel to SW Spokane Street where it crossed Harbor Island:

(1) It is unlawful to take, fish for or possess salmon using any gear other than barbless hooks and gear specified in WAC 220-56-205 (Freshwater Salmon Angling Gear).

(2) It is unlawful to take, fish for or possess food fish or shellfish from one hour after official sunset to one hour before official sunrise.

(3) It is unlawful to use baitfish jigger gear.

**WSR 88-16-006
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-59—Filed July 21, 1988]**

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fisheries 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 restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Puget Sound and Canadian chinook stocks. Openings in Area 10 are necessary to prevent wastage and harvest non-Indian Lake Washington sockeye allocation. All other areas are closed to prevent overharvest.

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

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 21, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-47-903 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 7:00 PM Thursday July 21 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

- * Areas 4B, 5, 6, 6A, 6C, 7, 7A – Under control of Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Area 10 – Gillnets using 5-1/2 inch maximum mesh may fish from 7:00 PM Thursday July 21 to 9:30 AM Friday July 22 and Purse seines may fish using the 5-inch strip from 5:00 AM to 4:00 PM Friday July 22. All chinook caught with purse seine gear must be released. This area 10 opening excludes those waters south of a line projected from West Point to Skiff Point on Bainbridge Island, and those waters west of a line projected from Point Jefferson to Point Monroe on Bainbridge Island, and those waters east of a line projected from

Meadow Point to West Point. Fishery exclusion zones applicable to Area 10 commercial fisheries are described in WAC 220-47-307.

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

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-902 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (88-55)

WSR 88-16-007
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Order 352—Filed July 22, 1988]

Be it resolved by the State Wildlife Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to Amendment to 1988-90 Game fish regulations—Amber Lake (Spokane County), WAC 232-28-61707.

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 Amber Lake was rehabed in the fall of '87 and was planted this spring with trout fry. This closure is necessary to allow these fish to reach catchable size before harvest.

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 July 21, 1988.

By Curt Smitch
Director

NEW SECTION

WAC 232-28-61707 AMENDMENT TO 1988-90 GAME FISH REGULATIONS—AMBER LAKE

(SPOKANE COUNTY). Notwithstanding the provisions of WAC 232-28-617, Amber Lake in Spokane County will have an emergency game fishing closure, beginning at 12:01 a.m. on July 23, 1988 and ending at 12:00 p.m. on September 30, 1988.

WSR 88-16-008
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Order 351—Filed July 22, 1988]

Be it resolved by the State Wildlife Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to hunting of game animals by persons of disability, amending WAC 232-12-827.

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 WAC 232-12-827, recently adopted, has been found to be contrary to the RCW falling outside the game code. The snowmobile code, RCW 46.10.130, and the off-road vehicle code, RCW 46.09.130, specifically prohibit hunting from any off-road vehicle or snowmobile.

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

This rule is promulgated pursuant to RCW 77.12.010 and 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 July 8, 1988.

By Curt Smitch
for Dr. James M. Walton
Chairman

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 88-16-009

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 88-60—Filed July 22, 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 closure, coho quota for Columbia River ocean area is project [projected] to be reached. Bag limit change is expected to maximize angler 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 July 22, 1988.

By Gene DiDonato
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000B 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 24, 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. 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 barbless single hooks.

(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 line projected due west from Leadbetter Point.

(a) Open to salmon angling 12:01 a.m. July 24, 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.

(b) Bag limit - 2 salmon. 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 barbless single hooks.

(d) Closed from 6 to 200 nautical miles of shore.

(3) In those waters south of a line due west from Leadbetter Point and north of Cape Falcon, Oregon.

(a) Open to salmon angling 12:01 a.m. July 24, 1988 until 11:59 p.m. July 24, 1988.

(b) Bag Limits - 2 salmon. 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 barbless single hooks.

(d) Closed from 5 to 200 nautical miles of shore between Northhead (46 degrees, 18 minutes, 00 seconds north latitude) and Leadbetter Point 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, except that within these waters it is lawful to angle from the bank only of the north jetty.

(4) In all areas provided for in subsections (1) and (2) 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 220-56-19000A SALTWATER SEASONS AND BAG LIMITS. (88-52)

WSR 88-16-010
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-61—Filed July 22, 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 restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Puget Sound Canadian chinook stocks. Openings in Areas 7B, 7C and 7E provide opportunity to harvest the non-Indian allocation. All other areas are closed to prevent overharvest.

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

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 22, 1988.

By Gene DiDonato
for Joseph R. Blum
Director

NEW SECTION

WAC 220-47-904 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 7:00 PM Monday July 25 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

- * Areas 4B, 5, 6, 6A, 6C, 7, 7A - Under control of Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 7:00 PM Monday (7/25) to 9:30 AM Tuesday (7/26) and 7:00 PM Tuesday (7/26) to 9:30 AM Wednesday (7/27).
- * Area 7E - Gillnets using 7-inch minimum mesh may fish from 7:00 PM Monday (7/25) to 9:30 AM Tuesday (7/26) and 7:00 PM Tuesday (7/26) to 9:30 AM Wednesday (7/27); Purse seines may fish from 5:00 AM - 9:00 PM Tuesday (7/26) and 5:00 AM - 9:00 PM Wednesday (7/27); This Area 7E opening excludes those waters east of line projected from Tongue Pt. to Juniper Pt. to the point immediately south of Juniper Pt.
- * Areas 6B, 7D, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-903 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (88-59)

WSR 88-16-011
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 88-62—Filed July 22, 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 fishing rules.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of chinook are available to increase bag limit yet maintain measures for protection of Hood Canal origin coho 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 July 22, 1988.

By Gene DiDonato
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-56-18000Y BAG LIMIT CODES. Notwithstanding the provisions of WAC 220-56-180, effective immediately until further notice the following provisions apply to Code H:

(1) Chinook salmon must not be less than 22 inches in length, but there is no minimum size for other salmon.

(2) In waters having this code definition the daily bag limit is three salmon, except:

(a) In contiguous waters east of the mouth of the Sekiu River the three fish daily bag limit may contain no more than two chinook salmon, except in waters of Area 12 the daily bag limit may contain three salmon of any species, unless otherwise provided.

(b) Effective July 1 through September 30 in Catch Record Card Areas 5, 6 and that portion of Area 9 north and east of a line from Foulweather Bluff to Olele Point the daily bag limit is two salmon, and it is unlawful to fish for or possess salmon taken for personal use on Friday of each week.

(c) Effective July 1 through September 5 in that portion of Area 9 south and west of a line from Foulweather Bluff to Olele Point, the daily bag limit is two salmon. Except that all coho salmon must be released immediately and it is unlawful to fish for or possess salmon for personal use on Friday of each week.

(d) Effective 12:01 a.m. July 23, 1988 in Area 12, except those waters of Dabob and Quilcene Bays lying north of a line projected due east from Pulali Point, the

daily bag limit is three salmon except that all coho salmon must be released immediately and it is unlawful to fish for or possess salmon for personal use on Friday of each week. Waters of Dabob and Quilcene Bays north of a line projected due east from Pulali Point are closed to salmon angling through August 15, 1988. After August 15 Dabob and Quilcene Bays north of the Pulali Point line are open to salmon fishing seven days per week.

(e) Effective September 6 through October 31 in that portion of Area 9 south and west of a line from Foulweather Bluff to Olele Point, and waters of Area 12 north and east of a line from the flashing light at the southwest tip of the Toandos Peninsula to Misery Point the daily bag limit is two salmon except that all coho salmon must be released immediately and it is unlawful to fish for or possess salmon taken for personal use on Friday off each week. Dabob and Quilcene Bays north off the Pulali Point line are open at all times. Waters of Area 12 south and west of the Toandos Peninsula-Misery Point line and south of the Pulali Point line are closed to salmon angling.

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 Administration Code is repealed:

WAC 220-56-18000X BAG LIMIT CODES. (88-25)

WSR 88-16-012

ADOPTED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
 [Order 88-12—Filed July 22, 1988—Eff. January 1, 1989]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt the annexed rules relating to experience rating of the medical aid fund premium to be contained in chapter 296-17 WAC applicable to workers' compensation underwritten by the Department of Labor and Industries.

This action is taken pursuant to Notice No. WSR 88-15-008 filed with the code reviser on April 20, 1988 [July 8, 1988]. These rules shall take effect at a later date, such date 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 22, 1988.

By Joseph A. Dear
 Director

AMENDATORY SECTION (Amending Order 88-06, filed 5/31/88, effective 7/1/88)

WAC 296-17-310 GENERAL RULES AND INSTRUCTIONS. This section constitutes general rules and instructions for chapter 296-17 WAC.

(1) Purposes. This chapter of the Washington Administrative Code, including classifications of risk, premium rates, the experience rating plan, and all other rules contained herein governing the use thereof, is herein referred to as the manual. This manual is promulgated by the department of labor and industries pursuant to RCW 51.16.035. This manual contains a formulation of the rules and regulations providing for basic classifications, rates of premium, method of premium calculation and collection, and a rating system, consistent with recognized principles of workers' compensation insurance. This manual governs the department's underwriting of workers' compensation insurance and assessment of other monetary obligations, under the industrial insurance law of the state of Washington, Title 51 RCW.

(2) Overview. Washington law (RCW 51.16.035) requires that the department of labor and industries classify all occupations or industries by degree of hazard. To accomplish this, the department has established approximately two hundred seventy basic classifications of risk embracing the various industries within the state (the actual number may vary from year to year). These basic classifications are set forth in WAC 296-17-501 through 296-17-779. The general principles and objectives of the basic classification system are set forth in WAC 296-17-310.

The first step in determining the appropriate classification for an employer is to determine the nature of the employer's business being insured in this state. If the department determines that an employer's business consists of a single operation or a number of separate operations which normally prevail in that business then the single enterprise rule (WAC 296-17-380) is applicable. This rule provides that the department is to assign the single basic classification which most accurately describes the employer's entire enterprise. This process begins with the search for a basic classification which specifically describes the employer's business. If such a basic classification is found the process of assigning a basic classification is complete.

If the employers' business operation is not specifically described by any basic classification then the employer's business is to be classified as provided for in WAC 296-17-360 (assignment of classification by analogy). In classifying by analogy the department examines the process and hazard of the employer's business and compares it to that of other basic classifications with processes and hazards that are similar to those of the employer's business and assigns the most analogous classification on that basis.

In the event that a review of the employer's business operations indicates the possibility that the employer conducts more than one business within this state, a determination will be made as to whether any additional basic classifications should be assigned on the basis of

the criteria set out in the multiple enterprise rule (WAC 296-17-390).

Once the employer's basic classification has been established, the department must determine whether additional classifications should be assigned to apply to specific employments within an employer's business such as the standard exception rule (WAC 296-17-440), the general exclusion rule (WAC 296-17-430), the special exception rule (WAC 296-17-441), or those indicated by the language of any applicable basic classifications that permit or require separate reporting of any operations within that business or industry or as otherwise provided by this chapter.

(3) Premium payments - quarterly reports. Each employer shall, upon such forms as prescribed by the department, prior to the last day of January, April, July and October of each year, pay to the department for the preceding calendar quarter, for the accident fund, and for the medical aid fund, a certain number of cents for each worker hour or fraction thereof worked by the worker in their employ except when the rules of this manual provide for a different method of premium computation. Provided, that in the event an employer has no employment subject to coverage under Title 51 RCW during a calendar quarter the employer shall submit to the department, according to the schedule described above, a quarterly report indicating "no payroll" or be subject to the penalties provided for in RCW 51.48.030. The director may promulgate, change and revise such rates at such times as necessary, according to the condition of the accident and medical aid funds, and assign rates as appropriate to employers who voluntarily seek coverage under the elective adoption provisions of the law.

(4) Determining accident fund premium. The amounts to be paid into the accident fund shall be determined as follows: The department shall determine a manual premium rate for each classification which shall not be inadequate, excessive or unfairly discriminatory, taking into consideration past and prospective costs in each classification and the financial condition of the accident fund as a whole.

Every employer shall pay into the accident fund at the manual premium rate unless such employer meets the requirements for the experience rating plan provided elsewhere in this manual, in which event such employer's premium rate for the accident fund shall be paid according to their experience modification as determined under the experience rating plan.

(5) Basis for determining medical aid premium. The amounts to be paid into the medical aid fund shall be determined as follows: The department shall determine a ((basic)) manual medical aid rate for each classification which shall not be inadequate, excessive or unfairly discriminatory, taking into consideration past and prospective costs in each classification and the financial condition of the medical aid fund as a whole.

Every employer shall pay into the medical aid fund at the ((basic)) manual premium rate ~~((only, and the experience rating plan shall not apply to medical aid rates))~~ unless such employer meets the requirements for the experience rating plan provided elsewhere in this

manual, in which event such employer's premium rate for the medical aid fund shall be paid according to their experience modification as determined under the experience rating plan.

(6) All section captions or titles or catch lines used in this manual, chapter 296-17 WAC, do not constitute any part of these rules.

(7) Assignment of classifications. The classifications in this manual are all basic classifications other than the standard exception classifications which are defined in WAC 296-17-440. Basic classifications are used to implement the object of the classification system, which is to assign the one basic classification which best describes the business of the employer within this state. Each basic classification includes all the various types of labor found in a business unless it is specifically excluded by language contained within the classification or covered by a separate rule found elsewhere in this chapter, such as "standard exceptions" or "general exclusions." The classification procedure used within this state is intended to classify the business undertaking of the employer and not the separate employments, occupations, or operations of individuals within a business.

In the event an employer operates a secondary business within this state, multiple basic classifications can be assigned provided that the conditions set forth in WAC 296-17-390 "multiple enterprises" have been met. However, construction or erection operations are to be assigned classifications as provided in subsection (8) of this section.

(8) Construction or erection operations. Each distinct type of construction or erection operation at a job site or location shall be assigned to the basic classification describing that operation provided separate payroll records are maintained for each operation.

In the event separate payroll records are not maintained the entire number of worker hours for such operations shall be assigned to the highest rated classification which applies to the job site or location where the operation is performed.

Separate construction or erection classifications shall not be assigned to any operation which is within the scope of another basic classification assigned to such a job site or location.

(9) Classification assignment of separate legal entities. Each separate legal entity shall be assigned to the basic classification or classifications which best describe its operations within the state using the classification procedures outlined in subsections (2), (7), and (8) of this section.

(10) All operations. Each basic classification in this manual, other than classifications 4806, 4904, 5206, 6301, 6302, 6303, 7101, or the temporary help classifications 7104 through 7121, include all the operations normally associated with the business undertaking without regard to the location(s) of such operation(s) unless an operation is specifically excluded from the manual language of the basic classification.

NEW SECTION

WAC 296-17-86502 MEDICAL AID EXPERIENCE MODIFICATION LIMITATIONS. The medical aid fund premiums shall be experience rated beginning January 1, 1989, using the reported past experience of employers as provided for in the department's experience rating plan. However, the initial experience rating adjustment for each employer shall be made from a base modification of 1.0000, with adjustments limited to twenty-five percent annually until the actual experience rating developed by the department for each employer has been reached or four years from the effective date of this section, whichever comes first. Thereafter, adjustments will be made in accordance with the parameters established by the department's experience rating plan.

AMENDATORY SECTION (Amending Order 81-30, filed 11/30/81, effective 1/1/82)

WAC 296-17-870 EVALUATION OF ACTUAL LOSSES. Except as provided in the following subsections of this paragraph, actual losses shall include all payments as of the "valuation date" for each claim arising from an accident occurring during the experience period. Losses for claims open as of the valuation date may also include a reserve for future payments. Actual losses on claims for accidents occurring outside of the experience period shall not be included.

(1) Valuation date. The valuation date shall be on and include December 31, one year and one day immediately preceding the effective date of premium rates as set forth in WAC 296-17-895.

(2) Retroactive adjustments - revision of losses between valuation dates. No claim value shall be revised between valuation dates and no retroactive adjustment of an experience modification shall be made because of disputation concerning the judgment of the claims examiner or because of subsequent developments except as specifically provided in the following cases:

(a) In cases where loss values are included or excluded through mistake other than error of judgment.

(b) In cases where a third party recovery is made.

(c) In cases where the claim qualifies as a second injury claim under the provisions of RCW 51.16.120.

(d) In cases where a claim is officially closed and is determined to be noncompensable.

In the above specified cases retroactive adjustment of the experience modification shall be made for each rating in which the claim was included.

(3) Average death value. Each fatality occurring to a worker included within the mandatory or elective coverage of Title 51 RCW shall be assigned the "average death value," said value to be the average incurred cost for all such fatalities occurring during the experience period. The average death value is set forth in Table II.

(4) Third party recovery. In the event of a third party recovery on a claim, the employer shall be charged for a portion of the actual loss amount, gross of such recovery, established on the claim for each year in which the claim's injury date falls within the experience period (see WAC 296-17-850). This portion shall be calculated at the time the recovery is made, and shall be determined

by taking the ratio of the total cost of the claim, including attorneys' fees, after recovery, to the total cost of the claim before recovery. If the claim is open at the time the recovery is made, then costs before and after recovery may include an allowance for future claim payments. Both the primary and excess components of the actual loss amount shall be reduced in the same proportion.

(5) Second injury claims. The primary and excess values of any claim which becomes eligible for second injury relief under the provisions of RCW 51.16.120, as now or hereafter amended, shall be reduced by the percentage of relief granted.

(6) Occupational disease claims. When a claim results from an employee's exposure to an occupational disease hazard, the "date of injury," for the purposes of experience rating, shall be the date on which the disability was diagnosed, giving rise to the filing of a claim for benefits. The cost of any occupational disease claim, paid from the accident fund and medical aid fund and arising from exposure to the disease hazard under two or more employers, shall be prorated to each period of employment involving exposure to the hazard. Each insured employer who had employed the claimant during the experience period, and for at least ten percent of the claimant's exposure to the hazard, shall be charged for his share of the claim based upon the prorated costs.

(7) Maximum claim value. No claim shall enter an employer's experience record at a value greater than the "maximum claim value." The maximum claim value is set forth in Table II.

WSR 88-16-013

EMERGENCY RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 88-21—Filed July 22, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at the General Administration Building, Olympia, Washington 98504, the annexed rules relating to WAC 296-127-022 implementing RCW 49.28.020 which is an act relating to conditions of labor when working longer than eight hours on a public works project.

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 amendments to chapter 49.28 RCW passed by the 1988 Washington state legislature and which became effective June 9, 1988, require the implementation of rules. Permanent rules will be adopted after a public hearing is held on August 12, 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 49.28.020 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Department of Labor and Industries as authorized in RCW 43.22.270.

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 22, 1988.

By Joseph A. Dear
Director

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.*

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 88-16-014
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
 [Memorandum—July 22, 1988]

The location of the WSCTC board of directors meetings has been changed to: Washington State Convention and Trade Center, 800 Convention Place, Room 601, Seattle, WA 98101.

The regular meetings of the board of directors of the Washington State Convention and Trade Center will meet on the first Wednesday of every month (except August) at 3 p.m. in Room 601 of the Washington State Convention and Trade Center.

WSR 88-16-015
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF NATURAL RESOURCES
(Board of Natural Resources)
 [Memorandum—July 22, 1988]

There will be a special meeting of the Board of Natural Resources, Department of Natural Resources, on Thursday, August 11, 1988, at 9:00 a.m. The meeting will be held in Senate Hearing Room 3 in the John A. Cherberg Building in Olympia, Washington.

WSR 88-16-016
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
 [Order 1978—Filed July 25, 1988]

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

This action is taken pursuant to Notice No. WSR 88-12-083 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 pursuant to chapters 15.60 and 17.24 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 25, 1988.

By Michael V. Schwisow
 Deputy Director

AMENDATORY SECTION (Amending Order 1881, filed 3/12/86)

WAC 16-470-010 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Director" means the director of agriculture of this state, or a duly authorized representative.

(2) "Department" means the Washington state department of agriculture.

(3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated plant pests, life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.

(5) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management programs pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

(6) "Commercial fruit" means fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled;

(b) Fruit grown in a commercial orchard and destined to a commercial processing plant or packing plant.

(7) "Honey bee" means bees of the species *Apis mellifera*.

(8) "Colony" means ((~~a man-made hive including five or more combs of bees~~)) any natural group of bees having a queen.

(9) "Hive" means ((~~a man-made domicile of honey bees including their combs in the various sizes used by the apiculture industry~~)) any receptacle or container made or prepared for the use of bees, including movable frames, combs, or substances deposited into the hive by bees.

(10) "Queen" means the fertile female honey bee, singly, in a shipping cage with attendant honey bees or in plurality with other queens in a shipping cage having common honey bee attendants.

(11) "Nuclei" means a shipping container or hive having five or less combs of bees and a queen.

(12) "Package" means a combless shipping container of bees with or without a queen.

(13) "Apiarist" means any person who owns bees or is a keeper of bees.

(14) "Net(s)" means fabricated material which is designed and utilized to prevent the escape of bees from bee colonies or hives during transit.

AMENDATORY SECTION (Amending Order 1862, filed 7/8/85)

WAC 16-470-015 PENALTIES. Any person who violates or fails to comply with any rule adopted under RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation of the same rule, shall be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than one hundred dollars, or more than one thousand dollars, or by both fine and imprisonment.

NEW SECTION

WAC 16-470-600 QUARANTINE—VARROA MITE. (1) The department of agriculture with the cooperation of the United States Department of Agriculture, APHIS, PPQ, surveyed Washington state honey bee colonies in 1986 and 1987 for Varroa mite and all results were negative. The director finds that Varroa mite is detrimental to the welfare of the apiculture industry of Washington state and a quarantine is hereby established to prevent the introduction into or movement through Washington state.

(2) The following definition shall apply to WAC 16-470-605 through 16-470-635: "Varroa mite" means a parasite of honey bees, the arachnid scientifically identified as *Varroa jacobsonii* (Oudemans), commonly called the Varroa mite and also known as the "Asian mite."

NEW SECTION

WAC 16-470-605 VARROA MITE—REGULATED ARTICLES. The following are regulated articles:

- (1) Varroa mites.
- (2) All honey bees, live and dead.
- (3) Hives and the hive equipment, shipping and storage containers (cages), and vehicles used at apiaries.
- (4) Combs with brood cells.
- (5) Pollen for bee food.
- (6) Any article or means of conveyance not listed in subsections (1), (2), (3), (4), or (5) of this section, that presents a risk of spreading the Varroa mite, when the person in possession of the article or means of conveyance is notified that it is subject to this section.

NEW SECTION

WAC 16-470-610 VARROA MITE—AREA UNDER QUARANTINE—EXTERIOR. (1) The following are designated quarantined areas:

- (a) The states of Florida, Illinois, Maine, Michigan, Mississippi, Nebraska, New York, Ohio, Pennsylvania, South Carolina, South Dakota, and Wisconsin; and
 - (b) Any other state where Varroa mite has been found or evidence indicates that Varroa mite may exist in that state; and
 - (c) Any state that has not conducted a biologically sound Varroa mite survey of at least two percent of all known resident colonies.
- (2) Less than an entire state may be accepted as a quarantined area if the director determines that:
- (a) The state has adopted and is enforcing restrictions on interstate and intrastate movement of regulated articles that are equivalent to or exceed the restrictions on the movement of regulated articles as herein described; and
 - (b) The quarantine of less than an entire state will prevent the interstate and intrastate spread of the Varroa mite; and
 - (c) The state has conducted a biologically sound Varroa mite survey of at least five percent of all known resident colonies to determine the state-wide presence or absence of Varroa mite; and

(d) The state has an ongoing, biologically sound Varroa mite survey.

(3) Any state that has eradicated a known infestation and a subsequent survey indicates Varroa mite is not known to occur in the state, that state may be removed from the quarantine area.

NEW SECTION

WAC 16-470-615 VARROA MITE—CONDITIONS GOVERNING THE MOVEMENT OF REGULATED ARTICLES INTO WASHINGTON STATE. (1) Any regulated article may be moved from a nonquarantined area into Washington state only if moved under the following conditions:

(a) An origin state inspector shall issue a certificate for the movement of a regulated article into Washington state, stating that the regulated article originated in an area where Varroa mite does not occur; and

(b) The point of origin of the regulated article is indicated on the accompanying waybill; and

(c) If the regulated article is moved through a quarantined area, it shall be moved either in an enclosed vehicle or netted, with no stops except those necessary under normal driving conditions, such as traffic lights, rest stops, and stop signs: **PROVIDED**, That if mechanical failure prolongs the stop by more than one day, the department shall be contacted (206-872-6480) by the vehicle operator.

(2) Any regulated article may be moved from a quarantined area into Washington state only under the following conditions:

(a) An origin state inspector shall issue a certificate for the movement of a regulated article into Washington state upon determining that the regulated article has been treated as provided in WAC 16-470-625 under the supervision of a state inspector, who shall be present during treatment; and

(b) The certificate shall specify the destination address, the responsible party or parties within Washington state, and the handling, utilization or processing of the regulated article; and

(c) The regulated article shall be moved as provided for in subsection (1)(b) and (c) of this section.

(3) Any regulated article may be moved without a certificate if moved:

(a) By the United States Department of Agriculture for scientific or experimental purposes with a United States Department of Agriculture permit; and

(b) Under the conditions specified on the United States Department of Agriculture permit; and

(c) With a tag or label, attached to the outside of the regulated article's container, or if not in a container, attached to the regulated article, bearing the United States Department of Agriculture permit number issued for the regulated article; or

(d) As otherwise provided by the department.

(4) All regulated articles shall be moved in compliance with any additional emergency conditions that the United States Department of Agriculture may impose under 7 U.S.C. 150dd to prevent the spread of Varroa mite.

(5) The conditions, certificates and permits required in this section are in addition to those set forth in chapter 15.60 RCW, Apiaries.

NEW SECTION

WAC 16-470-620 VARROA MITE—ATTACHMENT AND DISPOSITION OF CERTIFICATES.

(1) The certificate required for the movement of regulated articles into Washington state shall be attached to the outside of the regulated article's container, or if not in a container, attached to the regulated article at all times during interstate movement; or the certificate may be attached to the consignee's copy of the accompanying waybill: PROVIDED, That the description of the regulated article on the waybill is sufficient to identify the regulated article.

(2) The carrier, shipper or handler shall furnish to the department a copy of the certificate authorizing the movement of the regulated article into Washington state. The copy of the certificate shall arrive at 1313 West Meeker, Suite 111, Kent, WA 98031 at least forty-eight hours before the regulated article arrives in Washington state.

(3) The consignee shall keep the waybill and certificate available for inspection by the department for a minimum of one year.

NEW SECTION

WAC 16-470-625 VARROA MITE—TREATMENT. Regulated articles may be treated as provided for in this section unless otherwise required by the product label or by other treatment methods as recommended by the department:

(1) Queen honey bee cages shall be treated as follows:

(a) Place a one inch by one-half inch, one percent fluvalinate strip in the bottom of the empty cage;

(b) Record the starting date of treatment on the back of the cage;

(c) Place the queen and the attendants into the cage;

(d) Remove the fluvalinate strip seventy-two hours (three days) after placing the queen and her attendants into the cage;

(e) Protect the queen cage from reinfestation through contact with untreated regulated articles, and ship within forty-eight hours of the fluvalinate strip's removal.

(2) Packaged honey bees (two-pound to three-pound packages) shall be treated as follows: PROVIDED, That any queen cage which included in any package shall be treated in accordance with subsection (1) of this section:

(a) Using a wire or staple, suspend a five inch by one inch, two and one-half percent fluvalinate strip in an empty shipping cage and position the strip near the feeder;

(b) Record the starting date of treatment on the back of the cage;

(c) Place the honey bees into the cage;

(d) Remove the fluvalinate strip one hundred twenty hours (five days) after placing the honey bees into the cage;

(e) Protect the packaged honey bees from reinfestation through contact with untreated regulated article,

and ship within forty-eight hours of the fluvalinate strip's removal.

(3) Hives shall be treated as follows:

(a) Remove supers;

(b) Remove the cover of the hive;

(c) Using a nail, suspend one ten inch by one and three-sixteenths inch, ten percent fluvalinate strip for each five frames covered with bees so that the strip or strips can hang between frames approximately two inches inside the outer edge of the bee cluster;

(d) Close the hive;

(e) Remove the fluvalinate strips five hundred four hours (twenty-one days) after the insertion into the hive;

(f) Protect the treated hive from reinfestation through contact with untreated regulated articles and ship within forty-eight hours of the fluvalinate strip's removal.

(4) Any other regulated article shall be treated as follows:

(a) Hold and protect from reinfestation through contact with untreated regulated articles for seven days; or

(b) Apply steam to all surface areas of the regulated article in such a manner so as to remove all debris from the article; protect from reinfestation through contact with untreated regulated articles; and ship within forty-eight hours of treatment.

NEW SECTION

WAC 16-470-630 VARROA MITE—AREA UNDER QUARANTINE—INTERIOR. A quarantine area for Varroa mite containing approximately sixty-one square miles within Klickitat County is hereby established, and shall be that area of land lying between state Highway 97 on the west, Goldendale-Goodnoe Road on the north, Goodnoe Station Road on the east, and the Columbia River on the south. This described site is bordered by dry scab rock hills and mountains on the north, east and west, and the Columbia River to the south; and is determined to be a reasonable location for a quarantine area; and other locations in the county suitable to beekeeping are isolated at a reasonable distance to protect bees from contamination by the department quarantine bee yard sites; and historically and today, Klickitat County contains very few resident bees or apiculture operations and very little bee pasture.

NEW SECTION

WAC 16-470-635 VARROA MITE—RESTRICTIONS—INTERIOR. (1) To protect the national migratory beekeeping industry, all colonies leaving the state may be required to be certified as apparently free from Varroa mite prior to movement.

(2) Any apiculture operation located in the designated quarantine area of Klickitat County or honey bee colonies located therein shall not be removed therefrom until treated by the department as specified by the department and found free of Varroa mite.

(3) No colonies presently outside of the designated quarantine area boundaries in Klickitat County shall be moved into that designated quarantine area without the express permission of the department: PROVIDED, That colonies of bees shall be permitted to transit

through the designated area as specified by the department to and from other locations.

(4) Any colonies found entering Washington state without a Varroa mite-free certification as specified by the department may be required to be moved to the quarantine area of Klickitat County pending survey by the department, or as otherwise specified by the department.

(5) All colonies found with Varroa mite upon survey by the department may be required to be moved to the quarantine area of Klickitat County pending disposition procedures.

WSR 88-16-017

ADOPTED RULES

COUNTY ROAD ADMINISTRATION BOARD

[Order 68—Filed July 25, 1988]

Be it resolved by the County Road Administration Board, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

- | | | |
|-----|-----------------|---|
| New | ch. 136-15 WAC | Regarding procedures for preparation of six-year road programs. |
| Amd | WAC 136-160-060 | Limitation on use of RATA funds. |
| Amd | WAC 136-220-020 | Establishment of matching requirements. |
| Amd | WAC 136-220-030 | Use of RATA funds to match other funds. |

This action is taken pursuant to Notice No. WSR 88-12-079 filed with the code reviser on July 1, 1988 [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 County Road Administration Board as authorized in chapter 36.78 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 22, 1988.

By Ernest Geissler
Director

WAC 136-15

REGARDING PROCEDURES FOR PREPARATION OF SIX-YEAR ROAD PROGRAMS

NEW SECTION

WAC 136-15-010 PURPOSE. The Laws of the State of Washington (RCW 36.81.121) require the preparation and annual updating of a six-year comprehensive road program. The program shall be adopted by the county legislative authority before July 1 of each year and shall include all anticipated road and bridge construction projects, capital ferry expenditures, paths and trails projects and any other specified capital outlays

for the following six-year period. The purpose of this chapter is to implement these statutory requirements with assurance that the program is based on a realistic assessment of available funding during the program period

NEW SECTION

WAC 136-15-020 CONTENTS OF SIX-YEAR PROGRAM. Each adopted six-year program shall designate the six-year time period included, the name of the county, the OFM-assigned county number, the date(s) of the public hearing held to provide public input to the program, the date of the adoption by the legislative authority and the adopting resolution number. The adopted six-year program for submittal to CRAB shall consist of two parts: (1) a road fund revenue and expenditure analysis for the six-year time period and (2) a program listing of specific projects.

NEW SECTION

WAC 136-15-030 ROAD FUND REVENUE AND EXPENDITURE ANALYSIS. The road fund revenue and expenditure analysis shall include the county's best estimates of future road fund revenues and expenditures over each year of the six-year program period.

The anticipated revenues should include a line item for motor vehicle fuel tax, the road levy after diversion, federal transportation program grants (by program), TIB funds, RATA funds, RID funds, Public Works Trust Fund loans, State forest funds, Federal forest funds, and other miscellaneous revenues.

The anticipated road fund expenditures should include line items for administration, maintenance, facilities, transfers and loan repayments, reimbursable work and miscellaneous expenditures; showing by subtraction the amount available for construction during each year of the program period.

NEW SECTION

WAC 136-15-040 PROGRAM LISTINGS OF SPECIFIC PROJECTS. This listing shall include projects having an estimated cost approximately equal to the anticipated revenues for projects during the program period, clearly identifying those projects (1) for which funding is reasonably assured; (2) for which funds are not specifically assured but are within expected levels of existing programs for the applicable year; and (3), if desired, those which are unfunded within currently anticipated resources. Because of the possibility of unforeseen future circumstances at the time of approval of the six-year program, the above construction funding classification for any project shall not be considered final, but only an indication of the relative certainty of the various proposed projects.

It is recommended that provision be made in the program for one or more generic projects each year for improvements such as miscellaneous safety projects, new culvert and small bridge construction and other minor improvements.

NEW SECTION

WAC 136-15-050 ADOPTION AND SUBMITTAL OF SIX-YEAR PROGRAM. A Six Year program shall be adopted by resolution of the county legislative authority after appropriate public hearing before July 1 of each year. The resolution of adoption shall include reference to availability of a priority array as required by WAC 136-14-050, and of an engineer's bridge condition report as required by WAC 136-20-060. Within 30 days of adoption, the county legislative authority shall submit the six-year program to the County Road Administration Board.

NEW SECTION

WAC 136-15-060 CONFLICTS WITH WSDOT AND TIB AUTHORITY. Nothing in this rule shall eliminate or modify any requirements or procedures or authorities of either the Washington State Department of Transportation or the Transportation Improvement Board as codified in the Revised Code of Washington or as adopted in the Washington Administrative Code.

AMENDATORY SECTION (Amending Order 63 [63-P], filed 10/15/86)

WAC 136-160-060 LIMITATION ON USE OF RATA FUNDS. The RATA funds requested in the project application are intended to reimburse a county for 80% of its RAP project construction costs up to the amount of the CRAB/county contract in the PSR, NWR, ((SER)) and SWR and 90% in the NER and SER. RATA funds may be used to reimburse a county for 80% of its RAP project preliminary engineering costs in the PSR ((and SER)) and 90% in the NER and SER. RATA funds may not be used for right-of-way acquisition in any region.

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 63 [63-P], filed 10/15/86)

WAC 136-220-020 ESTABLISHMENT OF MATCHING REQUIREMENTS. Counties will be required to match RATA funds with a minimum of 20% matching funds in the PSR, NWR, ((SER)) and SWR and 10% matching funds in the NER and SER.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order 63 [63-P], filed 10/15/86)

WAC 136-220-030 USE OF RATA FUNDS TO MATCH OTHER FUNDS. A county with an approved RAP project may use RATA funds to match any applicable funds available for such project, provided that the county will be required to match any RATA funds allocated to the project with a minimum of 20% matching

funds in the PSR, NWR, ((SER)) and SWR and 10% matching funds in the NER and SER. Projects involving Federal Highway Program funds will be administered through the State Aid Division of WSDOT except that reimbursement of RATA funds will be through the CRABoard.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

WSR 88-16-018
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Medical Examiners)
 [Filed July 25, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Medical Examiners intends to adopt, amend, or repeal rules concerning:

Amd	WAC 308-52-139	Physician assistant—Registration.
New	WAC 308-52-600	Credentialing of physician and surgeons.
New	WAC 308-52-610	Credentialing of physician assistants;

that the agency will at 3:00 p.m., Friday, September 23, 1988, in the Marriott Hotel Sea-Tac, 3201 South 176th, 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 18.71.017, 18.71A.020, and 18.71A.040.

The specific statute these rules are intended to implement is RCW 18.71.017 and 18.71A.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 22, 1988.

Dated: July 22, 1988
 By: James M. Garrison, M.D.
 Chairman

STATEMENT OF PURPOSE

Title: WAC 308-52-139 Physician assistant—Registration; 308-52-600 Credentialing of physician and surgeons; and 308-52-610 Credentialing of physician assistants.

Description of Purpose: To define the actual approval authority of physician and surgeons and physician assistants applications. Approval authority is the responsibility of the board.

Statutory Authority: RCW 18.71.017 and 18.71A.020.

Summary of Rule: WAC 308-52-139 has sections repealed [wording deleted] that allowed for administrative interim approvals; WAC 308-52-600 states all physician and surgeon applications must be reviewed by a

board member; and WAC 308-52-610 states all physician assistant applications must be reviewed by a board member.

Specific Statute Rule is Intended to Implement: RCW 18.71.050, 18.71.051, 18.71.095 and 18.71A.040.

Reasons for Supporting Proposed Action: To ensure the safety and welfare of the citizens of Washington state.

Responsible Agency Personnel for Implementation: Linda Crerar, Acting Executive Secretary, Washington State Board of Medical Examiners, 1300 South Quince, Olympia, WA 98504, 234-2205 scan, 753-2205 comm.

Organization Proposing Rule: Washington State Board of Medical Examiners.

Agency Comments or Recommendations: None.

Rule is not necessary as a result of federal law or federal or state court requirements.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order PM 706, filed 2/23/88)

WAC 308-52-139 PHYSICIAN ASSISTANT—REGISTRATION. (1) Classification. Each physician assistant will be classified according to the specialty or content of his or her training program.

(2) Registration procedure. Applications shall be made jointly by the physician and the assistant on forms supplied by the board. Applications and supporting documents must be on file in the board office prior to consideration for registration. ~~((An application which clearly meets the board's requirements may receive interim approval by the board's executive secretary or their designee. Interim approval and all other applications are subject to final action by a board member or at a regular meeting of the board, such review may include an interview.))~~

(3) Registration expiration and renewal. Physician assistant original registration will be issued to expire on the physician assistant's next birthdate. Each registered assistant and the registering physician shall be required to submit an application and fees annually for renewal of their registration at least sixty days prior to the expiration of the registration. Application for renewal shall be submitted on forms provided by the board.

(4) Change of registration. In the event that a physician assistant who is currently registered desires to become associated with another physician ~~((, such transfer may be accomplished administratively, providing that evidence is submitted to document the continuing competence of the physician assistant))~~. Application for transfer of registration shall be made on forms provided by the board. ~~((Final approval may be granted administratively for transfer registrations which clearly meet board requirements. All other applicants will be reviewed by a board member or at a regular meeting of the board, such review may include an interview.))~~

NEW SECTION

WAC 308-52-600 CREDENTIALING OF PHYSICIAN AND SURGEONS. All completed applications, both limited and full, must be reviewed by a member of the board prior to examination and/or licensure.

NEW SECTION

WAC 308-52-610 CREDENTIALING OF PHYSICIAN ASSISTANTS. All completed applications, both original and transfer, must be approved by the physician assistant member of the board prior to registration.

WSR 88-16-019

EMERGENCY RULES

DEPARTMENT OF LICENSING

[Order PM 752—Filed July 25, 1988]

I, Mary G. Faulk, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to eligibility for licensure, amending WAC 308-34-110.

I, Mary G. Faulk, Director, 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 amendatory section is necessary to correctly reflect that an applicant's having been admitted to the naturopathic exam does not establish that the applicant has met the licensure eligibility requirements of RCW 18.36A.090.

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

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 July 25, 1988.

By Mary G. Faulk
Director

AMENDATORY SECTION (Amending Order PM 742, filed 6/24/88)

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, and persons who have successfully completed an equivalent experience requirement established by the director, shall be eligible ((to take the examination,)) for licensure 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(;) and 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, provided, applicants who have been adjudged by a final determination as not having met all the requirements of RCW 18.36A.090 (4) and (5) will not be admitted to the exam. Provided further, that an applicant who has been admitted to the exam may be denied a license if the applicant

is adjudged by a final determination as not having met all the requirements of RCW 18.36A.090 (4) and (5).

WSR 88-16-020
EMERGENCY RULES
DEPARTMENT OF LICENSING
(Board of Medical Examiners)
 [Order PM 753—Filed July 25, 1988]

Be it resolved by the Washington State Board of Medical Examiners, acting at the Black Hills Community Hospital, Olympia, Washington, that it does adopt the annexed rules relating to:

- Amd WAC 308-52-139 Physician assistant—Registration.
- New WAC 308-52-600 Credentialing of physician and surgeons.
- New WAC 308-52-610 Credentialing of physician assistants.

We, the Washington State Board of Medical Examiners, 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 concerns pertaining to the inappropriate licensure of applicants.

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

This rule is promulgated under the general rule-making authority of the Board of Medical Examiners as authorized in RCW 18.71.017, 18.71A.020 and 18.71A.040.

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

APPROVED AND ADOPTED July 22, 1988.

By James M. Garrison, M.D.
 Chairman

AMENDATORY SECTION (Amending Order PM 706, filed 2/23/88)

WAC 308-52-139 PHYSICIAN ASSISTANT—REGISTRATION. (1) *Classification.* Each physician assistant will be classified according to the specialty or content of his or her training program.

(2) *Registration procedure.* Applications shall be made jointly by the physician and the assistant on forms supplied by the board. Applications and supporting documents must be on file in the board office prior to consideration for registration. ~~((An application which clearly meets the board's requirements may receive interim~~

~~approval by the board's executive secretary or their designee. Interim approval and all other applications are subject to final action by a board member or at a regular meeting of the board, such review may include an interview.))~~

(3) *Registration expiration and renewal.* Physician assistant original registration will be issued to expire on the physician assistant's next birthdate. Each registered assistant and the registering physician shall be required to submit an application and fees annually for renewal of their registration at least sixty days prior to the expiration of the registration. Application for renewal shall be submitted on forms provided by the board.

(4) *Change of registration.* In the event that a physician assistant who is currently registered desires to become associated with another physician ~~((such transfer may be accomplished administratively, providing that evidence is submitted to document the continuing competence of the physician assistant)).~~ Application for transfer of registration shall be made on forms provided by the board. ~~((Final approval may be granted administratively for transfer registrations which clearly meet board requirements. All other applicants will be reviewed by a board member or at a regular meeting of the board, such review may include an interview.))~~

NEW SECTION

WAC 308-52-600 CREDENTIALING OF PHYSICIAN AND SURGEONS. All completed applications, both limited and full, must be reviewed by a member of the board prior to examination and/or licensure.

NEW SECTION

WAC 308-52-610 CREDENTIALING OF PHYSICIAN ASSISTANTS. All completed applications, both original and transfer, must be approved by the physician assistant member of the board prior to registration.

WSR 88-16-021
WITHDRAWAL OF PROPOSED RULES
STATE PATROL
 [Filed July 26, 1988]

On June 14, 1988, this office filed a Notice of Intent to Adopt, Amend or Repeal rules pertaining to towing businesses. Please refer to WSR 88-13-058. Due to unforeseen circumstances, the process of adopting these rules must be temporarily interrupted. Please be aware that this office intends to refile amendments to chapter 204-91 WAC within the next several months.

Lt. LaVere E. Klewin

WSR 88-16-022
NOTICE OF PUBLIC MEETINGS
WASHINGTON INSTITUTE
OF APPLIED TECHNOLOGY
 [Memorandum—July 27, 1988]

BOARD OF DIRECTORS' MEETING
 Wednesday, July 27, 7:30 a.m.
 WIAT Sixth Floor Boardroom

WSR 88-16-023
EMERGENCY RULES
DEPARTMENT OF NATURAL RESOURCES
 [Order 539—Filed July 27, 1988]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of emergency rules designating areas of the state to be "Closed to entry—Regions of extra fire hazard."

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 the state contain a large concentration of forest fuels which by reason of their condition are particularly exposed to fire danger. Restriction of access to these lands is necessary to protect them from fires.

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

This rule is promulgated pursuant to RCW 76.04.305 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 27, 1988.

By Brian J. Boyle
 Commissioner of Public Lands

NEW SECTION

WAC 332-26-020 OLYMPIC REGION CLOSURES. GRAYS HARBOR COUNTY:

TOWNSHIP 17 NORTH, RANGE 10 WEST

- Section 3 N1/2, SW1/4, everything North of the Little Hoquiam River.
- Section 4 NW1/4NE1/4, S1/2NE1/4, N1/2-SW1/4, NE1/4SE1/4, NW1/4, Lots 3 and 4.
- Section 5 NE1/4, SE1/4NW1/4, N1/2SE1/4.

TOWNSHIP 18 NORTH, RANGE 10 WEST

- Section 10 E1/2
- Section 15 SW1/4, E1/2.

- Section 22 That portion North of Polson Slough and that portion East of the Hoquiam River.
- Section 27 That portion East of State Route 101, SW1/4, SW1/4NW1/4.
- Section 28 SW1/4NE1/4, SE1/4NE1/4, SE1/4.
- Section 32 SE1/4SW1/4, NW1/4SE1/4, SW1/4-SE1/4, SE1/4SE1/4.
- Section 33 E1/2, E1/2NW1/4, E1/2SW1/4.
- Section 34 Everything West of State Route 101.

When in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, the Regional Manager may suspend this notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above described lands, the Regional Manager will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, Tuesday, July 26, 1988, through midnight, Monday, October 3, 1988.

NEW SECTION

WAC 332-26-040 CENTRAL REGION CLOSURES. LEWIS COUNTY:

TOWNSHIP 11 NORTH, RANGE 5 WEST

- Section 1 All except part N1/2N1/2
- Section 2 All
- Section 3 E1/2, part E1/2W1/2 lying east of Chehalis River
- Section 8 Part S1/2 lying S and E of West Fork Chehalis River
- Section 9 S1/2; part NW1/4 lying S of West Fork Chehalis River, S1/2NE1/4
- Section 10 All except part NW1/4 lying NW of Chehalis River
- Section 11 Part N1/2 lying N of Salmon Creek, part NW1/4SW1/4
- Section 12 N1/2
- Section 15 All
- Section 16 All
- Section 17 E1/2; part W1/2 lying E of West Fork Chehalis River

TOWNSHIP 12 NORTH, RANGE 5 WEST

Section 34 All except part W1/2NW1/4
 Section 35 Part S1/2NW1/4; SW1/4; part SE1/4

TOWNSHIP 12 NORTH, RANGE 6 EAST

Section 1 All
 Section 3 All
 Section 10 Part NE1/4NE1/4
 Section 11 Part N1/2

TOWNSHIP 13 NORTH, RANGE 3 EAST

Section 1 All
 Section 3 All
 Section 6 All
 Section 11 All
 Section 15 All
 Section 23 All

TOWNSHIP 14 NORTH, RANGE 1 WEST

Section 2 S1/2, except part of SE1/4SE1/4
 Section 3 Part E1/2; part SE1/4NE1/4
 Section 5 E1/2 except N1/2NE1/4
 Section 7 NE1/4; NW1/4 except SW1/4NW1/4; part N1/2S1/2
 Section 8 E1/2NE1/4
 Section 9 W1/2W1/2; SE1/4SW1/4
 Section 10 NE1/4NE1/4
 Section 11 N1/2 except SW1/4NW1/4; N1/2SE1/4
 Section 14 SW1/4SE1/4
 Section 20 Part NE1/4 lying S of Agnew Co 1000 Road; Part NE1/4SE1/4
 Section 21 Part S1/2 lying S of Agnew Co. 1000 Road
 Section 22 Part SW1/4; SE1/4NW1/4
 Section 23 NE1/4; part NE1/4NW1/4; part S1/2SW1/4
 Section 26 Part N1/2NW1/4
 Section 27 Part N1/2N1/2

TOWNSHIP 14 NORTH, RANGE 2 EAST

Section 12 All except N1/2N1/2
 Section 13 All
 Section 24 All
 Section 36 W1/2

TOWNSHIP 14 NORTH, RANGE 3 EAST

Section 1 Part W1/2 lying W of Weyco 3000 Road
 Section 2 All
 Section 3 All
 Section 4 All except part NW1/4
 Section 5 All except part NE1/4
 Section 6 All except part NW1/4 and part NW1/4SW1/4
 Section 7 All
 Section 8 All
 Section 9 All
 Section 10 All
 Section 11 All
 Section 12 Part S1/2NW1/4; SW1/4; part SE1/4
 Section 13 All
 Section 14 All

Section 15 All
 Section 16 All
 Section 17 All
 Section 18 All
 Section 19 All
 Section 20 All
 Section 21 All
 Section 22 All
 Section 23 All
 Section 25 All
 Section 27 All
 Section 29 All
 Section 33 All
 Section 35 All

TOWNSHIP 15 NORTH, RANGE 3 EAST

Section 25 Part SE1/4SW1/4
 Section 31 Part SE1/4SE1/4
 Section 32 Part S1/2SW1/4
 Section 33 Part S1/2SE1/4 lying S of Lincoln Creek
 Section 34 Part S1/2 lying S of Lincoln Creek
 Section 35 S1/2; part N1/2 lying S of Lincoln Creek
 Section 36 Part W1/2 lying W of Weyco 3000 Road

When in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this notice by issuing a news release to the newspapers of general circulation in the area and to radio and television stations serving the area, specifying the date and time of the suspension, and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above-described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight Tuesday, July 26, 1988 to midnight, Monday, October 3, 1988.

NEW SECTION

WAC 332-26-050 NORHTWEST REGION CLOSURES. WHATCOM COUNTY

Township 41 North, Range 6 East

Section 33 - S1/2SW1/4, SE1/4
 Section 34 - S1/2
 Section 35 - S1/2

Township 40 North, Range 6 East

- Section 1 - All
- Section 2 - All
- Section 3 - N1/2, SE1/4
- Section 4 - All

Township 37 North, Range 6 East

- Section 3 - SW1/4
- Section 15 - All
- Section 20 - S1/2SE1/4, SE1/4SW1/4
- Section 21 - SE1/4, E1/2SW1/4
- Section 27 - SW1/4, NW1/4 except NE1/4NW1/4
- Section 28 - All
- Section 29 - E1/2, E1/2NW1/4, NE1/4SW1/4
- Section 32 - N1/2NE1/4, SE1/4NE1/4
- Section 33 - All
- Section 34 - W1/2, W1/2SE1/4, SE1/4SE1/4

Township 37 North, Range 5 East

- Section 7 - W1/2SW1/4

Township 37 North, Range 4 East

- Section 12 - SE1/4
- Section 13 - NE1/4
- Section 33 - SE1/4SW1/4, W1/2SE1/4, S1/2-SW1/4SE1/4
- Section 34 - SW1/4

Township 37 North, Range 3 East

- Section 28 - SW1/4, S1/2SE1/4
- Section 29 - SE1/4, S1/2NE1/4
- Section 32 - E1/2
- Section 33 - W1/2, W1/2E1/2, NE1/4NE1/4

SKAGIT COUNTYTownship 36 North, Range 9 East

- Section 7 - N1/2SE1/4
- Section 18 - N1/2NE1/4

Township 36 North, Range 8 East

- Section 17 - S1/2NE1/4, SE1/4
- Section 18 - S1/2SE1/4, SE1/4SW1/4
- Section 19 - S1/2NE1/4
- Section 20 - E1/2NW1/4, W1/2NE1/4

Township 36 North, Range 7 East

- Section 2 - W1/2, W1/2SE1/4
- Section 6 - All except W1/2W1/2
- Section 7 - NE1/4
- Section 8 - SW1/4
- Section 10 - E1/2NE1/4, E1/2SE1/4
- Section 11 - NW1/4, NW1/4NE1/4, NW1/4SW1/4, S1/2SW1/4
- Section 14 - NW1/4
- Section 15 - E1/2NE1/4
- Section 17 - NE1/4, N1/2NW1/4
- Section 19 - SW1/4

Township 36 North, Range 6 East

- Section 3 - N1/2, SW1/4
- Section 4 - S1/2
- Section 9 - E1/2NW1/4, NE1/4

Section 10 - N1/2

Section 24 - SE1/4

Section 25 - N1/2NE1/4

Section 29 - SE1/4SW1/4

Section 32 - N1/2NW1/4, W1/2NE1/4

Township 36 North, Range 5 East

Section 5 - NW1/4

Section 6 - E1/2E1/2

Section 17 - NW1/4NE1/4, E1/2SW1/4, W1/2-SE1/4

Township 36 North, Range 4 East

Section 4 - NE1/4NE1/4, SW1/4NE1/4, S1/2-SE1/4NW1/4, E1/2SW1/4, N1/2-NW1/4SE1/4

Section 8 - All

Section 9 - All

Section 15 - All

Section 16 - All

Section 21 - All

Section 22 - All

Section 23 - All

Township 35 North, Range 10 East

Section 26 - S1/2, SW1/4NE1/4, SE1/4NW1/4 all south of the Rockport-Cascade Road

Township 35 North, Range 8 East

Section 26 - S1/2

Section 27 - S1/2, S1/2NW1/4, S1/2NE1/4

Section 28 - S1/2, S1/2NE1/4, SE1/4NW1/4

Section 31 - S1/2

Section 32 - S1/2

Section 33 - All

Section 34 - All

Section 35 - All

Township 35 North, Range 7 East

Section 29 - S1/2NE1/4

Section 35 - S1/2N1/2

Township 35 North, Range 6 East

Section 12 - S1/2NE1/4, SE1/4

Township 35 North, Range 5 East

Section 35 - E1/2NW1/4

Township 34 North, Range 10 East

Section 30 - W1/2SW1/4, SW1/4NW1/4

Section 31 - W1/2

Township 34 North, Range 9 East

Section 23 - E1/2SE1/4, SE1/4NE1/4

Section 25 - E1/2E1/2

Section 26 - NE1/4

Section 35 - NE1/4

Section 36 - All

Township 34 North, Range 6 East

Section 7 - All

Section 8 - All

Section 17 - W1/2

Section 18 - All
 Section 19 - All
 Section 27 - All
 Section 28 - All
 Section 29 - NW1/4, S1/2
 Section 30 - All
 Section 32 - N1/2
 Section 33 - N1/2
 Section 34 - All
 Section 35 - N1/2

Township 34 North, Range 5 East

Section 4 - S1/2SW1/4

Township 33 North, Range 10 East

Section 14 - S1/2SW1/4
 Section 15 - E1/2
 Section 22 - E1/2 except NW1/4NE1/4
 Section 23 - W1/2W1/2, NE1/4NW1/4, SE1/4-SW1/4
 Section 26 - NW1/4, E1/2SW1/4, W1/2SE1/4, N1/2NE1/4, SW1/4NE1/4

Township 33 North, Range 7 East

Section 13 - All
 Section 14 - All
 Section 21 - N1/2
 Section 22 - N1/2
 Section 23 - N1/2
 Section 24 - N1/2

Township 33 North, Range 6 East

Section 22 - SE1/4
 Section 23 - SW1/4

SNOHOMISH COUNTY

Township 32 North, Range 7 East

Section 5 - SW1/4SE1/4
 Section 6 - SE1/4SE1/4
 Section 8 - N1/2NW1/4, NW1/4NE1/4
 Section 31 - S1/2, SW1/4NW1/4

Township 32 North, Range 6 East

Section 1 - S1/2SW1/4, SW1/4SE1/4
 Section 12 - NE1/4NW1/4, NW1/4NE1/4
 Section 36 - SE1/4SE1/4

Township 31 North, Range 7 East

Section 28 - S1/2NW1/4, N1/2SW1/4
 Section 29 - E1/2NW1/4

Township 30 North, Range 9 East

Section 20 - SW1/4

Township 30 North, Range 7 East

Section 1 - NE1/4SE1/4, W1/2SE1/4SE1/4, also SW1/4SW1/4
 Section 4 - NE1/4
 Section 11 - NE1/4NE1/4
 Section 12 - NW1/4NW1/4
 Section 26 - SE1/4
 Section 27 - SE1/4NW1/4, NW1/4SE1/4, SE1/4-SE1/4

Township 29 North, Range 8 East

Section 2 - SE1/4SE1/4NW1/4, S3/4NW1/4-SW1/4, portion of NE1/4SW1/4, N3/4-SW1/4SW1/4, N1/2SE1/4SW1/4
 Section 3 - Portion of S3/4NE1/4SE1/4, portion N3/4SE1/4SE1/4

Township 27 North, Range 7 East

Section 34 - S1/2 except NE1/4SE1/4

When, in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, he may suspend this Notice by issuing a news release to the newspapers of general circulation in the region and to radio and television stations serving the region, specifying the date and time of the suspension and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above-described lands, he will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

"Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations."

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective from midnight, Tuesday, July 26, 1988 to midnight, Monday, October 3, 1988.

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 332-26-060 SOUTH PUGET SOUND REGION CLOSURES. KING COUNTY:

TOWNSHIP 27 NORTH, RANGE 7 EAST

Section 34 S1/2 except the NE1/4SE1/4.

TOWNSHIP 26 NORTH, RANGE 7 EAST

- Section 3 Lots 1, 2, 3, 4 NE1/4, N1/2S1/2,
NW1/4 East of Lake Margaret Platt.
Section 13 NW1/4, W1/2SW1/4.

TOWNSHIP 23 NORTH, RANGE 8 EAST

- Section 1 All.

TOWNSHIP 23 NORTH, RANGE 7 EAST

- Section 26 All.

TOWNSHIP 20 NORTH, RANGE 8 EAST

- Section 10 E1/2SE1/4.
Section 11 All.
Section 12 Pts NE1/4, Pts NW1/4, Pts SE1/4,
SW1/4.
Section 13 All.
Section 14 All.
Section 22 NE1/4.
Section 23 All.
Section 24 All.

When in the opinion of the Regional Manager, the fire hazard is sufficiently low on the lands herein described to permit public access thereto, the Regional Manager may suspend this notice by issuing a news release to the newspapers of general circulation in the region and to radio and television stations serving the region, specifying the date and time of the suspension and by removing the posted notice of the hazardous area closure at the access points.

When, in the opinion of the Regional Manager, the fire hazard is no longer sufficiently low to permit public access to the above described lands, the Regional Manager will reinstate this hazardous area notice by giving the same notice to the public, specifying the date and time this notice again becomes effective, and replacing the posted notice of the hazardous area closure at the access points.

For protection of the above described areas against fire, the following rule will be enforced:

Entry into this area is prohibited except as provided by law with reference to permanent residents and industrial operations.

Anyone violating any such rules and regulations or order closing any forest region shall be guilty of a misdemeanor.

Effective midnight, Tuesday, July 26, 1988 to midnight, Monday, October 3, 1988.

WSR 88-16-024

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 540—Filed July 27, 1988]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the suspension of burning privileges and the use of fire in Eastern Washington and parts of Western Washington.

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 continuing dry weather and increasing fire danger has prompted the need to restrict the use of fire to protect life and property.

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 27, 1988.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-081 **OUTDOOR BURNING RESTRICTIONS.** Effective midnight, Wednesday, July 27, 1988, through midnight, Saturday, October 15, 1988, privileges to have an outdoor fire without a written burning permit, as allowed by WAC 332-26-211, on lands protected by the department in Pierce, Okanogan, Ferry, Stevens, Pend Oreille, Spokane, Lincoln, Chelan, Kittitas, Yakima, Klickitat, Walla Walla, Columbia, Garfield and Asotin counties are suspended.

NEW SECTION

WAC 332-26-082 **BURNING BARREL RESTRICTIONS.** Effective midnight, Wednesday, July 27, 1988, through midnight, Saturday, October 15, 1988, privileges to burn in a burning barrel without a written burning permit, as allowed by WAC 332-24-201 and described in WAC 332-24-225, on lands protected by the department in Pierce, Okanogan, Ferry, Stevens, Pend Oreille, Spokane, Lincoln, Chelan, Kittitas, Yakima, Klickitat, Walla Walla, Columbia, Garfield and Asotin counties are suspended.

NEW SECTION

WAC 332-26-083 BURNING SUSPENSION.
Effective midnight, Friday, July 29, 1988, through midnight, Saturday, September 10, 1988, all outdoor burning and the use of burning barrels on department protected lands in Island and San Juan counties is suspended: **PROVIDED**, That fires contained in campfire pit, approved by the department, located in state, county, municipal, or other campgrounds and fires contained within a camp stove or barbecue situated on bare soil, gravel bars, beaches, green fields or similar areas free of flammable material are exempt from this suspension of burning privileges.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 332-26-080 OUTDOOR RULE BURN SUSPENSION IN PARTS OF EASTERN WASHINGTON.

WSR 88-16-025**ADOPTED RULES****LIQUOR CONTROL BOARD**

[Order 257, Resolution No. 266—Filed July 27, 1988]

Be it resolved by the Washington State Liquor Control Board, acting at the Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Prorating and refunding of fees—Discontinuance of business, WAC 314-12-040.

This action is taken pursuant to Notice No. WSR 88-13-066 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 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 July 27, 1988.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 103, Resolution No. 112, filed 4/28/82)

WAC 314-12-040 PRORATING AND REFUNDING OF FEES—DISCONTINUANCE OF BUSINESS. (1) Unless otherwise provided by law, there will be no prorating of any license fee.

(2) Upon denial or withdrawal of an application for license, adoption or change of trade name, or change of location, the fee tendered therewith shall be returned;

PROVIDED, HOWEVER, such return shall not apply to the nonrefundable seventy-five dollar fee submitted with an application for a new annual retail license.

(3) When a license is suspended or cancelled, or the licensed business is discontinued, no refund of the license fee shall be made.

(4) Upon discontinuance of business for twenty-one days or more by a licensee, he shall forthwith deliver up his license to the board, or representative of the board. A licensee who is not operating as a seasonal business and who has voluntarily discontinued sale of liquor in excess of forty-five days will not be eligible for renewal of license for a subsequent year unless sale of liquor under the license is resumed on a permanent basis prior to the beginning of the next subsequent licensing period.

WSR 88-16-026**ADOPTED RULES****LIQUOR CONTROL BOARD**

[Order 259, Resolution No. 268—Filed July 27, 1988]

Be it resolved by the Washington State Liquor Control Board, acting at the Capital Building, 1025 East Union Avenue, Olympia, WA 98504-2531, that it does adopt the annexed rules relating to description of central and field organization of Washington State Liquor Control Board, WAC 314-60-030.

This action is taken pursuant to Notice No. WSR 88-13-067 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 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 July 27, 1988.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 97, Resolution No. 106, filed 1/27/82)

WAC 314-60-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF WASHINGTON STATE LIQUOR CONTROL BOARD. The board is an agency created to exercise the police power of the state in administering and enforcing all of the laws and regulations relating to alcoholic beverage control (Title 66 RCW).

(1) The board's major areas of activity are:

(a) Purchase, distribution and sale of liquor in the original package through its stores and agencies.

(i) All spirituous liquor in the original package is exclusively sold by the board.

(ii) Wines and malt beverages in the original package are sold by the board, and wines and beer can, under appropriate license, be sold by licensees.

(b) The licensing of the manufacture, distribution and sale of liquor. Licenses to retailers involve many different classifications and categories for the sale of liquor for on-premises and off-premises consumption. Licenses are also issued to manufacturers, breweries, wholesalers, importers, etc.

(c) The inspection of the activities and operations of liquor licensees and the enforcement of the liquor laws of the state of Washington and the rules and regulations of the board.

(2) The administrative offices of the Washington state liquor control board and its staff are located at:

(a) Main office, (~~Capitol~~) Capital Plaza Building, 1025 East Union Avenue, Olympia.

(b) Distribution center and stores and agencies division, 4401 East Marginal Way South, Seattle.

(c) Enforcement offices (~~, including one at Olympia and one at the Seattle distribution center,~~) are maintained in major cities throughout the state.

(d) Stores and agencies are maintained in cities, towns, and areas throughout the state.

WSR 88-16-027

ADOPTED RULES

OFFICE OF FINANCIAL MANAGEMENT

[Order 88-66—Filed July 27, 1988]

I, Dan Pensula, Assistant Director, Accounting and Fiscal Services Division, Office of Financial Management, do promulgate and adopt at the Insurance Building, Room 410, Olympia, Washington 98504, the annexed rules relating to an amendment to existing WAC 82-50-021 Official lagged, semi-monthly pay dates established. The amendment deletes from the section the official semi-monthly pay dates used in calendar year 1987 and adds to the section the official semi-monthly pay dates for use in calendar year 1989. Amended WAC 82-50-021 now displays the official lagged, semi-monthly pay dates for calendar years 1988 and 1989. Three additional amendments have been made to various sections of chapter 82-50 WAC: Reference to a January 1, 1984, starting date for twice-a-month pay periods has been deleted from existing WAC 82-50-021; existing WAC 82-50-031 Exceptions, has been amended as follows: First, the correct original effective date of adoption of the lagged, semi-monthly pay date regulations, September 23, 1983, has been specifically added to subsection (1) in place of a vague reference to the date. Additionally, "PROVIDED, That" phrases in subsections (1) and (3) have been replaced by more precise language to clarify the original meaning of these two subsections; and existing WAC 82-50-041 Effective date, has been repealed. These three technical amendments have been made on the advice of the code reviser's office to eliminate historical references serving no further use and to replace confusing, ambiguous language with more precise language.

This action is taken pursuant to Notice No. WSR 88-13-092 filed with the code reviser on June 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 42.16.010(1) and 42.16.017 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 27, 1988.

By Dan Pensula
Assistant Director
Accounting and Fiscal
Services Division

AMENDATORY SECTION (Amending Order 87-65, filed 7/30/87)

WAC 82-50-021 OFFICIAL LAGGED, SEMI-MONTHLY PAY DATES ESTABLISHED. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1) (~~that began on January 1, 1984~~). The following are the official lagged, semimonthly pay dates for calendar years (~~1987 and~~) 1988 and 1989:

(~~CALENDAR YEAR 1987~~ — CALENDAR YEAR 1988

Friday, January 9, 1987	Monday, January 11, 1988
Monday, January 26, 1987	Monday, January 25, 1988
Tuesday, February 10, 1987	Wednesday, February 10, 1988
Wednesday, February 25, 1987	Thursday, February 25, 1988
Tuesday, March 10, 1987	Thursday, March 10, 1988
Wednesday, March 25, 1987	Friday, March 25, 1988
Friday, April 10, 1987	Monday, April 11, 1988
Friday, April 24, 1987	Monday, April 25, 1988
Monday, May 11, 1987	Tuesday, May 10, 1988
Friday, May 22, 1987	Wednesday, May 25, 1988
Wednesday, June 10, 1987	Friday, June 10, 1988
Thursday, June 25, 1987	Friday, June 24, 1988
Friday, July 10, 1987	Monday, July 11, 1988
Friday, July 24, 1987	Monday, July 25, 1988
Monday, August 10, 1987	Wednesday, August 10, 1988
Tuesday, August 25, 1987	Thursday, August 25, 1988
Thursday, September 10, 1987	Friday, September 9, 1988
Friday, September 25, 1987	Monday, September 26, 1988
Friday, October 9, 1987	Friday, October 7, 1988
Monday, October 26, 1987	Tuesday, October 25, 1988
Tuesday, November 10, 1987	Thursday, November 10, 1988
Wednesday, November 25, 1987	Wednesday, November 23, 1988
Thursday, December 10, 1987	Friday, December 9, 1988
Thursday, December 24, 1987	Friday, December 23, 1988))

CALENDAR YEAR 1988 CALENDAR YEAR 1989

Monday, January 11, 1988	Tuesday, January 10, 1989
Monday, January 25, 1988	Wednesday, January 25, 1989
Wednesday, February 10, 1988	Friday, February 10, 1989
Thursday, February 25, 1988	Friday, February 24, 1989
Thursday, March 10, 1988	Friday, March 10, 1989
Friday, March 25, 1988	Friday, March 24, 1989
Monday, April 11, 1988	Monday, April 10, 1989
Monday, April 25, 1988	Tuesday, April 25, 1989
Tuesday, May 10, 1988	Wednesday, May 10, 1989
Wednesday, May 25, 1988	Thursday, May 25, 1989

CALENDAR YEAR 1988	CALENDAR YEAR 1989
Friday, June 10, 1988	Friday, June 9, 1989
Friday, June 24, 1988	Monday, June 26, 1989
Monday, July 11, 1988	Monday, July 10, 1989
Monday, July 25, 1988	Tuesday, July 25, 1989
Wednesday, August 10, 1988	Thursday, August 10, 1989
Thursday, August 25, 1988	Friday, August 25, 1989
Friday, September 9, 1988	Monday, September 11, 1989
Monday, September 26, 1988	Monday, September 25, 1989
Friday, October 7, 1988	Tuesday, October 10, 1989
Tuesday, October 25, 1988	Wednesday, October 25, 1989
Thursday, November 10, 1988	Thursday, November 9, 1989
Wednesday, November 23, 1988	Wednesday, November 22, 1989
Friday, December 9, 1988	Monday, December 11, 1989
Friday, December 23, 1988	Friday, December 22, 1989

AMENDATORY SECTION (Amending Order 83-59, filed 8/24/83)

WAC 82-50-031 EXCEPTIONS. The salaries of all state officers and employees shall be paid on a schedule consistent with the provisions of WAC 82-50-021 with the following exceptions:

(1) Schedules for the payment of compensation on dates other than those established in WAC 82-50-021 are authorized for those state officers and employees with written contracts currently in force which explicitly specify payroll dates other than those established in WAC 82-50-021 until the contracts in effect on ~~((the effective date of this rule))~~ September 23, 1983, expire or are renegotiated~~((: PROVIDED, That))~~. After that date, no state agency, office, or institution ~~((shall hereafter))~~ may contract or agree to any payroll dates other than as specified in WAC 82-50-021 and no state agency, office, or institution ~~((shall))~~ may agree to any extension of a contract specifying payroll dates other than those set in WAC 82-50-021 without amending the contract to delete any reference to payroll dates other than those established by WAC 82-50-021.

(2) Schedules for the payment of compensation on pay dates other than those established in WAC 82-50-021 may be authorized in writing by the director of the office of financial management, or the director's designee, in the following instances:

- (a) For short-term, intermittent, noncareer state employees;
- (b) For student employees of institutions of higher education; and
- (c) For liquor control agency managers who are paid a percentage of monthly liquor sales.

(3) Schedules for the payment of compensation on pay dates other than those established in WAC 82-50-021 may be authorized by the director of the office of financial management, or the director's designee, only upon the written request of the agency head, or the agency head's designee, and only for the purpose of maintaining a lagged, semimonthly pay date schedule of shorter duration than the official lagged, semimonthly pay date schedule established in WAC 82-50-021~~((: PROVIDED, That))~~. However, the official pay periods established by RCW 42.16.010(1) are in effect.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 82-50-041 EFFECTIVE DATE.

WSR 88-16-028
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 88-63—Filed July 27, 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 Pacific halibut are available and this rule conforms with those of the International Pacific Halibut Commission.

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

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 27, 1988.

By Judith Merchant
 Deputy
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-56-24500E HALIBUT—BAG AND POSSESSION LIMITS. Notwithstanding the provisions of WAC 220-56-245, effective 12:01 a.m. August 1, 1988, it is unlawful to take, fish for or possess halibut except as follows:

- (1) The daily bag limit is two halibut in catch record card areas 1 and 2.
- (2) The daily bag limit is one halibut in those waters of catch record card areas 5 through 13.
- (3) The possession limit shall not exceed one daily bag limit of fresh halibut.

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 220-56-25500D HALIBUT—SEASONS. Notwithstanding the provisions of WAC 220-56-255,

effective immediately, it is unlawful to take fish for or possess pacific halibut for personal use except from:

(1) *Immediately through September 30 in catch record card areas 1 and 2.*

(2) *12:01 a.m. August 1, 1988 through September 5, 1988 in catch record card areas 5 through 13.*

WSR 88-16-029
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 88-64—Filed July 27, 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 Wenatchee sockeye run is below 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 27, 1988.

By Joseph R. Blum
 Director

NEW SECTION

WAC 220-57A-18300A LAKE WENATCHEE.
Notwithstanding the provisions of WAC 220-57A-183, effective immediately through September 5, 1988 it is unlawful to take, fish for or possess salmon for personal use from the waters of Lake Wenatchee.

WSR 88-16-030
PROPOSED RULES
COMMISSION ON
ASIAN AMERICAN AFFAIRS
 [Filed July 28, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Commission on Asian American Affairs intends to adopt, amend, or repeal rules concerning expand duties of executive committee to include public relations, abolish public relations committee; and change address of commission field office.

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 43.117.050(2).

The specific statute these rules are intended to implement is WAC 34-02-010 and 34-04-120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 6, 1988.

Dated: July 5, 1988
 By: Lois Hayasaka
 Executive Director

STATEMENT OF PURPOSE

Title: Chapters 34-02 and 34-04 WAC.

Description of Purpose: Change duties of executive committee to include public relations; and change address of commission.

Statutory Authority: RCW 43.117.050(2).

Specific Statute Rule is Intended to Implement: WAC 34-02-010 and 34-04-120.

Summary of Rule: WAC 34-02-010 Organization and operation of the Commission on Asian American Affairs, it is proposed this section be changed, dissolving the public relations committee of the commission. Duties of the public relations committee will be undertaken by the executive committee; and WAC 34-04-120 Communication with the commission, it is proposed that the address of the commission office in Seattle be changed.

Reasons Supporting Proposed Action: Public relations work does not warrant efforts of a full committee. Commissioners are needed for ad hoc committees formed to address changing issues affecting Asian Pacific Americans; and commission has changed its address.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Executive Director Lois Hayasaka and Administrative Assistant Deni Yamauchi.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Washington State Commission on Asian American Affairs, government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: N/A.

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 82-1, filed 9/28/82)

WAC 34-02-010 ORGANIZATION AND OPERATION OF THE COMMISSION ON ASIAN-AMERICAN AFFAIRS. (1) The commission on Asian-American affairs, hereinafter referred to as the commission, is a commission in the office of the governor established by RCW 43.117.030. The commission exists to improve the well-being of Asian-Pacific Americans by helping to insure their participation in the fields of government, business and education, and to aid Asian-Pacific Americans in obtaining governmental services in order to promote the health, safety and welfare of all residents of this state. The duties and responsibilities of the commission are more particularly described in chapter 43.117 RCW. The twelve members of the commission are appointed by the governor.

(2) All basic policy decisions are made by the commission at its regular and special meetings. To assist in policy formulation, and to otherwise assist in carrying out its various duties and responsibilities, the commission has an executive director, appointed by the governor

based on commission recommendations, a staff hired by the executive director, and ~~((three))~~ two standing committees comprised of commission members. The committees are:

(a) The executive committee, which is responsible for reviewing major news releases and other information designed to increase the public's knowledge of the commission or Asian-Pacific Americans, and for conducting certain commission business and for undertaking specific tasks delegated by the commission;

(b) The nominations committee, which is responsible for developing and implementing procedures by which to recommend commission and executive director appointees, and for such other tasks as may be delegated by the commission; and

~~((c) The public relations committee, which is responsible for reviewing major news releases and other information designed to increase the public's knowledge of the commission or Asian-Pacific Americans.))~~

Other committees may be formed at any time by the commission for the purpose of addressing various issues affecting Asian-Pacific Americans.

(3) The commission maintains a central administrative office at 1515 South Cherry, Olympia, Washington, 98504, and a field office at ~~((671 South Jackson, Suite 206;))~~ 110 Prefontaine Pl. S., Suite 202, Seattle, Washington, 98104.

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

Reviser's note: The typographical 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 82-1, filed 9/28/82)

WAC 34-04-120 ADOPTION OF FORM. The commission hereby adopts for use by all persons requesting inspection or copying of its records, the form set out below, entitled "Request for public records."

We have received your request for copies of our public records. Please complete the attached form and return it with the proper payment to the address below. We will forward to you those requested copies which are not exempt from disclosure when we receive this form. Thank you.

Return to:

Commission on Asian-American Affairs
c/o Executive Director
1515 South Cherry
Olympia, WA 98504

or

~~((671 South Jackson, Suite 206))~~
110 Prefontaine Pl. S. #202
Seattle, WA 98104

REQUEST FOR PUBLIC RECORDS

Date _____ Time _____

Name _____

Address _____

Description of Records _____

I certify that the information obtained through this request for public records will not be used for commercial purposes.

Signature

Number of copies	_____
Number of pages	_____
Per page charge	\$.25
Total charge	\$ _____

WSR 88-16-031
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
[Filed July 28, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Transportation intends to adopt, amend, or repeal rules concerning prequalification of ferry system contractors, chapter 468-310 WAC;

that the agency will at 10:00 a.m., Monday, September 12, 1988, in the Board Room, 1D 2, Transportation Building, Olympia, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 47.60.680.

The specific statute these rules are intended to implement is RCW 47.60.680.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 1, 1988.

Dated: July 27, 1988

By: A. D. Andreas
Deputy Secretary

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Transportation, Marine Division.

Purpose: To implement RCW 47.60.680.

Statutory Authority: RCW 47.60.680.

Summary of the Rule: To raise maximum bidding amounts without audited financial statements from \$1,000,000 to \$10,000,000.

Reason Proposed: To allow more contractors to become prequalified for bidding of projects in this price range.

Responsible Departmental Personnel: In addition to the Secretary of Transportation, the following individuals have knowledge of and responsibility for drafting, implementing, enforcing and repealing this rule: Harold W. Parker, Assistant Secretary for Marine, 801 Alaskan Way, Seattle, WA 98104, phone (206) 464-7818, 576-7816 scan.

Proponents: The Washington State Department of Transportation.

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.

AMENDATORY SECTION (Amending Order 84, filed 9/12/83)

WAC 468-310-020 CONTENTS OF STANDARD PREQUALIFICATION QUESTIONNAIRE AND FINANCIAL STATEMENT. The standard prequalification questionnaire and financial

statement shall be prepared in duplicate. The original shall be transmitted to the assistant secretary for marine transportation and a copy shall be retained by the contractor applicant. The contractor shall provide the following information:

(1) The name, address, phone number, contractor registration number and type of organization (corporation, copartnership, individual, etc.) of the contractor seeking prequalification.

(2) The contract size in dollars and the class or classes of work for which the contractor seeks prequalification (such as vessel dry-docking and hull repairs, vessel electrical repairs, etc.) as enumerated in subsection (8) of WAC 468-310-050.

(3) Ownership of the contractor and if a corporation, the name of the parent corporation (if any) and any affiliated companies or subsidiaries.

(4) An accurate and complete record of the 15 largest contracts in excess of \$10,000 performed by the contractor in whole or in part within the preceding three years both in Washington and elsewhere, including subcontracts, giving the contract amount, the date completed, the class of work, the name, address and phone number of the owner/agency representative, and any liquidated damages assessed against the contractor by an owner arising out of the performance of the contract.

(5) The principal officers and key employees showing the number of years each engaged in the class or classes of work for which the contractor seeks prequalification. The department may require resumes of the principal officers and key employees of any contractor seeking prequalification certification for work in excess of \$1,000,000.

(6) A contractor (~~(applying for)~~) requesting prequalification certification to perform work in excess of ~~(((\$1,000,000))~~) \$10,000,000 shall ~~((provide, in addition to the financial data required by the questionnaire, a copy of its financial statement for its last fiscal year))~~ submit copies of its audited annual statements for the previous three years as audited by an independent certified public accountant which shall include comparative balance sheets and income statements, a statement of retained earnings, supporting schedules and notes attached thereto, and the opinion of the independent auditor. The financial statement shall not be more than 12 months old when submitted. Any wholly owned subsidiary corporation may file the latest consolidated financial statement of its parent corporation in lieu of a financial statement prepared solely for such subsidiary providing the financial statement otherwise meets the requirements of the preceding two sentences. If a consolidated financial statement is filed on behalf of a subsidiary corporation, a bid of the subsidiary corporation will be considered only if there is on file with the department a letter from the parent corporation guaranteeing performance by the subsidiary corporation of its contract with the department of transportation in an amount at least equal to the amount of the bid. A letter of guarantee by a parent corporation may cover a specific contract bid by its subsidiary or all contracts bid by its subsidiary within a stated period of time. (~~A contractor requesting prequalification certification to perform work in excess of \$2,000,000 shall submit copies of its audited annual statements for the previous three years.~~)

(7) A list of all major items of equipment to be used in those classes of work for which prequalification certification is requested including the original cost, age, location and condition of such equipment. The schedule shall show whether the equipment is owned, leased or rented. All major items of useful equipment should be listed even though fully depreciated but no obsolete or useless equipment should be included. In the event the contractor seeks prequalification certification to perform work on ferry vessels, the schedule shall also describe plant facilities of the contractor including shipyards, dry docks, repair facilities and other plant facilities.

(8) Such other information as may be required by the prequalification questionnaire.

AMENDATORY SECTION (Amending Order 84, filed 9/12/83)

WAC 468-310-050 CLASSIFICATION AND CAPACITY RATING. (1) Each contractor seeking prequalification under these rules will be classified for one or more of the classes of work listed in subsection 8 of this section and will be given a maximum capacity rating in accordance with its financial ability, the adequacy of its equipment and plant facilities to perform the class or classes of work for which it has sought prequalification, the extent of the contractor's experience in performing contracts of the class or classes for which prequalification is sought, and the adequacy of the experience and capability of the contractor's officers and key employees in performing contracts of the class or classes for which prequalification is sought. The

maximum capacity rating will limit the quantity of uncompleted work which the contractor shall have under contract at any one time either as a prime contractor or a subcontractor.

(2) ~~((The maximum capacity rating for a contractor applying for a rating in excess of \$1,000,000 will be ten times the contractor's net worth as determined from the contractor's financial statement.))~~ The maximum capacity rating for a contractor applying for a rating in excess of \$50,000 and up to and including ~~(((\$1,000,000))~~) \$10,000,000 will be ten times the contractor's net worth as set forth in the standard prequalification questionnaire and financial statement. A properly executed letter of credit from an acceptable financial institution may be considered as an asset increasing the contractor's maximum capacity rating by the amount of the credit, but without the use of a multiplier. The maximum capacity rating for a contractor not submitting an audited financial statement as provided in subsection (6) of WAC 468-310-020 will be ~~(((\$1,000,000))~~) \$10,000,000; PROVIDED, That in all cases the contractor's maximum capacity rating may be reduced to an amount considered by the department to be within the contractor's actual capacity based upon its organization, personnel, equipment and plant, and experience.

(3) Consideration will be given to raising, by an amount not to exceed 50 per cent, the maximum capacity rating of a contractor who qualifies with respect to actual capacity based upon organization, personnel, equipment and plant facilities, and experience, upon receipt of evidence of a current bonding capacity of such additional amount with a corporate surety. Such evidence shall be in the form of a letter of commitment executed by an officer of the surety who is authorized to bind the surety. Notwithstanding the provisions of this subsection, the maximum capacity rating for a contractor not submitting an audited financial statement as provided in subsection (6) of WAC 468-310-020 will be ~~(((\$1,000,000))~~) \$10,000,000.

(4) The certificate of prequalification issued by the department will establish a contractor's maximum capacity rating which will be subject to reduction by the total value of its current uncompleted work regardless of its location and with whom it may be contracted to determine the contractor's bidding capacity at the particular time. This bidding capacity shall be called "current capacity."

(5) In determining the current capacity of a contractor, the deduction for uncompleted work will include work subcontracted from others and the contractor will be given a credit for work sublet to others.

(6) In order that the department may have the necessary information to determine a contractor's current capacity, the contractor shall submit to the department for each contract for which it intends to submit a bid (at the time it requests a bid or proposal form) a certificate of the contractor's current capacity which will be prepared by it and executed under oath and which will be accompanied and supported by a status of contracts on hand report. In making this certification, the contractor certifies that its current capacity is sufficient to cover the amount of any single contract for which it has submitted a bid.

(7) Notwithstanding the provisions of this section, a contractor will be allowed to submit a bid for an amount up to \$50,000 on a class or classes of work for which it is prequalified without regard to any financial maximum capacity rating or financial current capacity rating; PROVIDED, That the contractor's current capacity may be reduced to an amount considered by the department to be within the contractor's actual capacity based upon its organization, personnel, equipment and plant facilities, and experience.

(8)(a) Construction, repair and maintenance work on ferry vessels and main ferry terminal buildings for which prequalification certification under these rules may be granted are classified as follows:

- Class 1 Vessel construction and renovation;
- Class 2 Dry-docking and hull repairs;
- Class 3 Vessel metal fabrication repairs;
- Class 4 Vessel electrical repairs;
- Class 5 Vessel miscellaneous repairs;
- Class 6 New terminal building construction and terminal building major reconstruction and remodeling;
- Class 7 Terminal building renovation and repairs;
- Class 8 Painting (terminals ~~((buildings))~~ only);
- Class 9 Roofing (terminal buildings only);
- Class 10 Terminal ~~((buildings))~~ structures - miscellaneous, including pile driving.

(b) A contractor currently prequalified under RCW 47.28.070 to perform those classes of work required in the construction, improvement and repair of ferry terminal facilities (other than main terminal buildings) will initially be deemed prequalified under these rules to

perform such classes of work with the same capacity rating as approved by the department for highway related work.

WSR 88-16-032
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed July 28, 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 nursing pool fees, WAC 308-310-010;

that the agency will at 10:00 a.m., Monday, September 19, 1988, in the Exam Center, First Floor, 1300 Quince Street, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on a date 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 September 12, 1988.

Dated: July 27, 1988

By: Mary Faulk
 Director

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To establish the amount of fees associated with the registration of professions administered by the Department of Licensing.

Statutory Authority: RCW 43.24.086.

Summary of Rules: WAC 308-310-010 Nursing pool fees.

Reason Proposed: To set the fees for nursing pools at a sufficient level to defray the costs of administering the program.

Responsible Department Personnel: In addition to the Department of Licensing, the following personnel have knowledge of and responsibility for drafting, implementing and enforcing the rules: Robert Van Schoorl, Assistant Director, 1300 Quince Street S.E., Olympia, WA 98504, 234-2241 scan, 753-2241 comm.

Proponents: The director of the Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as a result of federal law or federal or state court requirements.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as the term is defined by RCW 43.31.920.

NEW SECTION

WAC 308-310-010 NURSING POOL FEES. The following fees shall be charged by the professional licensing division of the department of licensing.

<u>TITLE</u>	<u>FEE</u>
Registration application	\$ 75.00
Registration renewal	75.00
Duplicate registration	15.00

WSR 88-16-033
EMERGENCY RULES
DEPARTMENT OF LICENSING
 [Order PM 756—Filed July 28, 1988]

I, Mary Faulk, 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 regulation of certain professions administered by the Department of Licensing, WAC 308-310-010 Nursing pool fees.

I, Mary Faulk, 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 adoption of the new fees is necessary to adequately fund the affected licensing programs pending the adoption of permanent fees on or about September 6, 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 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 July 27, 1988.

By Mary Faulk
 Director

NEW SECTION

WAC 308-310-010 NURSING POOL FEES. The following fees shall be charged by the professional licensing division of the department of licensing.

<u>TITLE</u>	<u>FEE</u>
Registration application	\$ 75.00
Registration renewal	75.00
Duplicate registration	15.00

WSR 88-16-034
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Nursing)
 [Order PM 751—Filed July 28, 1988]

Be it resolved by the Board of Nursing, acting at the Executive Inn, 5700 Pacific Highway East, Fife, WA, that it does adopt the annexed rules relating to WAC

308-120-100, 308-120-163, 308-120-164, 308-120-170, 308-120-180, 308-120-185, 308-120-338, 308-120-505, 308-120-506, 308-120-525, 308-120-530, 308-120-535, 308-120-540, 308-120-545, 308-120-550, 308-120-555, 308-120-560, 308-120-565, 308-120-570, 308-120-575, 308-120-507, 308-120-508, 308-120-509, 308-120-510, 308-120-511, 308-120-512, 308-120-513, 308-120-514, 308-120-515, 308-120-516, 308-120-517, 308-120-518, 308-120-519, 308-120-520, 308-120-521 and 308-120-522.

This action is taken pursuant to Notice No. WSR 88-12-042 filed with the code reviser on May 27, 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 18.88.080, [18.88].086, [18.88].110, [18.88].120, [18.88].140, [18.88].160, [18.88].190, [18.88].200, [18.88].220, 18-130.050 and SHB 1404, chapter 211, 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 13, 1988.

By Lorraine H. Overmyer
Acting Chairman

AMENDATORY SECTION (Amending Order PL 370, filed 1/27/81)

WAC 308-120-100 DEFINITIONS. (1) "Board" means the Washington state board of nursing.

(2) "School" means an educational unit charged with the responsibility of preparing persons to practice as registered nurses. Three types of basic schools of nursing are distinguished by the certificate awarded to the graduate. Schools of nursing within colleges and universities award the associate degree or baccalaureate degree. Schools of nursing sponsored by a hospital award a diploma.

(3) "~~((Initial))~~ Provisional approval" of schools of nursing is the approval given a new school of nursing based on its proposed program prior to the admission of its first class.

(4) "Full approval" of a school of nursing is the approval given a school of nursing that meets the requirements of the law and the rules and regulations of the board.

(5) "Conditional approval" of a school of nursing is the approval given a school of nursing that has failed to meet the requirements of the law and the rules and regulations of the board, and it specifies conditions that must be met within a designated time to rectify the failure.

(6) An "unapproved school of nursing" is a school of nursing that has been removed from the list of approved schools for failure to meet the requirements of the law and the rules and regulations of the board or a school that has never been approved by the board.

(7) "Extended learning sites" refers to any area external to the parent organization selected by faculty for student learning experiences.

(8) "Faculty" means persons who are responsible for the educational program of the school of nursing and who hold faculty appointment in the school.

(9) "Nursing student" is a person currently enrolled in an approved school of nursing.

(10) "Nursing aide" as that phrase is used in RCW 18.88.280 (the Professional Nurse Practice Act) is a nursing student who is employed for the purpose of giving help, assistance and support in the performance of those services which constitute the practice of registered nursing.

(a) "Direction and supervision" - the nursing aide may function only under the "direction and supervision" of the licensed registered nurse. She/he may never function as an independent practitioner or in a supervisory capacity, such as, e.g., head nurse, charge nurse, supervisor, administrator, or private duty nurse. She/he shall not perform duties or functions beyond her/his educational nursing preparation, as determined by the school in which she/he is enrolled. Supervision and direction shall include, but not be limited to, the following:

(i) A delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the nursing aide, as indicated by her/his level of educational preparation;

(ii) An awareness of the activity of the nursing aide as it occurs; and

(iii) A continuing evaluation of the performance of the nursing aide, and reassignment consistent therewith.

(b) "Responsibilities - employer(~~(school of nursing,))~~ and nursing aide:"

(i) Employer. It is the responsibility of the employer of such a nursing aide to obtain evidence of the aide's preparation from the school of nursing in which this student is enrolled.

(ii) (~~(School of nursing. It is the responsibility of the school of nursing to furnish the prospective employer of the nursing aide with written evidence of the student's educational preparation. Evidence of the student's educational preparation should include types of patients for whom she/he is prepared to care, specific procedures which she/he can perform, and additional nursing functions which she/he is prepared to do.~~)

(iii) Nursing aide. It is the responsibility of the nursing aide to accept only those assignments which are within the limits of her/his preparation as specified by her/his school of nursing.

(11) "Registered nurse" as used in these rules shall mean a nurse as defined by RCW 18.88.170.

(12) "Nurse administrator" is an individual who meets the qualifications contained in WAC (~~(308-120-210)~~) 308-120-555 and who has been designated as the person primarily responsible for the direction of the program in nursing. Titles for this position may include, among others, dean, director, coordinator or chairperson.

(13) "Definition of terms appearing in RCW 18.88.280" - the terms "direction and supervision," "auxiliary services," and "minor nursing services" are defined as follows:

(a) "Minor nursing services." The techniques and procedures used by the nursing profession are extremely difficult to categorize as major or minor nursing services. The important factor with which this law is concerned is the determination of which nursing person and at what level of preparation that person may perform said technique or procedure in relation to the condition of a given patient, and this kind of determination rests with the registered nurse.

(b) "Auxiliary services" are all those nursing services provided to patients by persons other than the registered nurse, the licensed practical nurse and the nursing student.

(c) "Direction and supervision" shall include, but not be limited to the following:

(i) Delegation of duties with regard to each individual patient, which duties shall be consistent with and shall not be greater than the abilities of the auxiliary personnel, as indicated by their level of education preparation.

(ii) An awareness of the activity of auxiliary personnel.

(iii) A continuing evaluation of the performance of the auxiliary personnel.

(iv) It is the responsibility of the auxiliary person to accept only those assignments which are within the limits of his or her preparation.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-163 LICENSING EXAMINATION. (1) The current series of the National Council of the State Board of Nursing Registered Nurse Examination (NCLEX) shall be the official examination for registered nurse license.

(2) The NCLEX will consist of four ~~((two-hour))~~ ninety minute tests with ((a minimum passing standard score of 1600 for the total examination)) the overall score for the examination reported as either pass or fail.

(3) Examinations shall be conducted twice a year, in February and July.

(4) The executive secretary of the board shall negotiate with The National Council of State Boards of Nursing, Inc. (NCSBN) for the use of the NCLEX.

(5) The examination shall be administered in accord with the NCSBN security measures and contract.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-164 RELEASE OF RESULTS OF EXAMINATION. (1) Candidates shall be notified regarding the examination results by mail only.

(2) Candidates who pass shall receive a license to practice as a registered nurse provided all other requirements are met.

(3) Candidates who fail shall receive a letter of notification regarding their eligibility to rewrite the examination.

(4) In addition to a listing of the names of graduates indicating whether each passed or failed the examination, each school of nursing in Washington shall receive

a statistical report of the examination results of candidates from that school.

~~(5) ((Scores of the examination will not be released to anyone except as provided above unless release is authorized by the candidate in writing.~~

~~(6))~~ The candidate's examination results will be maintained in his/her application file in the division of professional licensing, department of licensing.

AMENDATORY SECTION (Amending Order PL 569, filed 11/26/85)

WAC 308-120-170 DOCUMENTS WHICH INDICATE AUTHORIZATION TO PRACTICE REGISTERED NURSING IN WASHINGTON. The following documents are the only documents that indicate legal authorization to practice as a registered nurse in Washington.

(1) Active license. A license is issued upon completion of all requirements for licensure – confers the right to use the title registered nurse and the use of its abbreviation, R.N. and to practice as a registered nurse in the state of Washington.

(2) Inactive license. A license issued to a person previously holding an active license in this state who desires to retire temporarily from the practice of nursing in this state.

(3) Interim permit. An interim permit may be issued to a graduate from an approved nursing school who has met all qualifications, has filed an application for examination and is eligible for admission to the licensing examination.

(a) This permit expires when a license is issued, when the candidate receives first notice of failure, or within one year from the date of issuance, whichever is the earliest date. The permit is not renewable.

(b) An applicant who does not write the examination on the date scheduled shall return the permit to the division of professional licensing.

(c) The interim permit authorizes the holder to perform functions of registered nursing as described in chapter 18.88 RCW. It is in violation of the law regulating the practice of registered nursing to use the title "registered nurse." The title "interim permit nurse" or "graduate nurse" may be used.

~~((3))~~ (4) Limited educational license. A limited educational license may be issued to a person who has been on nonpracticing status for three years or more and who wishes to return to active status (see WAC 308-120-185).

~~((4))~~ (5) Advanced registered nurse practitioner (ARNP) recognition document. An ARNP recognition document may be issued to any person who meets the requirements of the board as contained in WAC 308-120-300. Only persons holding this recognition document shall have the right to use the title "advanced registered nurse practitioner" or the abbreviation "ARNP." This document authorizes the ARNP to engage in the scope of practice allowed for his or her specialty area and is valid only with a current registered nurse license.

~~((5))~~ (6) ARNP interim permit. An interim permit may be issued following satisfactory completion of an advanced formal education program, registration for the

first certification examination of an approved program following completion of the education and filing of an application, fee and requested documentation. If the applicant passes the examination the department shall grant advanced registered nurse practitioner status. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable.

(7) ARNP prescriptive authorization. A notation of prescriptive authorization may be placed on the ARNP recognition document issued to any person who meets the requirements of the board as contained in WAC 308-120-410. This authorizes the ARNP to prescribe legend drugs within his or her scope of practice and is valid only with a current registered nurse license.

AMENDATORY SECTION (Amending Order PL 449, filed 12/2/83)

WAC 308-120-180 RENEWAL OF LICENSES.

(1) The license renewal date shall coincide with the licensee's birthdate.

(a) Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their ((next)) birth anniversary date.

(b) Individuals making application for initial license with the state of Washington and under the reciprocity regulations, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) Licensees may renew their licenses, at the ((annual)) current renewal fee rate((- for one year, from birth anniversary date to next birth anniversary date)).

(3) The late payment penalty provision will be applied as follows:

((a)) Before the expiration date of the individual's license, the director shall mail a notice for renewal of license to every person holding a current license. The licensee must return such notice along with current renewal fees prior to the expiration of said license. Failure of any licensee to receive such notice shall not relieve or exempt such licensee from the requirements of this section. Should the licensee fail to renew his or her license prior to the expiration date, then the individual is subject to the penalty fee. If the licensee fails to renew his or her license within one year from expiration thereof, such individual must apply for licensing under the statutory conditions then in force. If the licensee fails to renew the license within three years from the expiration date, the individual must also meet the requirements of WAC 308-120-185.

((4)) ~~Effective January 1, 1985, individuals making application for license renewal must submit, in addition to the required fee, evidence to show compliance with the continuing education requirements of WAC 308-120-600 through 308-120-608.~~

AMENDATORY SECTION (Amending Order PL 370, filed 1/27/81)

WAC 308-120-185 RETURN TO ACTIVE STATUS FROM ((TEMPORARY RETIREMENT))

INACTIVE OR LAPSED STATUS. After January 1, 1974, persons on ((nonpracticing)) inactive status for three years or more and after August 1, 1988, persons on lapsed status for three years or more, who do not hold a current active license in any other United States jurisdiction and who wish to return to active status shall be issued a limited educational license to enroll in a board approved refresher course. Upon successful completion of the course, the individual's license shall be returned to active status. ((Nonpracticing means the individual has been on the inactive list for a period of three years or more and does not hold a current license to practice in Washington or in any other United States jurisdiction.))

NEW SECTION

WAC 308-120-338 APPLICATION REQUIREMENTS FOR ARNP INTERIM PERMIT. A registered nurse who has completed advanced formal education and registered for a board approved national certification examination may be issued an interim permit to practice specialized and advanced nursing pending notification of the results of the first certification examination.

(1) An applicant for ARNP interim permit shall:

(a) Submit a completed application on a form provided by the board accompanied by a nonrefundable fee as specified in WAC 308-120-275; and

(b) Submit documentation of completion of advanced formal education in the area of specialty; and

(c) Submit documentation of registration for the first certification examination administered by an approved certification program following completion of advanced formal education; and

(d) Hold a current license to practice as a registered nurse in Washington.

(2) The permit expires when advanced registered nurse practitioner status is granted. If the applicant fails the examination, the interim permit shall expire upon notification and is not renewable.

(3) An applicant who does not write the examination on the date scheduled shall immediately return the permit to the department of licensing.

(4) The interim permit authorizes the holder to perform function of advanced and specialized nursing practice as described in this section.

AMENDATORY SECTION (Amending Order PL 339, filed 3/27/80)

WAC 308-120-505 PHILOSOPHY GOVERNING APPROVAL OF ((SCHOOLS OF)) NURSING EDUCATION PROGRAMS. While the board herein has established minimum standards for approved schools of nursing, it believes that each school of nursing should have flexibility in developing and implementing its philosophy, purposes, and objectives. Such development and implementation should be based not only upon the minimum standards for approved schools of nursing, but also upon sound educational and professional principles for the preparation of registered nurses to meet current and future nursing needs of the public. The board believes

that there must be congruence between the total program activities of the school of nursing and its stated philosophy, purpose and objectives.

The board further believes that the minimum standards for approved schools of nursing can be useful to schools of nursing by promoting self-evaluation which may lead to program development and improvement.

AMENDATORY SECTION (Amending Order PL 339, filed 3/27/80)

WAC 308-120-506 PURPOSES OF BOARD APPROVAL OF ((SCHOOLS OF)) NURSING EDUCATION PROGRAMS. The board approves ((schools of)) nursing education programs for the following purposes:

(1) To ((insure)) assure preparation for the safe practice of nursing by setting minimum standards for ((schools of)) nursing education programs preparing persons for licensure as registered nurses((;));

(2) ((To provide the public and prospective students with a list of schools of nursing that meet the minimum standards;

(3)) To provide guidance for the development of new nursing education programs;

(3) To foster continued improvement of established nursing education programs;

(4) To provide criteria for the board to evaluate new or established nursing education programs;

(5) To ((safeguard the)) assure the student adequate educational preparation ((of the students,));

((4)) (6) To assure ((the graduates of approved schools of their)) eligibility for admission to the licensing examination for registered nurses, and

((5)) to facilitate interstate endorsement of graduates ((from)) of board approved schools of nursing.

NEW SECTION

WAC 308-120-525 APPROVAL OF NURSING EDUCATION PROGRAMS. (1) Application for program development.

(a) An educational institution wishing to establish a program in nursing shall:

(i) Submit to the board at least eighteen months in advance of expected opening date a statement of intent to establish a nursing education program.

(ii) Submit to the board, along with the statement of intent, a feasibility study to include at least the following information:

(A) Nursing studies documenting the need for the program in this state.

(B) Purposes and classification of the program.

(C) Availability of qualified faculty.

(D) Budgeted faculty positions.

(E) Availability of adequate clinical facilities for the program.

(F) Availability of adequate academic facilities for the program.

(G) Evidence of financial resources adequate for the planning, implementation, and continuation of the program.

(H) Anticipated student population.

(I) Tentative time schedule for planning and initiating the program.

(iii) Respond to the board's request(s) for additional information.

(b) The board shall either grant or withhold approval for program development.

(2) Program development.

(a) At least twelve months in advance of the anticipated admission of students, the organization shall appoint a qualified nurse administrator to develop a proposed nursing education program. The proposed program plan shall include:

(i) Purpose, philosophy, and objectives.

(ii) Organization and administration.

(iii) Budget.

(iv) Resources, facilities, and services.

(v) Provisions for faculty, including qualifications, responsibilities, organization, and faculty/student ratio.

(vi) Curriculum, including course descriptions and course outlines.

(vii) Policies and procedures for student selection, admission, progression, withdrawal and graduation, and record system.

(viii) Projected plans for the orderly expansion of the program.

(b) The nurse administrator shall submit to the board a written report of the proposed program plan at least five weeks prior to a scheduled board meeting at which time the plan is to be reviewed. This review shall take place six months prior to the scheduled opening date of the program.

(c) The nurse administrator of the program and other administrative officers of the organization shall attend the board meeting to present the formal application and clarify and amplify materials included in the written report of the proposed program plan.

(d) The board shall either grant or withhold provisional approval of the proposed nursing program.

(3) Provisional approval.

(a) The school shall submit course outlines to the board for review and approval at least three months prior to offering the course; and

(b) The school shall submit progress reports as requested by the board;

(c) Survey visits shall be scheduled as deemed necessary by the board during the period of provisional approval.

(4) Full approval.

(a) Within six months following graduation of the first class, a self-evaluation report of compliance with the standards for nursing education shall as identified in WAC 308-120-550 through 308-120-575 be submitted and a survey visit shall be made for consideration of full approval of the program.

(b) The board will review the self-evaluation report, survey reports and added materials for full approval of the nursing education program only at scheduled board meetings.

(c) The self-evaluation report, added materials and survey reports shall be in the board office at least five weeks prior to the board meeting.

(5) Satellite nursing education programs. An approved nursing education program wishing to initiate an off-campus, extended or satellite nursing program must submit a plan to the board demonstrating that:

(a) Faculty on-site meet all the requirements and qualifications of the parent nursing education program.

(b) Adequate clinical facilities are available and meet the requirements of the parent program.

(c) Academic facilities and resources are comparable to those of the parent program.

(6) Periodic evaluation of approved programs.

(a) To ensure continuing compliance with the plan and standards of nursing education all nursing education programs will be surveyed and reevaluated for continued approval every eight years. More frequent visits may occur as deemed necessary by the board or at the request of the nursing education program.

(i) The survey visit will be made by representative(s) of the board on dates mutually agreeable to the board and the nursing education program.

(ii) Announcement of a survey visit will be sent to programs at least eighteen months in advance of the visit.

(iii) Prior to the survey a program shall submit a self-evaluation report which provides evidence of compliance with the standards of nursing education as identified in WAC 308-120-550 through 308-120-575.

(iv) The self-evaluation report prepared for the national nursing accreditation body may be substituted in lieu of the board's survey report for that year if a national accreditation survey is scheduled for that year. Where appropriate the survey will be made in conjunction with a national accreditation visit.

(v) A draft of the survey visit report will be made available to the school for review and corrections in statistical data and for response to issues raised.

(vi) Following the board's review and decision, written notification regarding approval of the program and the board comments and recommendations will be sent to the administrator of the nursing education program.

(b) Any proposed major curriculum revision, such as changes affecting the philosophy and objectives, significant course content changes, or changes in the length of the program, shall be presented to the board for approval at least three months prior to implementation.

NEW SECTION

WAC 308-120-530 DENIAL, CONDITIONAL APPROVAL OR WITHDRAWAL OF APPROVAL.

(1) The board may deny approval to new programs when it determines that a nursing education program fails substantially to meet the standards for nursing education as contained in WAC 308-120-550 through 308-120-575. All such board actions shall be in accordance with the Washington Administrative Procedure Act and/or the administrative rules and regulations of the board.

(2) Conditional approval shall be granted a nursing education program that has failed to meet the minimum standards contained in the law and the rules and regulations of the board.

(a) Conditions that must be met within a designated time period shall be specified in writing.

(b) A conditionally approved program shall be reviewed at the end of the designated time period. Such review shall result in one of the following actions:

(i) Restoration of full approval;

(ii) Continuation of conditional approval for a specified period of time; or

(iii) Withdrawal of approval.

(3) The board may withdraw approval from existing programs when it determines that a nursing education program fails substantially to meet the standards for nursing education as contained in WAC 308-120-550 through 308-120-575. All such actions shall be effected in accordance with the Administrative Procedure Act and/or the administrative rules and regulations of the board.

NEW SECTION

WAC 308-120-535 REINSTATEMENT OF APPROVAL. The board may consider reinstatement of withdrawn approval of a nursing education program upon submission of satisfactory evidence that the program meets the standards of nursing education, WAC 308-120-550 through 308-120-575.

NEW SECTION

WAC 308-120-540 APPEAL OF BOARD DECISIONS. A nursing education program deeming itself aggrieved by a decision of the board affecting its approval status shall have the right to appeal the board's decision in accordance with the provisions of chapter 18.88 RCW and the Administrative Procedure Act, chapter 34.04 RCW.

NEW SECTION

WAC 308-120-545 CLOSING OF AN APPROVED NURSING EDUCATION PROGRAM. (1) Voluntary closing. When a governing institution decides to close a program it shall notify the board in writing, stating the reason, plan, and date of intended closing. The governing institution may choose one of the following closing procedures:

(a) The program shall continue until the last class enrolled is graduated.

(i) The program shall continue to meet the standards for approval WAC 308-120-550 through 308-120-575 until all of the enrolled students have graduated.

(ii) The date of closure is the date on the degree, diploma, or certificate of the last graduate.

(iii) The board shall be notified by the governing institution of the closing date.

(b) The program shall close after assisting in the transfer of students to other approved programs.

(i) The program shall continue to meet the standard required for approval, WAC 308-120-550 through 308-120-575 until all students are transferred.

(ii) A list of the names of students who have been transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.

(iii) The date on which the last student was transferred shall be the closing date of the program.

(c) Custody of records.

(i) If the program closes but the governing institution continues to function, it shall assume responsibility for the records of the students and graduates. The board shall be advised of the arrangements made to safeguard the records.

(ii) If the governing institution ceases to exist, the academic records of each student and graduate shall be transferred to the board for safekeeping.

(iii) The board shall be consulted about the disposition of all other records.

(2) Closing as a result of withdrawal of approval. When the board withdraws approval of a nursing education program, the governing institution shall comply with the following procedures:

(a) Students of the program shall be notified in writing of their status and options for transfer to an approved program.

(b) The program shall close after assisting in the transfer of students to other approved programs. A time frame for the transfer process will be established by the board.

(c) A list of the names of students who have transferred to approved programs and the date on which the last student was transferred shall be submitted to the board by the governing institution.

(d) Custody of records.

(i) If the governing institution continues to function, it shall assume responsibility for the records of the students and the graduates. The board shall be advised of the arrangements made to safeguard the records.

(ii) If the governing institution ceases to exist, the academic records of each student and graduate shall be transferred to the board for safekeeping.

(iii) The board shall be consulted about the disposition of all other records.

NEW SECTION

WAC 308-120-550 PURPOSE, PHILOSOPHY, AND OBJECTIVES FOR APPROVED NURSING EDUCATION PROGRAMS. (1) The purpose, philosophy, and objectives of the program shall be stated clearly and shall be available in written form. They shall be consistent with the definition of nursing practice as outlined in RCW 18.88.030.

(2) The nursing education program shall have a statement of philosophy that is consistent with the philosophy of the governing institution.

(3) The objectives shall be consistent with the philosophy and shall describe the cognitive, affective, and psychomotor capabilities of the graduate.

NEW SECTION

WAC 308-120-555 ORGANIZATION AND ADMINISTRATION FOR APPROVED NURSING EDUCATION PROGRAMS. (1) The nursing education program shall be an integral part of the accredited governing institution. The governing institution accreditation must be by an approved accrediting body.

(2) The relationship of the nursing education program to other units within the governing institution shall be clearly delineated.

(3) The nursing education program shall be organized with clearly defined authority, responsibility, and channels of communication.

(4) The nursing education faculty shall be involved in determining academic policies and procedures of the nursing program.

(5) The nursing education program shall allow student participation in committees in the determination of program policies and procedures, curriculum planning and evaluation.

(6) The nursing education program shall be administered by a registered nurse currently licensed in this state with the following qualifications:

(a) In a program offering the associate degree, a minimum of a masters with a major in nursing, preparation in education and administration, and at least five years of professional experience as a registered nurse including two years of experience in nursing education.

(b) In a program offering the baccalaureate degree in nursing, a masters degree with a major in nursing, a doctoral degree in nursing and/or a related field, preparation in education and administration, and at least five years of experience as a registered nurse including two years of experience in nursing education.

(7) The administrator of the nursing education program shall be responsible for creation and maintenance of an environment conducive to teaching and learning through:

(a) Facilitation of the development, implementation and evaluation of the curriculum.

(b) Liaison with central administration and other units of the governing institution.

(c) Facilitation of faculty development and performance review consistent with the policies of institution.

(d) Facilitation of faculty recruitment and appointment.

(e) Recommendation of faculty for appointment, promotion, tenure, and retention consistent with the policies of the institution.

(f) Facilitation of the development of long-range goals and objectives for the nursing program.

(g) Facilitation of recruitment, selection, and advisement of students.

(h) Assurance that the rules and regulations of the state board of nursing are effectively implemented.

(i) Notifying the board of any major changes in the program or its administration.

(8) The administrator of the nursing education program shall have designated time provided to conduct relevant administrative duties and responsibilities.

NEW SECTION

WAC 308-120-560 RESOURCES, FACILITIES, AND SERVICES FOR APPROVED NURSING EDUCATION PROGRAMS. (1) Classrooms, laboratories, and conference rooms shall be available and shall be adequate in size, number, and type according to the number of students and the educational purposes for which the rooms are to be used.

(2) Offices shall be available and adequate in size, number, and type to provide faculty with opportunity for uninterrupted work and privacy for the conferences with students. Adequate space shall be provided for clerical staff, records, files, and other equipment.

(3) Clinical facilities.

(a) A variety of sites shall be utilized for learning experiences. These may include, but need not be limited to, hospitals, clinics, offices of health professionals, health centers, nursery schools, elementary and secondary schools, rehabilitation centers, mental health clinics, public health departments, and extended care resources.

(b) Clinical facilities shall be selected to provide learning experience of sufficient number and kind for student achievement of the course/curriculum objectives.

(c) Clinical facilities shall be approved by the appropriate accreditation or licensing evaluation bodies, if such exist.

(4) Library facilities shall be provided for use by the faculty and students. Physical facilities, hours, and scope and currency of learning resources shall be appropriate for the purpose of the program and for the number of faculty and students.

(5) Periodic evaluations of resources, facilities, and services shall be conducted by the administration, faculty, and/or students.

(6) Adequate financial support for faculty, support personnel, equipment, supplies, and services shall be demonstrated.

NEW SECTION

WAC 308-120-565 STUDENTS IN APPROVED NURSING EDUCATION PROGRAMS. (1) Policies and procedures for selection, admission, progression, graduation, withdrawal, and dismissal shall be consistent with the policies of the governing institution, and shall be available in written form. Where necessary, policies specific to nursing students may be adopted if justified by the nature and purposes of the nursing program.

(2) Students who seek admission by transfer from another approved nursing education program, or readmission for completion of the program, shall meet the equivalent of the program's current standards required of those regularly enrolled.

(3) A system of student records shall be maintained.

(4) A statement of student rights and responsibilities shall be available in written form.

NEW SECTION

WAC 308-120-570 FACULTY IN APPROVED NURSING EDUCATION PROGRAMS. (1) There shall be a sufficient number of qualified faculty with adequate diversity of expertise in nursing to meet the purposes and objectives of the nursing education program.

(2) The maximum ratio of faculty to students in clinical areas involving direct care of patients or clients shall be one faculty member to twelve students. A lower ratio may be required by the board of nursing for students in initial or highly complex learning situations. Factors to be considered in determining the ratio are:

(a) The preparation and expertise of the faculty member;

(b) The objectives to be achieved;

(c) The level of students;

(d) The number, type, and conditions of patients;

(e) The number, type, location, and physical layout of clinical facilities being used for a particular course(s).

(3) Nursing faculty, including those in career ladder programs, shall have the following qualifications:

(a) A current license to practice as a registered nurse in Washington.

(b) A masters degree with a major in nursing from an accredited college or university shall be the minimum requirement for faculty appointment.

(i) Exceptions allowed without prior board approval:

(A) Current tenured faculty.

(B) Ongoing reappointment of faculty.

(C) Temporary faculty replacement for less than one academic term.

(ii) Exceptions allowed with prior board approval:

(A) Temporary short-term faculty appointment of one academic term or more.

(B) Faculty specializing in a highly selected clinical area such as operating room.

(c) Clinical experience as a registered nurse relevant to area(s) of responsibility.

(4) Nonnurse faculty must have academic and professional education and experience in their field of specialization.

(5) Faculty shall be responsible for:

(a) Developing, implementing, and evaluating the purpose, philosophy, and objectives of the nursing education program.

(b) Designing, implementing, and evaluating the curriculum.

(c) Developing and evaluating student admission, progression, retention, and graduation policies within the framework of the policies of the governing institution.

(d) Participating in or providing for academic advising and guidance of students.

(e) Evaluating student achievement, in terms of curricular objectives as related to both nursing knowledge and practice.

(f) Selecting, guiding, and evaluating student learning.

(g) Participating in activities to improve their own nursing competency in area(s) of responsibility.

NEW SECTION

WAC 308-120-575 CURRICULUM FOR APPROVED NURSING EDUCATION PROGRAMS.

(1) The basic curriculum shall not be less than two academic years.

(2) The length, organization, content, methods of instruction, and placement of courses shall be consistent with the philosophy of the program.

(3) The curriculum shall include:

(a) Instruction in the physical and biological sciences and shall include content drawn from the areas of anatomy and physiology, physics, chemistry, microbiology, pharmacology and nutrition, which may be integrated, combined, or presented as separate courses.

(b) Instruction in the social and behavioral sciences and shall include content drawn from the areas of communications, psychology, sociology and anthropology, which may be integrated, combined, or presented as separate courses.

(c) Theory and clinical experiences in the areas of medical nursing, surgical nursing, obstetric nursing, nursing of children and psychiatric nursing, which may be integrated, combined, or presented as separate courses. Baccalaureate programs also shall include theory and clinical experiences in community health nursing.

(d) History, trends, and legal and ethical issues pertaining to the nursing profession, which may be integrated, combined, or presented as separate courses. Baccalaureate programs shall include study of research principles.

(e) Opportunities for the student to learn assessment of needs, planning, implementation, and evaluation of nursing care for diverse individuals and groups. Baccalaureate programs shall include the study and practice of leadership.

(f) Clinical experiences in the care of persons at each stage of the human life cycle. These experiences shall include opportunities for the student to learn and have direct involvement in, responsibility and accountability for nursing care in the areas of acute and chronic illnesses, promotion and maintenance of wellness. The emphasis placed on these areas, the scope encompassed, and other allied experiences offered shall be in keeping with the purpose, philosophy, and objectives of the program.

(g) Opportunities for the student to participate in multidisciplinary health care.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-120-507 PURPOSE, PHILOSOPHY AND OBJECTIVES FOR APPROVED SCHOOLS OF NURSING.

WAC 308-120-508 ORGANIZATION AND ADMINISTRATION FOR APPROVED SCHOOLS OF NURSING.

WAC 308-120-509 RESOURCES, FACILITIES AND SERVICES FOR APPROVED SCHOOLS OF NURSING.

WAC 308-120-510 NURSE ADMINISTRATOR FOR APPROVED SCHOOL OF NURSING.

WAC 308-120-511 FACULTY FOR APPROVED SCHOOLS OF NURSING.

WAC 308-120-512 CURRICULUM FOR APPROVED SCHOOLS OF NURSING.

WAC 308-120-513 STUDENTS IN APPROVED SCHOOLS OF NURSING.

WAC 308-120-514 PROGRAM EVALUATION BY APPROVED SCHOOLS OF NURSING.

WAC 308-120-515 REPORTS TO THE BOARD OF NURSING BY APPROVED SCHOOLS OF NURSING.

WAC 308-120-516 SURVEY VISITS.

WAC 308-120-517 BOARD ACTION FOLLOWING SURVEY VISITS.

WAC 308-120-518 RESTORATION OF APPROVAL.

WAC 308-120-519 APPEAL OF BOARD DECISIONS.

WAC 308-120-520 CONSULTATION SERVICES.

WAC 308-120-521 CLOSURE OF AN APPROVED SCHOOL OF NURSING.

WAC 308-120-522 ESTABLISHMENT OF A NEW SCHOOL OF NURSING.

WSR 88-16-035

**NOTICE OF PUBLIC MEETINGS
CLEMENCY AND PARDONS BOARD**

[Memorandum—July 21, 1988]

Instead of meeting at its regularly scheduled time of September 9, 1988, at 9:00 a.m., the Washington State Clemency and Pardons Board will change its September meeting time to September 30, 1988, at 9:00 a.m. This meeting on September 30, will be held at the Governor's Conference Room, Legislative Building, Olympia, Washington.

WSR 88-16-036

**PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed July 29, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to information delivery services and blocking of residential lines to block access to such services, WAC 480-120-089, Cause No. U-88-1798-R;

that the agency will at 9:00 a.m., Monday, August 1, 1988, in the Commission's Hearing Room, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., 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 80.01.040 and chapter 123, Laws of 1988.

The specific statute these rules are intended to implement is chapter 123, Laws of 1988.

This notice is connected to and continues the matter in Notice No. WSR 88-13-098 filed with the code reviser's office on June 21, 1988.

Dated: July 28, 1988

By: Paul Curl
Acting Secretary

WSR 88-16-037
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
 [Filed July 29, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to telecommunications companies, WAC 480-120-028, Cause No. U-87-963-R;

that the agency will at 9:00 a.m., Monday, August 1, 1988, in the Commission's Hearing Room, Second Floor, 1300 South Evergreen Park Drive S.W., 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 80.01.040 and 80.04.160.

The specific statute these rules are intended to implement is RCW 80.36.300(3).

This notice is connected to and continues the matter in Notice No. WSR 88-13-031 filed with the code reviser's office on June 8, 1988.

Dated: July 28, 1988

By: Paul Curl
 Acting Secretary

WSR 88-16-038
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
 [Order 353—Filed July 29, 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—Clay Pit Pond (Whatcom County), WAC 232-28-61703.

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 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 research the potential impacts of this situation.

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 July 27, 1988.

By Curt Smitch
 Director

NEW SECTION

WAC 232-28-61703 AMENDMENT TO 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 88-16-039
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
 [Order 354—Filed July 29, 1988]

Be it resolved by the State Wildlife Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to Amendment to 1988-90 Game fish regulations—Wapato Lake (Chelan County), adopting WAC 232-28-61705.

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 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 for trout and allow harvest of warmwater species after August 1.

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 17, 1988.

By Dr. James M. Walton
 Chairman, Wildlife Commission

NEW SECTION

WAC 232-28-61705 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 August 1, 1988 and until 11:59 p.m. on October 26, the following regulation applies to Wapato Lake (Chelan County).

WAPATO LAKE: April 24, 1988 – July 31, 1988 and April 23, 1989 – July 31, 1989 seasons. Additional season August 1 – October 26, Single Barbless Hooks — **BAIT PROHIBITED** and closed to trout August 1 – October 26.

WSR 88-16-040**ADOPTED RULES****LIQUOR CONTROL BOARD**

[Order 260, Resolution No. 269—Filed July 29, 1988]

Be it resolved by the Washington State Liquor Control Board, acting at the Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504-2531, that it does adopt the annexed rules relating to deposition by a governmental agency of lawfully seized liquors, except those which are required to be delivered to the board under RCW 66.32.090, WAC 314-70-020.

This action is taken pursuant to Notice No. WSR 88-13-065 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 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 July 29, 1988.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 109, Resolution No. 118, filed 8/9/82)

WAC 314-70-020 DISPOSITION BY A GOVERNMENTAL AGENCY OF LAWFULLY SEIZED LIQUORS, EXCEPT THOSE WHICH ARE REQUIRED TO BE DELIVERED TO THE BOARD UNDER RCW 66.32.090. Notwithstanding any other provision of Title 66 RCW or Title 314 WAC, governmental agencies may, after obtaining the approval of the board and under the supervision of the board, dispose of lawfully seized liquors (except those which are required to be delivered to the board under RCW 66.32.090) as follows:

(1) The governmental agency may sell spirituous unopened salable liquor, and/or wine and beer previously purchased from the board, to the board as per procedure in WAC 314-70-040.

(2) The governmental agency may sell opened containers of liquor back to the Class H licensee from whom seized, if the licensee is going out of business, for the personal use of the licensee at a negotiated price after payment by the licensee to the board of an amount to be determined by the board in lieu of the Class H discount and tax exemption in effect at that time: **PROVIDED**, That if the licensee has not so purchased the opened bottles of liquor within the period of redemption, they shall be destroyed.

(3) The governmental agency may sell unopened beer and/or wine to the wholesaler selling the same as per procedure in WAC 314-24-210 and 314-20-070 at a negotiated price. Copies of inventory and bill of sale shall be furnished the board.

(4) The governmental agency may sell unopened salable wine and/or beer to appropriately licensed retailers at a negotiated price. Beer purchased under this subsection shall meet the quality standards set forth by its manufacturer. Copies of the inventory and bill of sale shall be furnished the board.

(5) The governmental agency may ship the liquor out of the state of Washington.

WSR 88-16-041**EMERGENCY RULES****DEPARTMENT OF NATURAL RESOURCES**

[Order 541—Filed July 29, 1988]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the suspension of burning privileges and the use of fire in parts of Western Washington.

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 continuing dry weather and increasing fire danger has prompted the need to restrict the use of fire to protect life and property.

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 29, 1988.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-084 **OUTDOOR BURNING RESTRICTIONS.** Effective midnight, Friday, July 29, 1988, through midnight, Saturday, October 15, 1988, privileges to have an outdoor fire without a written burning permit, as allowed by WAC 332-26-211, on lands protected by the department in King and Kitsap counties are suspended.

NEW SECTION

WAC 332-26-085 **BURNING BARREL RESTRICTIONS.** Effective midnight, Friday, July 29, 1988, through midnight, Saturday, October 15, 1988, privileges to burn in a burning barrel without a written burning permit, as allowed by WAC 332-24-201 and described in WAC 332-24-225, on lands protected by the department in King and Kitsap counties are suspended.

NEW SECTION

WAC 332-26-086 **BURNING SUSPENSION.** Effective midnight, Friday, July 29, 1988, through midnight, Saturday, September 10, 1988, all outdoor burning and the use of burning barrels on department protected lands in Whatcom County is prohibited: **PROVIDED,** That fires contained in a campfire pit, approved by the department, located in state, county, municipal, or other campgrounds and fires contained within a camp stove or barbecue situated on bare soil, gravel bars, beaches, green fields or similar areas free of flammable material are exempt from this suspension of burning privileges.

WSR 88-16-042**PROPOSED RULES****HOSPITAL COMMISSION**

[Filed July 29, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Hospital Commission intends to adopt, amend, or repeal rules concerning methodology and criteria for approval, modification, or disapproval of annual budget submittal and rates, rate schedules, other charges and changes therein, WAC 261-40-150.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 12, 1988, at the Seattle Airport Hilton, Seattle, Washington.

The authority under which these rules are proposed is RCW 70.39.180 and 34.04.020.

The specific statute these rules are intended to implement is chapter 70.39 RCW.

This notice is connected to and continues the matter in Notice No. WSR 88-13-132 filed with the code reviser's office on June 22, 1988.

Dated: July 29, 1988

By: Maurice A. Click
Executive Director**WSR 88-16-043****ADOPTED RULES****HOSPITAL COMMISSION**

[Order 88-05, Resolution No. 88-05—Filed July 29, 1988]

Be it resolved by the Washington State Hospital Commission, acting at the West Coast Sea-Tac Hotel, Seattle, Washington, that it does adopt the annexed rules relating to rules for reporting hospital patient discharge information, chapter 261-50 WAC.

This action is taken pursuant to Notice No. WSR 88-13-052 filed with the code reviser on June 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 chapter 70.39 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 28, 1988.

By Maurice A. Click
Executive DirectorNEW SECTION

WAC 261-50-035 **REPORTING OF E-CODES.** Effective with hospital patient discharges occurring on or after January 1, 1989, hospitals shall collect and report up to two ICD-9-CM codes identifying the external cause of injury and poisoning (E-Codes), when applicable.

AMENDATORY SECTION (Amending Order 87-01, Resolution No. 87-01, filed 1/23/87)

WAC 261-50-040 **ACCEPTABLE MEDIA FOR SUBMISSION OF DATA.** (~~The following is effective January 1, 1987.~~) For purposes of the data collected and reported pursuant to WAC 261-50-030 and 261-50-035, hospitals shall submit such data in such form as prescribed by the commission in the Procedure Manual for Submitting Discharge Data.

AMENDATORY SECTION (Amending Order 87-01, Resolution No. 87-01, filed 1/23/87)

WAC 261-50-050 **TIME DEADLINE FOR SUBMISSION OF DATA.** Data collected by hospitals pursuant to WAC 261-50-030 and 261-50-035 shall be submitted to the commission or its designee within forty-five days following the end of each calendar month (~~(commencing with January 1, 1987).~~).

AMENDATORY SECTION (Amending Order 87-01, Resolution No. 87-01, filed 1/23/87)

WAC 261-50-060 **EDITS TO DATA.** The commission or its designee shall subject the data submitted to the commission pursuant to WAC 261-50-030 and 261-50-035 to the following set of edits:

- (1) Record layout compatibility edits on data submitted in accordance with WAC 261-50-040; and
- (2) Verification of the data set elements set forth in WAC 261-50-030 and 261-50-035.

AMENDATORY SECTION (Amending Order 87-02, Resolution No. 87-02, filed 3/30/87)

WAC 261-50-090 PENALTIES FOR VIOLATION. RCW 70.39.200 provides that every person who shall violate or knowingly aid and abet the violation of chapter 70.39 RCW or any valid orders, rules, or regulations thereunder, or who fails to perform any act which that chapter makes it his/her duty to perform shall be guilty of misdemeanor. Following official notice to the accused by the commission of the existence of an alleged violation, each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of chapter 70.39 RCW may be enjoined from continuing such violation. Failure to file the information required by WAC 261-50-030, 261-50-035, 261-50-040, 261-50-065 and 261-50-075 shall constitute a violation, and the commission may levy a civil penalty not to exceed one hundred dollars per day for each day following official notice of violation by the commission. The executive director of the commission may grant extensions of time to file the information, in which cases failure to file the information shall not constitute a violation until the extension period has expired.

WSR 88-16-044

EMERGENCY RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 88-23—Filed July 29, 1988]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at the General Administration Building, Room 334, Olympia, Washington, the annexed rules relating to chapter 296-62 WAC, General occupational health standards, which is being amended to adopt federal program changes to WAC 296-62-300 through 296-62-3190, Hazardous waste operations and emergency response, is being adopted identical to the OSHA proposed final rule published in Federal Register Vol. 52, No. 153, dated August 10, 1987; WAC 296-62-07523 through 296-62-07533, Benzene, is being adopted at-least-as-effective-as the OSHA final rule published in Federal Register Vol. 52, No. 176, dated September 11, 1987; and WAC 296-62-07540 through 296-62-07550, Formaldehyde, is being adopted at-least-as-effective-as the OSHA final rule published in Federal Register Vol. 52, No. 233, dated December 4, 1987, and Federal Register Vol. 53, No. 41, dated March 2, 1988:

- New WAC 296-62-07523 Benzene.
- New WAC 296-62-07525 Appendix A—Substance safety data sheet—Benzene.
- New WAC 296-62-07527 Appendix B—Substance technical guidelines—Benzene.
- New WAC 296-62-07529 Appendix C—Medical surveillance guidelines for benzene.

- New WAC 296-62-07531 Appendix D—Sampling and analytical methods for benzene monitoring and measurement procedures.
- New WAC 296-62-07533 Appendix E—Qualitative and quantitative fit testing procedures.
- New WAC 296-62-300 Scope, application, and definitions.
- New WAC 296-62-3010 General requirements.
- New WAC 296-62-3020 Site characterization and analysis.
- New WAC 296-62-3030 Site control.
- New WAC 296-62-3040 Training.
- New WAC 296-62-3050 Medical surveillance.
- New WAC 296-62-3060 Engineering controls, work practices, and personal protective equipment for employee protection.
- New WAC 296-62-3070 Monitoring.
- New WAC 296-62-3080 Informational programs.
- New WAC 296-62-3090 Handling drums and containers.
- New WAC 296-62-3100 Decontamination.
- New WAC 296-62-3110 Emergency response.
- New WAC 296-62-3120 Illumination.
- New WAC 296-62-3130 Sanitation at temporary workplaces.
- New WAC 296-62-3140 Certain operations conducted under the Resource Conservation and Recovery Act of 1976 (RCRA).
- New WAC 296-62-3150 Start-up dates.
- New WAC 296-62-3152 Appendices to Part B.
- New WAC 296-62-3160 Appendix A—Personal protective equipment test methods.
- New WAC 296-62-3170 Appendix B—General description and discussion of the levels of protection and protective gear.
- New WAC 296-62-3180 Appendix C—Compliance guidelines.
- New WAC 296-62-3190 Appendix D—References to appendix.
- New WAC 296-62-07540 Formaldehyde.
- New WAC 296-62-07542 Appendix A—Substance technical guideline for formalin.
- New WAC 296-62-07544 Appendix B—Sampling strategy and analytical methods for formaldehyde.
- New WAC 296-62-07546 Appendix C—Medical formaldehyde.
- New WAC 296-62-07548 Appendix D—Nonmandatory medical disease questionnaire.
- New WAC 296-62-07550 Appendix E—Qualitative and quantitative fit testing procedures.

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 emergency adoption is necessary to meet federal OSHA extended deadlines for implementation of these rules.

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

This rule is promulgated pursuant to RCW 49.17.040 and 49.17.050 and is intended to administratively implement that statute.

Written or oral submissions may also contain data, views and arguments concerning the effect of the proposed rules or amendments or rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the formal decision for adoption or in response to written comments received before the deadline.

The agency may need to change the date for public hearing or adoption on short notice. To ascertain that the public hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and proposed rules should be addressed to:

G. David Hutchins, Assistant Director
Division of Industrial Safety and Health
Post Office Box 207
Olympia, Washington 98504
(206) 753-6500

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 29, 1988.

By Joseph A. Dear
Director

NEW SECTION

WAC 296-62-07523 BENZENE. (1) Scope and application.

(a) This section applies to all occupational exposures to benzene. Chemical Abstracts Service Registry No. 71-43-2, except as provided in (b) and (c) of this subsection.

(b) This section does not apply to:

(i) The storage, transportation, distribution, dispensing, sale or use of gasoline, motor fuels, or other fuels containing benzene subsequent to its final discharge from bulk wholesale storage facilities, except that operations where gasoline or motor fuels are dispensed for more than four hours per day in an indoor location are covered by this section.

(ii) Loading and unloading operations at bulk wholesale storage facilities which use vapor control systems for all loading and unloading operations, except for the provisions of WAC 296-62-054 as incorporated into this section and the emergency provisions of subsections (7) and (9)(d) of this section.

(iii) The storage, transportation, distribution, or sale of benzene or liquid mixtures containing more than 0.1 percent benzene in intact containers or in transportation pipelines while sealed in such a manner as to contain benzene vapors or liquid, except for the provisions of WAC 296-62-054 as incorporated into this section and the emergency provisions of subsections (7) and (9)(d) of this section.

(iv) Containers and pipelines carrying mixtures with less than 0.1 percent benzene and natural gas processing plants processing gas with less than 0.1 percent benzene.

(v) Work operations where the only exposure to benzene is from liquid mixtures containing 0.5 percent or less of benzene by volume, or the vapors released from such liquids until September 12, 1988; work operations where the only exposure to benzene is from liquid mixtures containing 0.3 percent or less of benzene by volume or the vapors released from such liquids from September 12, 1988, to September 12, 1989; and work operations where the only exposure to benzene is from liquid mixtures containing 0.1 percent or less of benzene by volume or the vapors released from such liquids after September 12, 1989; except that tire building machine operators using solvents with more than 0.1 percent benzene are covered by subsection (9) of this section.

(vi) Oil and gas drilling, production, and servicing operations.

(vii) Coke oven batteries.

(c) The cleaning and repair of barges and tankers which have contained benzene are excluded from subsection (6) of this section (Methods of compliance), subsection (5)(a) of this section (General), and subsection (5)(f) of this section (Accuracy of monitoring). Engineering and work practice controls shall be used to keep exposures below 10 ppm unless it is proven to be not feasible.

(2) Definitions.

(a) "Action level" means an airborne concentration of benzene of 0.5 ppm calculated as an 8-hour time-weighted average.

(b) "Authorized person" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section, or any other person authorized by the Washington Industrial Safety and Health Act (WISHA) or regulations issued under WISHA.

(c) "Benzene" (C₆H₆) (CAS Registry No. 71-43-2) means liquefied or gaseous benzene. It includes benzene contained in liquid mixtures and the benzene vapors released by these liquids. It does not include trace amounts of unreacted benzene contained in solid materials.

(d) "Bulk wholesale storage facility" means a bulk terminal or bulk plant where fuel is stored prior to its delivery to wholesale customers.

(e) "Container" means any barrel, bottle, can, cylinder, drum, reaction vessel, storage tank, or the like, but does not include piping systems.

(f) "Day" means any part of a calendar day.

(g) "Director" means the director of the department of labor and industries, or his/her designated representative.

(h) "Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which may or does result in an unexpected significant release of benzene.

(i) "Employee exposure" means exposure to airborne benzene which would occur if the employee were not using respiratory protective equipment.

(j) "Regulated area" means any area where airborne concentrations of benzene exceed or can reasonably be expected to exceed, the permissible exposure limits, either the 8-hour time-weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for fifteen minutes.

(k) "Vapor control system" means any equipment used for containing the total vapors displaced during the loading of gasoline, motor fuel, or other fuel tank trucks and the displacing of these vapors through a vapor processing system or balancing the vapor with the storage tank. This equipment also includes systems containing the vapors displaced from the storage tank during the unloading of the tank truck which balance the vapors back to the tank truck.

(3) Permissible exposure limits (PELs).

(a) **Time-weighted average limit (TWA).** The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of one part of benzene per million parts of air (1 ppm) as an 8-hour time-weighted average.

(b) **Short-term exposure limit (STEL).** The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of 5 ppm as averaged over any fifteen minute period.

(4) **Regulated areas.**

(a) The employer shall establish a regulated area wherever the airborne concentration of benzene exceeds or can reasonably be expected to exceed the permissible exposure limits, either the 8-hour time-weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for fifteen minutes.

(b) Access to regulated areas shall be limited to authorized persons.

(c) Regulated areas shall be determined from the rest of the workplace in any manner that minimizes the number of employees exposed to benzene within the regulated area.

(5) **Exposure monitoring.**

(a) **General.**

(i) Determinations of employee exposure shall be made from breathing zone air samples that are representative of each employee's average exposure to airborne benzene.

(ii) Representative 8-hour TWA employee exposures shall be determined on the basis of one sample or samples representing the full shift exposure for each job classification in each work area.

(iii) Determinations of compliance with the STEL shall be made from fifteen minute employee breathing zone samples measured at operations where there is reason to believe exposures are high, such as where tanks are opened, filled, unloaded, or gauged; where containers or process equipment are opened and where benzene is used for cleaning or as a solvent in an uncontrolled situation. The employer may use objective data, such as measurements from brief period measuring devices, to determine where STEL monitoring is needed.

(iv) Except for initial monitoring as required under (b) of this subsection, where the employer can document that one shift will consistently have higher employee exposures for an operation, the employer shall only be required to determine representative employee exposure for that operation during the shift on which the highest exposure is expected.

(b) **Initial monitoring.**

(i) Each employer who has a place of employment covered under subsection (1)(a) of this section shall monitor each of these workplaces and work operations to determine accurately the airborne concentrations of benzene to which employees may be exposed.

(ii) The initial monitoring required under (b)(i) of this subsection shall be completed by sixty days after the effective date of this standard or within thirty days of the introduction of benzene into the workplace. Where the employer has monitored within one year prior to the effective date of this standard and the monitoring satisfies all other requirements of this section, the employer

may rely on such earlier monitoring results to satisfy the requirements of (b)(i) of this subsection.

(c) **Periodic monitoring and monitoring frequency.**

(i) If the monitoring required by (b)(i) of this subsection reveals employee exposure at or above the action level but at or below the TWA, the employer shall repeat such monitoring for each such employee at least every year.

(ii) If the monitoring required by (b)(i) of this subsection reveals employee exposure above the TWA, the employer shall repeat such monitoring for each such employee at least every six months.

(iii) The employer may alter the monitoring schedule from every six months to annually for any employee for whom two consecutive measurements taken at least seven days apart indicate that the employee exposure has decreased to the TWA or below, but is at or above the action level.

(iv) Monitoring for the STEL shall be repeated as necessary to evaluate exposures of employees subject to short term exposures.

(d) **Termination of monitoring.**

(i) If the initial monitoring required by (b)(i) of this subsection reveals employee exposure to be below the action level the employer may discontinue the monitoring for that employee, except as otherwise required by (e) of this subsection.

(ii) If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by at least two consecutive measurements taken at least seven days apart, are below the action level the employer may discontinue the monitoring for that employee, except as otherwise required by (e) of this subsection.

(e) **Additional monitoring.**

(i) The employer shall institute the exposure monitoring required under (b) and (c) of this subsection when there has been a change in the production, process, control equipment, personnel, or work practices which may result in new or additional exposures to benzene, or when the employer has any reason to suspect a change which may result in new or additional exposures.

(ii) Whenever spills, leaks, ruptures, or other breakdowns occur that may lead to employee exposure, the employer shall monitor (using area or personal sampling) after the cleanup of the spill or repair of the leak, rupture or other breakdown to ensure that exposures have returned to the level that existed prior to the incident.

(f) **Accuracy of monitoring.** Monitoring shall be accurate, to a confidence level of ninety-five percent, to within plus or minus twenty-five percent for airborne concentrations of benzene.

(g) **Employee notification of monitoring results.**

(i) The employer shall, within fifteen working days after the receipt of the results of any monitoring performed under this standard, notify each employee of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(ii) Whenever the PELs are exceeded, the written notification required by (g)(i) of this subsection shall contain the corrective action being taken by the employer to

reduce the employee exposure to or below the PEL, or shall refer to a document available to the employee which states the corrective actions to be taken.

(6) Methods of compliance.

(a) Engineering controls and work practices.

(i) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to benzene at or below the permissible exposure limits, except to the extent that the employer can establish that these controls are not feasible or where the provisions of (a)(iii) of this subsection or subsection (7)(a) of this section apply.

(ii) Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the PELs, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (7) of this section.

(iii) Where the employer can document that benzene is used in a workplace less than a total of thirty days per year, the employer shall use engineering controls, work practice controls or respiratory protection or any combination of these controls to reduce employee exposure to benzene to or below the PELs, except that employers shall use engineering and work practice controls, if feasible, to reduce exposure to or below 10 ppm as an 8-hour TWA.

(b) Compliance program.

(i) When any exposures are over the PEL, the employer shall establish and implement a written program to reduce employee exposure to or below the PEL primarily by means of engineering and work practice controls, as required by (a) of this subsection.

(ii) The written program shall include a schedule for development and implementation of the engineering and work practice controls. These plans shall be reviewed and revised as appropriate based on the most recent exposure monitoring data, to reflect the current status of the program.

(iii) Written compliance programs shall be furnished upon request for examination and copying to the director, affected employees, and designated employee representatives.

(7) Respiratory protection.

(a) General. The employer shall provide respirators, and assure that they are used, where required by this section. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering and work practice controls;

(ii) In work operations for which the employer establishes that compliance with either the TWA or STEL through the use of engineering and work practice controls is not feasible, such as some maintenance and repair activities, vessel cleaning, or other operations where engineering and work practice controls are infeasible because exposures are intermittent in nature and limited in duration;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient or are not required under subsection (6)(a)(iii) of this section to reduce exposure to or below the PELs; and

(iv) In emergencies.

(b) Respirator selection.

(i) Where respirators are required or allowed under this section, the employer shall select and provide, at no cost to the employee, the appropriate respirator as specified in Table 1 of this section, and shall assure that the employee uses the respirator provided.

(ii) The employer shall select respirators from among those jointly approved by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11. Negative pressure respirators shall have filter elements approved by MSHA/NIOSH for organic vapors or benzene.

(iii) Any employee who cannot wear a negative pressure respirator shall be given the option of wearing a respirator with less breathing resistance such as a powered air-purifying respirator or supplied air respirator.

(c) Respirator program. The employer shall institute a respiratory protection program in accordance with Part E, Respiratory protection, WAC 296-62-071 through 296-62-07121.

(d) Respirator use.

(i) Where air-purifying respirators are used, the employer shall replace the air purifying element at the expiration of service life or at the beginning of each shift in which they will be used, whichever comes first.

(ii) If an air purifying element becomes available with an end of useful life indicator for benzene approved by MSHA/NIOSH, the element may be used until such time as the indicator shows no further useful life.

(iii) The employer shall permit employees who wear respirators to leave the regulated area to wash their faces and respirator facepieces as necessary in order to prevent skin irritation associated with respirator use or to change the filter elements of air-purifying respirators whenever they detect a change in breathing resistance or chemical vapor breakthrough.

(e) Respirator fit testing.

(i) The employer shall perform, and certify the results of, either quantitative or qualitative fit tests at the time of initial fitting and at least annually thereafter for each employee wearing a negative pressure respirator. The test shall be used to select a respirator facepiece which exhibits minimum leakage and provides the required protection as prescribed in Table 1 of this section. The employer shall provide and assure that the employee wears a respirator demonstrated by the fit test to provide the required protection.

(ii) The employer shall follow the test protocols outlined in Appendix E of this standard for whichever type of fit testing the employer chooses.

TABLE 1. - RESPIRATORY PROTECTION FOR BENZENE

Airborne concentration of benzene or condition of use	Respirator type
(a) Less than or equal to 10 ppm.	(1) Half-mask air-purifying respirator with organic vapor cartridge.
(b) Less than or equal to 50 ppm.	(1) Full facepiece respirator with organic vapor cartridges. (1) Full facepiece gas mask with chin style canister. ¹
(c) Less than or equal to 100 ppm.	(1) Full facepiece powered air-purifying respirator with organic vapor canister. ¹
(d) Less than or equal to 1,000 ppm.	(1) Supplied air respirator with full facepiece in positive-pressure mode.
(e) Greater than 1,000 ppm or unknown concentration.	(1) Self-contained breathing apparatus with full facepiece in positive-pressure mode. (2) Full facepiece positive-pressure supplied-air respirator with auxiliary self-contained air supply.
(f) Escape.....	(1) Any organic vapor gas mask; or (2) Any self-contained breathing apparatus with full facepiece.
(g) Firefighting.....	(1) Full facepiece self-contained breathing apparatus in positive pressure mode.

¹ Canisters must have a minimum service life of four (4) hours when tested at 150 ppm benzene, at a flow rate of 64 LPM, 25° C, and 85% relative humidity for non-powered air purifying respirators. The flow rate shall be 115 LPM and 170 LPM respectively for tight fitting and loose fitting powered air-purifying respirators.

(8) *Protective clothing and equipment. Personal protective clothing and equipment shall be worn where appropriate to prevent eye contact and limit dermal exposure to liquid benzene. Protective clothing and equipment shall be provided by the employer at no cost to the employee and the employer shall assure its use where appropriate. Eye and face protection shall meet the requirements of WAC 296-24-07801.*

(9) *Medical surveillance.*

(a) *General.*

(i) *The employer shall make available a medical surveillance program for employees who are or may be exposed to benzene at or above the action level thirty or more days per year, for employees who are or may be exposed to benzene at or above the PELs ten or more days per year, for employees who have been exposed to more than 10 ppm of benzene for thirty or more days in a year prior to the effective date of the standard when employed by their current employer, and for employees involved in the tire building operations called tire building machine operators, who use solvents containing greater than 0.1 percent benzene.*

(ii) *The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician and that all laboratory tests are conducted by an accredited laboratory.*

(iii) *The employer shall assure that persons other than licensed physicians who administer the pulmonary function testing required by this section shall complete a training course in spirometry sponsored by an appropriate governmental, academic, or professional institution.*

(iv) *The employer shall assure that all examinations and procedures are provided without cost to the employee and at a reasonable time and place.*

(b) *Initial examination.*

(i) *Within sixty days of the effective date of this standard, or before the time of initial assignment, the employer shall provide each employee covered by (a)(i) of this subsection with a medical examination including the following elements:*

(A) *A detailed occupational history which includes:*

(I) *Past work exposure to benzene or any other hematological toxins;*

(II) *A family history of blood dyscrasias including hematological neoplasms;*

(III) *A history of blood dyscrasias including genetic hemoglobin abnormalities, bleeding abnormalities, abnormal function of formed blood elements;*

(IV) *A history of renal or liver dysfunction;*

(V) *A history of medicinal drugs routinely taken;*

(VI) *A history of previous exposure to ionizing radiation; and*

(VII) *Exposure to marrow toxins outside of the current work situation.*

(B) *A complete physical examination.*

(C) *Laboratory tests. A complete blood count including a leukocyte count with differential, a quantitative thrombocyte count, hematocrit, hemoglobin, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC). The results of these tests shall be reviewed by the examining physician.*

(D) *Additional tests as necessary in the opinion of the examining physician, based on alterations to the components of the blood or other signs which may be related to benzene exposure.*

(E) *For all workers required to wear respirators for at least thirty days a year, the physical examination shall pay special attention to the cardiopulmonary system and shall include a pulmonary function test.*

(ii) *No initial medical examination is required to satisfy the requirements of (b)(i) of this subsection if adequate records show that the employee has been examined in accordance with the procedures of (b)(i) of this subsection within the twelve months prior to the effective date of this standard.*

(c) *Periodic examinations.*

(i) *The employer shall provide each employee covered under (a)(i) of this subsection with a medical examination annually following the previous examination. These periodic examinations shall include at least the following elements:*

(A) *A brief history regarding any new exposure to potential marrow toxins, changes in medicinal drug use, and the appearance of physical signs relating to blood disorders;*

(B) *A complete blood count including a leukocyte count with differential, quantitative thrombocyte count, hemoglobin, hematocrit, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC); and*

(C) *Appropriate additional tests as necessary, in the opinion of the examining physician, in consequence of alterations in the components of the blood or other signs which may be related to benzene exposure.*

(ii) Where the employee develops signs and symptoms commonly associated with toxic exposure to benzene, the employer shall provide the employee with an additional medical examination which shall include those elements considered appropriate by the examining physician.

(iii) For persons required to use respirators for at least thirty days a year, a pulmonary function test shall be performed every three years. A specific evaluation of the cardiopulmonary system shall be made at the time of the pulmonary function test.

(d) Emergency examinations.

(i) In addition to the surveillance required by (a)(i) of this subsection, if an employee is exposed to benzene in an emergency situation, the employer shall have the employee provide a urine sample at the end of the employee's shift and have a urinary phenol test performed on the sample within seventy-two hours. The urine specific gravity shall be corrected to 1.024.

(ii) If the result of the urinary phenol test is below 75 mg phenol/L of urine, no further testing is required.

(iii) If the result of the urinary phenol test is equal to or greater than 75 mg phenol/L of urine, the employer shall provide the employee with a complete blood count including an erythrocyte count, leukocyte count with differential and thrombocyte count at monthly intervals for a duration of three months following the emergency exposure.

(iv) If any of the conditions specified in (e)(i) of this subsection exists, then the further requirements of (e) of this subsection shall be met and the employer shall, in addition, provide the employees with periodic examinations if directed by the physician.

(e) Additional examinations and referrals.

(i) Where the results of the complete blood count required for the initial and periodic examinations indicate any of the following abnormal conditions exist, then the blood count shall be repeated within two weeks.

(A) The hemoglobin level or the hematocrit falls below the normal limit (outside the ninety-five percent confidence interval (C.I.)) as determined by the laboratory for the particular geographic area and/or these indices show a persistent downward trend from the individual's preexposure norms; provided these findings cannot be explained by other medical reasons.

(B) The thrombocyte (platelet) count varies more than twenty percent below the employee's most recent values or falls outside the normal limit (ninety-five percent C.I.) as determined by the laboratory.

(C) The leukocyte count is below 4,000 per mm³ or there is an abnormal differential count.

(ii) If the abnormality persists, the examining physician shall refer the employee to a hematologist or an internist for further evaluation unless the physician has good reason to believe such referral is unnecessary. (See Appendix C for examples of conditions where a referral may be unnecessary.)

(iii) The employer shall provide the hematologist or internist with the information required to be provided to the physician under this subsection and the medical record required to be maintained by subsection (11)(b)(ii) of this section.

(iv) The hematologist's or internist's evaluation shall include a determination as to the need for additional tests, and the employer shall assure that these tests are provided.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's actual or representative exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous employment-related medical examinations of the affected employee which is not otherwise available to the examining physician.

(g) Physician's written opinions.

(i) For each examination under this section, the employer shall obtain and provide the employee with a copy of the examining physician's written opinion within fifteen days of the examination. The written opinion shall be limited to the following information:

(A) The occupationally pertinent results of the medical examination and tests;

(B) The physician's opinion concerning whether the employee has any detected medical conditions which would place the employee's health at greater than normal risk of material impairment from exposure to benzene;

(C) The physician's recommended limitations upon the employee's exposure to benzene or upon the employee's use of protective clothing or equipment and respirators.

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions resulting from benzene exposure which require further explanation or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific records, findings, and diagnoses that have no bearing on the employee's ability to work in a benzene-exposed workplace.

(h) Medical removal plan.

(i) When a physician makes a referral to a hematologist/internist as required under (e)(ii) of this subsection, the employee shall be removed from areas where exposures may exceed the action level until such time as the physician makes a determination under (h)(ii) of this subsection.

(ii) Following the examination and evaluation by the hematologist/internist, a decision to remove an employee from areas where benzene exposure is above the action level or to allow the employee to return to areas where benzene exposure is above the action level shall be made by the physician in consultation with the hematologist/internist. This decision shall be communicated in writing to the employer and employee. In the case of removal, the physician shall state the required probable duration of removal from occupational exposure to benzene above the action level and the requirements for future medical examinations to review the decision.

(iii) For any employee who is removed pursuant to (h)(ii) of this subsection, the employer shall provide a follow-up examination. The physician, in consultation with the hematologist/internist, shall make a decision within six months of the date the employee was removed as to whether the employee shall be returned to the usual job or whether the employee should be removed permanently.

(iv) Whenever an employee is temporarily removed from benzene exposure pursuant to (h)(i) or (ii) of this subsection, the employer shall transfer the employee to a comparable job for which the employee is qualified (or can be trained for in a short period) and where benzene exposures are as low as possible, but in no event higher than the action level. The employer shall maintain the employee's current wage rate, seniority, and other benefits. If there is no such job available, the employer shall provide medical removal protection benefits until such a job becomes available or for six months, whichever comes first.

(v) Whenever an employee is removed permanently from benzene exposure based on a physician's recommendation pursuant to (h)(iii) of this subsection, the employee shall be given the opportunity to transfer to another position which is available or later becomes available for which the employee is qualified (or can be trained for in a short period) and where benzene exposures are as low as possible but in no event higher than the action level. The employer shall assure that such employee suffers no reduction in current wage rate, seniority, or other benefits as a result of the transfer.

(i) Medical removal protection benefits.

(i) The employer shall provide to an employee six months of medical removal protection benefits immediately following each occasion an employee is removed from exposure to benzene because of hematological findings pursuant to (h)(i) and (ii) of this subsection, unless the employee has been transferred to a comparable job where benzene exposures are below the action level.

(ii) For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the current wage rate, seniority, and other benefits of an employee as though the employee had not been removed.

(iii) 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 from employment with another employer made possible by virtue of the employee's removal.

(10) Communication of benzene hazards to employees.

(a) Signs and labels.

(i) The employer shall post signs at entrances to regulated areas. The signs shall bear the following legend:

**DANGER
BENZENE
CANCER HAZARD
FLAMMABLE-NO SMOKING
AUTHORIZED PERSONNEL ONLY
RESPIRATOR REQUIRED**

(ii) The employer shall ensure that labels or other appropriate forms of warning are provided for containers of benzene within the workplace. There is no requirement to label pipes. The labels shall comply with the requirements of WAC 296-62-05411 and in addition shall include the following legend:

**DANGER
CONTAINS BENZENE
CANCER HAZARD**

(b) Material safety data sheets.

(i) Employers shall obtain or develop, and shall provide access to their employees, to a material safety data sheet (MSDS) which addresses benzene and complies with WAC 296-62-054.

(ii) Employers who are manufacturers or importers shall:

(A) Comply with subsection (1) of this section; and

(B) Comply with the requirement in WISHA's hazard communication standard, WAC 296-62-054 (Hazard communication purpose), that they deliver to downstream employers an MSDS which addresses benzene.

(c) Information and training.

(i) The employer shall provide employees with information and training at the time of their initial assignment to a work area where benzene is present. If exposures are above the action level, employees shall be provided with information and training at least annually thereafter.

(ii) The training program shall be in accordance with the requirements of WAC 296-62-05415 (1) and (2), and shall include specific information on benzene for each category of information included in that section.

(iii) In addition to the information required under WAC 296-62-054, the employer shall:

(A) Provide employees with an explanation of the contents of this section, including Appendices A and B, and indicate to them where the standard is available; and

(B) Describe the medical surveillance program required under subsection (9) of this section, and explain the information contained in Appendix C.

(11) Recordkeeping.

(a) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements required by subsection (5) of this section, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(B) A description of the sampling and analytical methods used;

(C) A description of the type of respiratory protective devices worn, if any, and

(D) The name, Social Security number, job classification, and exposure levels of the employee monitored and all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least the duration of employment plus thirty years, in accordance with Part B, Access to records, WAC 296-62-052 through 296-62-05223.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (9) of this section, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) The employer's copy of the physician's written opinion on the initial, periodic, and special examinations, including results of medical examinations and all tests, opinions, and recommendations;

(C) Any employee medical complaints related to exposure to benzene;

(D) A copy of the information provided to the physician as required by subsection (9)(f)(ii) through (v) of this section; and

(E) A copy of the employee's medical and work history related to exposure to benzene or any other hematologic toxins.

(iii) The employer shall maintain this record for at least the duration of employment plus thirty years, in accordance with Part B, Access to records, WAC 296-62-052 through 296-62-05223.

(c) Availability.

(i) The employer shall assure that all records required to be maintained by this section shall be made available upon request to the director for examination and copying.

(ii) Employee exposure monitoring records required by this subsection shall be provided upon request for examination and copying to employees, employee representatives, and the director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) Employee medical records required by this subsection shall be provided upon request for examination and copying, to the subject employee, to anyone having the specific written consent of the subject employee, and to the director in accordance with WAC 296-62-052.

(d) Transfer of records.

(i) The employer shall comply with the requirements involving transfer of records set forth in WAC 296-62-05205.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director, at least three months prior to disposal, and transmit them to the director if required by the director within that period.

(12) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe the measuring or monitoring of employee exposure to benzene conducted pursuant to subsection (5) of this section.

(b) Observation procedures. When observation of the measuring or monitoring of employee exposure to benzene requires entry into areas where the use of protective clothing and equipment or respirators is required, the employer shall provide the observer with personal protective clothing and equipment or respirators required to be worn by employees working in the area, assure the use of such clothing and equipment or respirators, and require the observer to comply with all other applicable safety and health procedures.

(13) Dates.

(a) Engineering and work practice controls required by subsection (6)(a) of this section shall be implemented no later than December 10, 1989.

(b) Coke and coal chemical operations may comply with (b)(ii) of this subsection or alternately include within the compliance program required by subsection (6)(b) of this section, a requirement to phase in engineering controls as equipment is repaired and replaced. For coke and coal chemical operations choosing the latter alternative, compliance with the engineering controls requirements of subsection (6)(a) of this section shall be achieved no later than December 10, 1992. Substantial compliance with the engineering control requirements shall be achieved no later than December 10, 1990.

(14) Appendices. The information contained in WAC 296-62-07525, Appendices A, B, C, and D is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations. The protocols on respiratory fit testing in Appendix E are mandatory.

NEW SECTION

WAC 296-62-07525 APPENDIX A SUBSTANCE SAFETY DATA SHEET—BENZENE. (1) Substance identification.

(a) Substance: Benzene.

(b) Permissible exposure: Except as to the use of gasoline, motor fuels, and other fuels subsequent to discharge from bulk terminals and other exemptions specified in WAC 296-62-07523 (1)(b):

(i) Airborne: The maximum time-weighted average (TWA) exposure limit is one part of benzene vapor per million parts of air (1 ppm) for an eight-hour workday and the maximum short-term exposure limit (STEL) is 5 ppm for any fifteen-minute period.

(ii) Dermal: Eye contact shall be prevented and skin contact with liquid benzene shall be limited.

(c) Appearance and odor: Benzene is a clear, colorless liquid with a pleasant, sweet odor. The odor of benzene does not provide adequate warning of its hazard.

(2) Health hazard data.

(a) Ways in which benzene affects your health. Benzene can affect your health if you inhale it, or if it comes in contact with your skin or eyes. Benzene is also harmful if you happen to swallow it.

(b) Effects of overexposure.

(i) *Short-term (acute) overexposure:* If you are overexposed to high concentrations of benzene, well above the levels where its odor is first recognizable, you may feel breathless, irritable, euphoric, or giddy; you may experience irritation in eyes, nose, and respiratory tract. You may develop a headache, feel dizzy, nauseated, or intoxicated. Severe exposures may lead to convulsions and loss of consciousness.

(ii) *Long-term (chronic) exposure.* Repeated or prolonged exposure to benzene, even at relatively low concentrations, may result in various blood disorders, ranging from anemia to leukemia, an irreversible, fatal disease. Many blood disorders associated with benzene exposure may occur without symptoms.

(3) *Protective clothing and equipment.*

(a) *Respirators.* Respirators are required for those operations in which engineering controls or work practice controls are not feasible to reduce exposure to the permissible level. However, where employers can document that benzene is present in the workplace less than thirty days a year, respirators may be used in lieu of engineering controls. If respirators are worn, they must have joint Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) seal of approval, and cartridge or canisters must be replaced before the end of their service life, or the end of the shift, whichever occurs first. If you experience difficulty breathing while wearing a respirator, you may request a positive pressure respirator from your employer. You must be thoroughly trained to use the assigned respirator, and the training will be provided by your employer.

(b) *Protective clothing.* You must wear appropriate protective clothing (such as boots, gloves, sleeves, aprons, etc.,) over any parts of your body that could be exposed to liquid benzene.

(c) *Eye and face protection.* You must wear splash-proof safety goggles if it is possible that benzene may get into your eyes. In addition, you must wear a face shield if your face could be splashed with benzene liquid.

(4) *Emergency and first aid procedures.*

(a) *Eye and face exposure.* If benzene is splashed in your eyes, wash it out immediately with large amounts of water. If irritation persists or vision appears to be affected see a doctor as soon as possible.

(b) *Skin exposure.* If benzene is spilled on your clothing or skin, remove the contaminated clothing and wash the exposed skin with large amounts of water and soap immediately. Wash contaminated clothing before you wear it again.

(c) *Breathing.* If you or any other person breathes in large amounts of benzene, get the exposed person to fresh air at once. Apply artificial respiration if breathing has stopped. Call for medical assistance or a doctor as soon as possible. Never enter any vessel or confined space where the benzene concentration might be high without proper safety equipment and at least one other person present who will stay outside. A life line should be used.

(d) *Swallowing.* If benzene has been swallowed and the patient is conscious, do not induce vomiting. Call for medical assistance or a doctor immediately.

(5) *Medical requirements.* If you are exposed to benzene at a concentration at or above 0.5 ppm as an 8-hour time-weighted average, or have been exposed at or above 10 ppm in the past while employed by your current employer, your employer is required to provide a medical examination and history and laboratory tests within sixty days of the effective date of this standard and annually thereafter. These tests shall be provided without cost to you. In addition, if you are accidentally exposed to benzene (either by ingestion, inhalation, or skin/eye contact) under emergency conditions known or suspected to constitute toxic exposure to benzene, your employer is required to make special laboratory tests available to you.

(6) *Observation of monitoring.* Your employer is required to perform measurements that are representative of your exposure to benzene and you or your designated representative are entitled to observe the monitoring procedure. You are entitled to observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you or your representative must also be provided with, and must wear the protective clothing and equipment.

(7) *Access to records.* You or your representative are entitled to see the records of measurements of your exposure to benzene upon written request to your employer. Your medical examination records can be furnished to yourself, your physician, or designated representative upon request by you to your employer.

(8) *Precautions for safe use, handling, and storage.* Benzene liquid is highly flammable. It should be stored in tightly closed containers in a cool, well ventilated area. Benzene vapor may form explosive mixtures in air. All sources of ignition must be controlled. Use non-sparking tools when opening or closing benzene containers. Fire extinguishers, where provided, must be readily available. Know where they are located and how to operate them. Smoking is prohibited in areas where benzene is used or stored. Ask your supervisor where benzene is used in your area and for additional plant safety rules.

NEW SECTION

WAC 296-62-07527 APPENDIX B SUBSTANCE TECHNICAL GUIDELINES—BENZENE.

(1) Physical and chemical data.

(a) Substance identification.

(i) Synonyms: Benzol, benzole, coal naphtha, cyclohexatriene, phene, phenyl hydride, pyrobenzol. (Benzin, petroleum benzin and Benzine do not contain benzene.)

(ii) Formula: C₆H₆ (CAS Registry Number: 71-43-2).

(b) Physical data.

(i) Boiling point (760 mm Hg): 80.1 C (176 F).

(ii) Specific gravity (water=1): 0.879.

(iii) Vapor density (air=1): 2.7.

(iv) Melting point: 5.5 C (42 F).

(v) Vapor pressure at 20 C (68 F): 75 mm Hg.

(vi) Solubility in water: .06%.

(vii) Evaporation rate (ether=1): 2.8.

(viii) Appearance and odor: Clear, colorless liquid with a distinctive sweet odor.

(2) Fire, explosion, and reactivity hazard data.

(a) Fire.

(i) Flash point (closed cup): -11 C (12 F).

(ii) Autoignition temperature: 580 C (1076 F).

(iii) Flammable limits in Air. % by volume: Lower: 1.3%, Upper: 7.5%.

(iv) Extinguishing media: Carbon dioxide, dry chemical, or foam.

(v) Special fire-fighting procedures: Do not use solid stream of water, since stream will scatter and spread fire. Fine water spray can be used to keep fire-exposed containers cool.

(vi) Unusual fire and explosion hazards: Benzene is a flammable liquid. Its vapors can form explosive mixtures. All ignition sources must be controlled when benzene is used, handled, or stored. Where liquid or vapor may be released, such areas shall be considered as hazardous locations. Benzene vapors are heavier than air, thus the vapors may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which benzene is handled.

(vii) Benzene is classified as a 1 B flammable liquid for the purpose of conforming to the requirements of WAC 296-24-330. A concentration exceeding 3,250 ppm is considered a potential fire explosion hazard. Locations where benzene may be present in quantities sufficient to produce explosive or ignitable mixtures are considered Class I Group D for the purposes of conforming to the requirements of WAC 296-24-95613.

(b) Reactivity.

(i) Conditions contributing to instability: Heat.

(ii) Incompatibility: Heat and oxidizing materials.

(iii) Hazardous decomposition products: Toxic gases and vapors (such as carbon monoxide).

(3) Spill and leak procedures.

(a) Steps to be taken if the material is released or spilled. As much benzene as possible should be absorbed with suitable materials, such as dry sand or earth; benzene remaining must be flushed with large amounts of water. Do not flush benzene into a confined space, such as a sewer, because of explosion danger. Remove all ignition sources. Ventilate enclosed places.

(b) Waste disposal method. Disposal methods must conform to other jurisdictional regulations. If allowed, benzene may be disposed of:

(i) By absorbing it in dry sand or earth and disposing in a sanitary landfill;

(ii) If small quantities, by removing it to a safe location from buildings or other combustible sources, pouring it in dry sand or earth and cautiously igniting it; and

(iii) If large quantities, by atomizing it in a suitable combustion chamber.

(4) Miscellaneous precautions.

(a) High exposure to benzene can occur when transferring the liquid from one container to another. Such operations should be well ventilated and good work practices must be established to avoid spills.

(b) Use nonsparking tools to open benzene containers which are effectively grounded and bonded prior to opening and pouring.

(c) Employers must advise employees of all plant areas and operations where exposure to benzene could occur. Common operations in which high exposures to benzene may be encountered are: The primary production and utilization of benzene, and transfer of benzene.

NEW SECTION

WAC 296-62-07529 APPENDIX C MEDICAL SURVEILLANCE GUIDELINES FOR BENZENE.

(1) Route of entry.

Inhalation; skin absorption.

(2) Toxicology. Benzene is primarily an inhalation hazard. Systemic absorption may cause depression of the hematopoietic system, pancytopenia, aplastic anemia, and leukemia. Inhalation of high concentrations can affect central nervous system function. Aspiration of small amounts of liquid benzene immediately causes pulmonary edema and hemorrhage of pulmonary tissue. There is some absorption through the skin. Absorption may be more rapid in the case of abraded skin, and benzene may be more readily absorbed if it is present in a mixture or as a contaminant in solvents which are readily absorbed. The defatting action of benzene may produce primary irritation due to repeated or prolonged contact with the skin. High concentrations are irritating to the eyes and the mucous membranes of the nose, and respiratory tract.

(3) Signs and symptoms. Direct skin contact with benzene may cause erythema. Repeated or prolonged contact may result in drying, scaling dermatitis, or development of secondary skin infections. In addition, there is benzene absorption through the skin. Local effects of benzene vapor or liquid on the eye are slight. Only at very high concentrations is there any smarting sensation in the eye. Inhalation of high concentrations of benzene may have an initial stimulatory effect on the central nervous system characterized by exhilaration, nervous excitation, and/or giddiness, followed by a period of depression, drowsiness, or fatigue. A sensation of tightness in the chest accompanied by breathlessness may occur and ultimately the victim may lose consciousness. Tremors, convulsions, and death may follow from respiratory paralysis or circulatory collapse in a few minutes to several hours following severe exposures.

The detrimental effect on the blood-forming system of prolonged exposure to small quantities of benzene vapor is of extreme importance. The hematopoietic system is the chief target for benzene's toxic effects which are manifested by alterations in the levels of formed elements in the peripheral blood. These effects have occurred at concentrations of benzene which may not cause irritation of mucous membranes, or any unpleasant sensory effects. Early signs and symptoms of benzene morbidity are varied, often not readily noticed and non-specific. Subjective complaints of headache, dizziness, and loss of appetite may precede or follow clinical signs. Rapid pulse and low blood pressure, in addition to a physical appearance of anemia, may accompany a subjective complaint of shortness of breath and excessive

tiredness. Bleeding from the nose, gums, or mucous membranes, and the development of purpuric spots (small bruises) may occur as the condition progresses. Clinical evidence of leukopenia, anemia, and thrombocytopenia, singly or in combination, has been frequently reported among the first signs.

Bone marrow may appear normal, aplastic, or hyperplastic, and may not, in all situations, correlate with peripheral blood forming tissues. Because of variations in the susceptibility to benzene morbidity, there is no "typical" blood picture. The onset of effects of prolonged benzene exposure may be delayed for many months or years after the actual exposure has ceased and identification or correlation with benzene exposure must be sought out in the occupational history.

(4) Treatment of acute toxic effects. Remove from exposure immediately. Make sure you are adequately protected and do not risk being overcome by fumes. Give oxygen or artificial resuscitation if indicated. Flush eyes, wash skin if contaminated and remove all contaminated clothing. Symptoms of intoxication may persist following severe exposures. Recovery from mild exposures is usually rapid and complete.

(5) Surveillance and preventive considerations.

(a) General. The principal effects of benzene exposure which form the basis for this regulation are pathological changes in the hematopoietic system, reflected by changes in the peripheral blood and manifesting clinically as pancytopenia, aplastic anemia, and leukemia. Consequently, the medical surveillance program is designed to observe, on a regular basis, blood indices for early signs of these effects, and although early signs of leukemia are not usually available, emerging diagnostic technology and innovative regimes make consistent surveillance for leukemia, as well as other hematopoietic effects, essential.

Initial examinations are to be provided within sixty days of the effective date of this standard, or at the time of initial assignment, and periodic examinations annually thereafter.

There are special provisions for medical tests in the event of hematologic abnormalities or for emergency situations.

The blood values which require referral to a hematologist or internist are noted in (b)(i) of this subsection. The standard specifies that blood abnormalities that persist must be referred "unless the physician has good reason to believe such referral is unnecessary" ((b)(i) of this subsection). Examples of conditions that could make a referral unnecessary despite abnormal blood limits are iron or folate deficiency, menorrhagia, or blood loss due to some unrelated medical abnormality.

Symptoms and signs of benzene toxicity can be non-specific. Only a detailed history and appropriate investigative procedure will enable a physician to rule out or confirm conditions that place the employee at increased risk. To assist the examining physician with regard to which laboratory tests are necessary and when to refer an employee to the specialist, OSHA has established the following guidelines.

(b) Hematology guidelines. A minimum battery of tests is to be performed by strictly standardized methods.

(i) Red cell, white cell, platelet counts, white blood cell differential, hematocrit and red cell indices must be performed by an accredited laboratory. The normal ranges for the red cell and white cell counts are influenced by altitude, race, and sex, and therefore should be determined by the accredited laboratory in the specific area where the tests are performed.

Either a decline from an absolute normal or an individual's baseline to a subnormal value or a rise to a supra-normal value, are indicative of potential toxicity, particularly if all blood parameters decline. The normal total white blood count is approximately 7,200/mm³ plus or minus 3,000. For cigarette smokers the white count may be higher and the upper range may be 2,000 cells higher than normal for the laboratory. In addition, infection, allergies and some drugs may raise the white cell count. The normal platelet count is approximately 250,000 with a range of 140,000 to 400,000. Counts outside this range should be regarded as possible evidence of benzene toxicity.

Certain abnormalities found through routine screening are of greater significance in the benzene-exposed worker and require prompt consultation with a specialist, namely:

(A) Thrombocytopenia.

(B) A trend of decreasing white cell, red cell, or platelet indices in an individual over time is more worrisome than an isolated abnormal finding at one test time. The importance of trend highlights the need to compare an individual's test results to baseline and/or previous periodic tests.

(C) A constellation or pattern of abnormalities in the different blood indices is of more significance than a single abnormality. A low white count not associated with any abnormalities in other cell indices may be a normal statistical variation, whereas if the low white count is accompanied by decreases in the platelet and/or red cell indices, such a pattern is more likely to be associated with benzene toxicity and merits thorough investigation.

Anemia, leukopenia, macrocytosis or an abnormal differential white blood cell count should alert the physician to further investigate and/or refer the patient if repeat tests confirm the abnormalities. If routine screening detects an abnormality, follow-up tests which may be helpful in establishing the etiology of the abnormality are the peripheral blood smear and the reticulocyte count.

The extreme range of normal for reticulocytes is 0.4 to 2.5 percent of the red cells, the usual range being 0.5 to 1.2 percent of the red cells, but the typical value is in the range of 0.8 to 1.0 percent. A decline in reticulocytes to levels of less than 0.4 percent is to be regarded as possible evidence (unless another specific cause is found) of benzene toxicity requiring accelerated surveillance. An increase in reticulocyte levels to about 2.5 percent may also be consistent with (but is not as characteristic of) benzene toxicity.

(ii) An important diagnostic test is a careful examination of the peripheral blood smear. As with reticulocyte count the smear should be with fresh uncoagulated blood obtained from a needle tip following venipuncture or from a drop of earlobe blood (capillary blood). If necessary, the smear may, under certain limited conditions, be made from a blood sample anticoagulated with EDTA (but never with oxalate or heparin). When the smear is to be prepared from a specimen of venous blood which has been collected by a commercial Vacutainer type tube containing neutral EDTA, the smear should be made as soon as possible after the venesection. A delay of up to twelve hours is permissible between the drawing of the blood specimen into EDTA and the preparation of the smear if the blood is stored at refrigerator (not freezing) temperature.

(iii) The minimum mandatory observations to be made from the smear are:

(A) The differential white blood cell count;

(B) Description of abnormalities in the appearance of red cells; and

(C) Description of any abnormalities in the platelets.

(D) A careful search must be made throughout of every blood smear for immature white cells such as band forms (in more than normal proportion, i.e., over ten percent of the total differential count), any number of metamyelocytes, myelocytes, or myeloblasts. Any nucleate or multinucleated red blood cells should be reported. Large "giant" platelets or fragments of megakaryocytes must be recognized.

An increase in the proportion of band forms among the neutrophilic granulocytes is an abnormality deserving special mention, for it may represent a change which should be considered as an early warning of benzene toxicity in the absence of other causative factors (most commonly infection). Likewise, the appearance of metamyelocytes, in the absence of another probable cause, is to be considered a possible indication of benzene-induced toxicity.

An upward trend in the number of basophils, which normally do not exceed about 2.0 percent of the total white cells, is to be regarded as possible evidence of benzene toxicity. A rise in the eosinophil count is less specific but also may be suspicious of toxicity if it rises above 6.0 percent of the total white count.

The normal range of monocytes is from 2.0 to 8.0 percent of the total white count with an average of about 5.0 percent. About twenty percent of individuals reported to have mild but persisting abnormalities caused by exposure to benzene show a persistent monocytosis. The findings of a monocyte count which persists at more than ten to twelve percent of the normal white cell count (when the total count is normal) or persistence of an absolute monocyte count in excess of 800/mm³ should be regarded as a possible sign of benzene-induced toxicity.

A less frequent but more serious indication of benzene toxicity is the finding in the peripheral blood of the so-called "pseudo" (or acquired) Pelger-Huet anomaly. In this anomaly many, or sometimes the majority, of the neutrophilic granulocytes possess two round nuclear segments—less often one or three round segments—rather

than three normally elongated segments. When this anomaly is not hereditary, it is often but not invariably predictive of subsequent leukemia. However, only about two percent of patients who ultimately develop acute myelogenous leukemia show the acquired Pelger-Huet anomaly. Other tests that can be administered to investigate blood abnormalities are discussed below; however, such procedures should be undertaken by the hematologist.

An uncommon sign, which cannot be detected from the smear, but can be elicited by a "sucrose water test" of peripheral blood, is transient paroxysmal nocturnal hemoglobinuria (PNH), which may first occur insidiously during a period of established aplastic anemia, and may be followed within one to a few years by the appearance of rapidly fatal acute myelogenous leukemia. Clinical detection of PNH, which occurs in only one or two percent of those destined to have acute myelogenous leukemia, may be difficult; if the "sucrose water test" is positive, the somewhat more definitive Ham test, also known as the acid-serum hemolysis test, may provide confirmation.

(E) Individuals documented to have developed acute myelogenous leukemia years after initial exposure to benzene may have progressed through a preliminary phase of hematologic abnormality. In some instances pancytopenia (i.e., a lowering in the counts of all circulating blood cells of bone marrow origin, but not to the extent implied by the term "aplastic anemia") preceded leukemia for many years. Depression of a single blood cell type or platelets may represent a harbinger of aplasia or leukemia. The finding of two or more cytopenias, or pancytopenia in a benzene-exposed individual, must be regarded as highly suspicious of more advanced although still reversible, toxicity. "Pancytopenia" coupled with the appearance of immature cells (myelocytes, myeloblasts, erythroblasts, etc.), with abnormal cells (pseudo Pelger-Huet anomaly, atypical nuclear heterochromatin, etc.), or unexplained elevations of white blood cells must be regarded as evidence of benzene overexposure unless proved otherwise. Many severely aplastic patients manifested the ominous finding of five to ten percent myeloblasts in the marrow, occasional myeloblasts and myelocytes in the blood and twenty to thirty monocytes. It is evident that isolated cytopenias, pancytopenias, and even aplastic anemias induced by benzene may be reversible and complete recovery has been reported on cessation of exposure. However, since any of these abnormalities is serious, the employee must immediately be removed from any possible exposure to benzene vapor. Certain tests may substantiate the employee's prospects for progression or regression. One such test would be an examination of the bone marrow, but the decision to perform a bone marrow aspiration or needle biopsy is made by the hematologist.

The findings of basophilic stippling in circulating red blood cells (usually found in one to five percent of red cells following marrow injury), and detection in the bone marrow of what are termed "ringed sideroblasts" must be taken seriously, as they have been noted in recent years to be premonitory signs of subsequent leukemia.

Recently peroxidase-staining of circulating or marrow neutrophil granulocytes, employing benzidine dihydrochloride, have revealed the disappearance of, or diminution in, peroxidase in a sizable proportion of the granulocytes, and this has been reported as an early sign of leukemia. However, relatively few patients have been studied to date. Granulocyte granules are normally strongly peroxidase positive. A steady decline in leukocyte alkaline phosphatase has also been reported as suggestive of early acute leukemia. Exposure to benzene may cause an early rise in serum iron, often but not always associated with a fall in the reticulocyte count. Thus, serial measurements of serum iron levels may provide a means of determining whether or not there is a trend representing sustained suppression of erythropoiesis.

Measurement of serum iron, determination of peroxidase and of alkaline phosphatase activity in peripheral granulocytes can be performed in most pathology laboratories. Peroxidase and alkaline phosphatase staining are usually undertaken when the index of suspicion for leukemia is high.

NEW SECTION

WAC 296-62-07531 APPENDIX D SAMPLING AND ANALYTICAL METHODS FOR BENZENE MONITORING AND MEASUREMENT PROCEDURES. Measurements taken for the purpose of determining employee exposure to benzene are best taken so that the representative average eight-hour exposure may be determined from a single eight-hour sample or two four-hour samples. Short-time interval samples (or grab samples) may also be used to determine average exposure level if a minimum of five measurements are taken in a random manner over the eight-hour work shift. Random sampling means that any portion of the work shift has the same chance of being sampled as any other. The arithmetic average of all such random samples taken on one work shift is an estimate of an employee's average level of exposure for that work shift. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee). Sampling and analysis must be performed with procedures meeting the requirements of the standard.

There are a number of methods available for monitoring employee exposures to benzene. The sampling and analysis may be performed by collection of the benzene vapor on charcoal adsorption tubes, with subsequent chemical analysis by gas chromatography. Sampling and analysis may also be performed by portable direct reading instruments, real-time continuous monitoring systems, passive dosimeters or other suitable methods. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his unique field conditions. The standard requires that the method of monitoring must have an accuracy, to a ninety-five percent confidence level, of not less than plus or minus twenty-five percent for concentrations of benzene greater than or equal to 0.5 ppm.

The WISHA laboratory uses NIOSH Method 1500 for evaluation of benzene air concentrations.

(1) WISHA method HYDCB for air samples.

Analyte: Benzene.

Matrix: Air.

Procedure: Adsorption on charcoal, desorption with carbon disulfide, analysis by GC.

Detection limit: 0.25 ppm.

Recommended air volume and sampling rate: 10L at 0.05 to 0.2 L/min.

(a) Principle of the method.

(i) A known volume of air is drawn through a charcoal tube to trap the organic vapors present.

(ii) The charcoal in the tube is transferred to a small, stoppered vial, and the analyte is desorbed with carbon disulfide.

(iii) An aliquot of the desorbed sample is injected into a gas chromatograph.

(iv) The area of the resulting peak is determined and compared with areas obtained from standards.

(b) Advantages and disadvantages of the method.

(i) The sampling device is small, portable, and involves no liquids. Interferences are minimal, and most of those which do occur can be eliminated by altering chromatographic conditions. The samples are analyzed by means of a quick, instrumental method.

(ii) The amount of sample which can be taken is limited by the number of milligrams that the tube will hold before overloading. When the sample value obtained for the backup section of the charcoal tube exceeds twenty-five percent of that found on the front section, the possibility of sample loss exists.

(c) Apparatus.

(i) A calibrated personal sampling pump whose flow can be determined within ± 5 percent at the recommended flow rate.

(ii) Charcoal tubes: Glass with both ends flame sealed, 7 cm long with a 6-mm O.D. and a 4-mm I.D., containing two sections of 20/40 mesh activated charcoal separated by a 2-mm portion of urethane foam. The activated charcoal is prepared from coconut shells and is obtained commercially. The adsorbing section contains 100 mg of charcoal, the back-up section 50 mg. A 3-mm portion of urethane foam is placed between the outlet end of the tube and the back-up section. A plug of silanized glass wool is placed in front of the adsorbing section. The pressure drop across the tube must be less than one inch of mercury at a flow rate of one liter per minute.

(iii) Gas chromatograph equipped with a flame ionization detector.

(iv) Column (10-ft 1/8-in stainless steel) packed with 80/100 Supelcoport coated with twenty percent SP 2100, 0.1 percent CW 1500.

(v) An electronic integrator or some other suitable method for measuring peak area.

(vi) Two-milliliter sample vials with Teflon-lined caps.

(vii) Microliter syringes: 10-microliter 10-uL syringe, and other convenient sizes for making standards, 1-uL syringe for sample injections.

(viii) Pipets: 1.0 mL delivery pipets.

(ix) Volumetric flasks: Convenient sizes for making standard solutions.

(d) Reagents.

(i) Chromatographic quality carbon disulfide (CS₂). Most commercially available carbon disulfide contains a trace of benzene which must be removed. It can be removed with the following procedure:

Heat under reflux for two to three hours, 500 mL of carbon disulfide, 10 mL concentrated sulfuric acid, and five drops of concentrated nitric acid. The benzene is converted to nitrobenzene. The carbon disulfide layer is removed, dried with anhydrous sodium sulfate, and distilled. The recovered carbon disulfide should be benzene free. (It has recently been determined that benzene can also be removed by passing the carbon disulfide through 13x molecular sieve.)

(ii) Benzene, reagent grade.

(iii) p-Cymene, reagent grade, (internal standard).

(iv) Desorbing reagent. The desorbing reagent is prepared by adding 0.05 mL of p-Cymene per milliliter of carbon disulfide. (The internal standard offers a convenient means correcting analytical response for slight inconsistencies in the size of sample injections. If the external standard technique is preferred, the internal standard can be eliminated.)

(v) Purified GC grade helium, hydrogen, and air.

(e) Procedure.

(i) Cleaning of equipment. All glassware used for the laboratory analysis should be properly cleaned and free of organics which could interfere in the analysis.

(ii) Calibration of personal pumps. Each pump must be calibrated with a representative charcoal tube in the line.

(iii) Collection and shipping of samples.

(A) Immediately before sampling, break the ends of the tube to provide an opening at least one-half the internal diameter of the tube (2 mm).

(B) The smaller section of the charcoal is used as the backup and should be placed nearest the sampling pump.

(C) The charcoal tube should be placed in a vertical position during sampling to minimize channeling through the charcoal.

(D) Air being sampled should not be passed through any hose or tubing before entering the charcoal tube.

(E) A sample size of ten liters is recommended. Sample at a flow rate of approximately 0.05 to 0.2 liters per minute. The flow rate should be known with an accuracy of at least ± 5 percent.

(F) The charcoal tubes should be capped with the supplied plastic caps immediately after sampling.

(G) Submit at least one blank tube (a charcoal tube subjected to the same handling procedures, without having any air drawn through it) with each set of samples. Take necessary shipping and packing precautions to minimize breakage of samples.

(iv) Analysis of samples.

(A) Preparation of samples. In preparation for analysis, each charcoal tube is scored with a file in front of the first section of charcoal and broken open. The glass wool is removed and discarded. The charcoal in the first (larger) section is transferred to a 2-ml vial. The separating section of foam is removed and discarded; the

second section is transferred to another capped vial. These two sections are analyzed separately.

(B) Desorption of samples. Prior to analysis, 1.0 mL of desorbing solution is pipetted into each sample container. The desorbing solution consists of 0.05 μ L internal standard per mL of carbon disulfide. The sample vials are capped as soon as the solvent is added. Desorption should be done for thirty minutes with occasional shaking.

(C) GC conditions. Typical operating conditions for the gas chromatograph are:

(I) mL/min (60 psig) helium carrier gas flow.

(II) mL/min (40 psig) hydrogen gas flow to detector.

(III) mL/min (40 psig) air flow to detector.

(IV) 250°C injector temperature.

(V) 250°C detector temperature.

(VI) Column temperature variable.

(D) Injection size. 1 μ L.

(D) Measurement of area. The peak areas are measured by an electronic integrator or some other suitable form of area measurement.

(F) An internal standard procedure is used. The integrator is calibrated to report results in ppm for a ten liter air sample after correction for desorption efficiency.

(v) Determination of desorption efficiency.

(A) Importance of determination. The desorption efficiency of a particular compound can vary from one laboratory to another and from one lot of chemical to another. Thus, it is necessary to determine, at least once, the percentage of the specific compound that is removed in the desorption process, provided the same batch of charcoal is used.

(B) Procedure for determining desorption efficiency. The reference portion of the charcoal tube is removed. To the remaining portion, amounts representing 0.5X, 1X, and 2X and (X represents target concentration) based on a 10 L air sample are injected into several tubes at each level. Dilutions of benzene with carbon disulfide are made to allow injection of measurable quantities. These tubes are then allowed to equilibrate at least overnight. Following equilibration they are analyzed following the same procedure as the samples. Desorption efficiency is determined by dividing the amount of benzene found by amount spiked on the tube.

(f) Calibration and standards. A series of standards varying in concentration over the range of interest is prepared and analyzed under the same GC conditions that will be used on the samples. A calibration curve is prepared by plotting concentration (mg/mL) versus peak area.

(g) Calculations. Benzene air concentration can be calculated from the following equation:

$$\text{mg/m}^3 = (A)(B)/(C)(D)$$

Where: A=mg/mL benzene, obtained from the calibration curve

B=desorption volume (1 mL)

C=Liters of air sampled

D=desorption efficiency

The concentration in mg/m³ can be converted to ppm (at 25 and 760 mm) with the following equation:

$$\text{ppm} = (\text{mg/m}^3)(24.46)/(78.11)$$

Where: 24.46=molar volume of an ideal gas

25 C and 760 mm

78.11=molecular weight of benzene

(h) Backup data.

(i) Detection limit-air samples.

The detection limit for the analytical procedure is 2.2 mg with a coefficient of variation of 0.023 at this level. This would be equivalent to an air concentration of 0.25 ppm for a 10 L air sample. This amount provided a chromatographic peak that could be identifiable in the presence of possible interferences. The detection limit data were obtained by making 1 uL injections of a 2.2 mg/mL standard.

Injection	Area Count	
1	655.4	$\bar{X} = 640.2$ $SD = 14.9$ $CV = 0.023$
2	617.5	
3	662.0	
4	641.1	
5	636.4	
6	629.2	

(ii) Pooled coefficient of variation-Air Samples. The pooled coefficient of variation for the analytical procedure was determined by 1 uL replicate injections of analytical standards. The standards were 16.04, 32.08, and 64.16 ug/mL, which are equivalent to 0.5, 1.0, and 2.0 ppm for a 10 L air sample respectively.

Injection	Area Counts		
	0.5 ppm	1.0 ppm	2.0 ppm
1	3996.5	8130.2	16481
2	4059.4	8235.6	16493
3	4052.0	8307.9	16535
4	4027.2	8263.2	16609
5	4046.8	8291.1	16552
6	4137.9	8288.8	16618
$\bar{X} =$	4053.3	8254.0	16548.3
SD=	47.2	62.5	57.1
CV=	0.0116	0.0076	0.0034
CV= 0.008			

(iii) Storage data-air samples.

Samples were generated at 1.03 ppm benzene at eighty percent relative humidity, 22 C, and 643 mm. All samples were taken for fifty minutes at 0.2 L/min. Six samples were analyzed immediately and the rest of the samples were divided into two groups by fifteen samples each. One group was stored at refrigerated temperature of -25 C, and the other group was stored at ambient temperature (approximately 23 C). These samples were analyzed over a period of fifteen days. The results are tabulated below.

PERCENT RECOVERY

Day Analyzed	Refrigerated			Ambient		
	0	97.4	98.7	98.9	97.4	98.7
0	97.1	100.6	100.9	97.1	100.6	100.9
2	95.8	96.4	95.4	95.4	96.6	96.9
5	93.9	93.7	92.4	92.4	94.3	94.1
9	93.6	95.5	94.6	95.2	95.6	96.6
13	94.3	95.3	93.7	91.0	95.0	94.6
15	96.8	95.8	94.2	92.9	96.3	95.9

(iv) Desorption data.

Samples were prepared by injecting liquid benzene onto the A section of charcoal tubes. Samples were prepared that would be equivalent to 0.5, 1.0, and 2.0 ppm for a 10 L air sample.

PERCENT RECOVERY

Sample	0.5 ppm	1.0 ppm	2.0 ppm
1	99.4	98.8	99.5
2	99.5	98.7	99.7
3	99.2	98.6	99.8
4	99.4	99.1	100.0
5	99.2	99.0	99.7
6	99.8	99.1	99.9
$\bar{X} =$	99.4	98.9	99.8
SD=	0.22	0.21	0.18
CV=	0.0022	0.0021	0.0018
$\bar{X} = 99.4$			

(v) Carbon disulfide.

Carbon disulfide from a number of sources was analyzed for benzene contamination. The results are given in the following table. The benzene contaminant can be removed with the procedures given in section 4.1.

SAMPLE	ug Benzene/mL	ppm equivalent (for 10 L air sample)
Aldrich Lot 83017	4.20	0.13
Baker Lot 720364	1.0f	0.03
Baker Lot 822351	1.0f	0.03
Malinkrodt Lot WEMP	1.74	0.05
Malinkrodt Lot WHGA	5.65	0.18
Treated CS ₂	2.90	0.09

(2) WISHA laboratory method for bulk samples.

Analyte: Benzene.

Matrix: Bulk samples.

Procedure: Bulk samples are analyzed directly by high performance liquid chromatography (HPLC) or by capillary gas chromatography. See laboratory manual for GC procedure.

Detection limits: 0.01% by volume.

(a) Principle of the method.

(i) An aliquot of the bulk sample to be analyzed is injected into a liquid chromatograph or gas chromatograph.

(ii) The peak area for benzene is determined and compared to areas obtained from standards.

(b) Advantages and disadvantages of the method.

(i) The analytical procedure is quick, sensitive, and reproducible.

(ii) Reanalysis of samples is possible.

(iii) Interferences can be circumvented by proper selection of HPLC parameters or GC parameters.

(iv) Samples must be free of any particulates that may clog the capillary tubing in the liquid chromatograph. This may require distilling the sample or clarifying with a clarification kit.

(c) Apparatus.

(i) Liquid chromatograph equipped with a UV detector or capillary gas chromatograph with FID detector.

(ii) HPLC column that will separate benzene from other components in the bulk sample being analyzed. The column used for validation studies was a Waters uBondapack C18, 30 cm x 3.9 mm.

(iii) A clarification kit to remove any particulates in the bulk if necessary.

(iv) A micro-distillation apparatus to distill any samples if necessary.

(v) An electronic integrator or some other suitable method of measuring peak areas.

(vi) Microliter syringes—10 uL syringe and other convenient sizes for making standards. 10 uL syringe for sample injections.

(vii) Volumetric flasks, 5 mL and other convenient sizes for preparing standards and making dilutions.

(d) Reagents.

(i) Benzene, reagent grade.

(ii) HPLC grade water, methyl alcohol, and isopropyl alcohol.

(e) Collection and shipment of samples.

(i) Samples should be transported in glass containers with Teflon-lined caps.

(ii) Samples should not be put in the same container used for air samples.

(f) Analysis of samples.

(i) Sample preparation.

If necessary, the samples are distilled or clarified. Samples are analyzed undiluted. If the benzene concentration is out of the working range, suitable dilutions are made with isopropyl alcohol.

(ii) HPLC conditions.

The typical operating conditions for the high performance liquid chromatograph are:

(A) Mobile phase—Methyl alcohol/water, 50/50.

(B) Analytical wavelength—254 nm.

(C) Injection size—10 uL.

(iii) Measurement of peak area and calibration.

Peak areas are measured by an integrator or other suitable means. The integrator is calibrated to report results % in benzene by volume.

(g) Calculations.

Since the integrator is programmed to report results in % benzene by volume in an undiluted sample, the following equation is used:

$$\% \text{ Benzene by Volume} = A \times B$$

Where: A = % by volume on report

B = Dilution Factor

(B = 1 for undiluted sample)

(h) Backup data.

(i) Detection limit—bulk samples.

The detection limit for the analytical procedure for bulk samples is 0.88 ug, with a coefficient of variation of 0.019 at this level. This amount provided a chromatographic peak that could be identifiable in the presence of possible interferences. The detection limit data were obtained by making 10 uL injections of a 0.10% by volume standard.

1	45386	$\bar{X} = 44040.1$ $SD = 852.5$ $CV = 0.019$
2	44214	
3	43822	
4	44062	
5	44062	
6	42724	

(ii) Pooled coefficient of variation—bulk samples.

The pooled coefficient of variation for analytical procedure was determined by 50 uL replicate injections of analytical standards. The standards were 0.01, 0.02, 0.04, 0.10, 1.0, and 2.0% benzene by volume.

Injection No.	0.01	0.02	0.04	0.10	1.0	2.0
1	45386	84737	166097	448497	4395380	9339150
2	44241	84300	170832	441299	4590800	9484900
3	43822	83835	164160	443719	4593200	9557580
4	44062	84381	164445	444842	4642350	9677060
5	44006	83012	168398	442564	4646430	9766240
6	42724	81957	173002	443975	4646260	9766240
\bar{X}	44040.1	83703.6	167872	444149	4585767	9564986
SD	852.5	1042.2	3589.8	2459.1	96839.3	166233
CV	0.0194	0.0125	0.0213	0.0055	0.0211	0.0174
CV	0.017					

NEW SECTION

WAC 296-62-07533 APPENDIX E QUALITATIVE AND QUANTITATIVE FIT TESTING PROCEDURES. Fit test protocols.

(1) The employer shall include the following provisions in the fit test procedures. These provisions apply to both qualitative fit testing (QLFT) and quantitative fit testing (QNFT).

(a) The test subject shall be allowed to pick the most comfortable respirator from a selection including respirators of various sizes from different manufacturers. The selection shall include at least three sizes of elastomeric facepieces of the type of respirator that is to be tested, i.e., three sizes of half mask, or three sizes of full facepiece, and units from at least two manufacturers.

(b) Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine a comfortable fit. A mirror shall be available to assist the subject in evaluating the fit and positioning the respirator. This instruction may not constitute the subject's formal training on respirator use, as it is only a review.

(c) The test subject shall be informed that he/she is being asked to select the respirator which provides the

most comfortable fit. Each respirator represents a different size and shape, and if fitted and used properly, will provide adequate protection.

(d) The test subject shall be instructed to hold each facepiece up to the face and eliminate those which obviously do not give a comfortable fit.

(e) The more comfortable facepieces are noted; the most comfortable mask is donned and worn at least five minutes to assess comfort. Assistance in assessing comfort can be given by discussing the points in (f) of this subsection. If the test subject is not familiar with using a particular respirator, the test subject shall be directed to don the mask several times and to adjust the straps each time to become adept at setting proper tension on the straps.

(f) Assessment of comfort shall include reviewing the following points with the test subject and allowing the test subject adequate time to determine the comfort of the respirator:

- (i) Position of the mask on the nose;
- (ii) Room for eye protection;
- (iii) Room to talk; and
- (iv) Position of mask on face and cheeks.

(g) The following criteria shall be used to help determine the adequacy of the respirator fit:

- (i) Chin properly placed;
- (ii) Adequate strap tension, not overly tightened;
- (iii) Fit across nose bridge;
- (iv) Respirator of proper size to span distance from nose to chin;
- (v) Tendency of respirator to slip; and
- (vi) Self-observation in mirror to evaluate fit and respirator position.

(h) The test subject shall conduct the negative and positive pressure fit checks as described below or ANSI Z88.2-1980. Before conducting the negative or positive pressure test, the subject shall be told to seat the mask on the face by moving the head from side-to-side and up and down slowly while taking in a few slow deep breaths. Another facepiece shall be selected and retested if the test subject fails the fit check tests.

(i) Positive pressure test. Close off the exhalation valve and exhale gently onto the facepiece. The face fit is considered satisfactory if a slight positive pressure can be built up inside the facepiece without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and then carefully replacing it after the test.

(ii) Negative pressure test. Close off the inlet opening of the canister or cartridge(s) by covering with the palm of the hand(s) or by replacing the filter seal(s), inhale gently so that the facepiece collapses slightly, and hold the breath for ten seconds. If the facepiece remains in its slightly collapsed condition and no inward leakage of air is detected, the tightness of the respirator is considered satisfactory.

(i) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface, such as stubble beard growth, beard, or long sideburns which cross the respirator sealing surface. Any

type of apparel which interferes with a satisfactory fit shall be altered or removed.

(j) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respiratory disease or pulmonary medicine to determine whether the test subject can wear a respirator while performing her or his duties.

(k) The test subject shall be given the opportunity to wear the successfully fitted respirator for a period of two weeks. If at any time during this period the respirator becomes uncomfortable, the test subject shall be given the opportunity to select a different facepiece and to be retested.

(l) The employer shall certify that a successful fit test has been administered to the employee. The certification shall include the following information:

- (i) Name of employee;
- (ii) Type, brand, and size of respirator; and
- (iii) Date of test.

Where QNFT is used, the fit factor, strip chart, or other recording of the results of the test, shall be retained with the certification. The certification shall be maintained until the next fit test is administered.

(m) Exercise regimen. Prior to the commencement of the fit test, the test subject shall be given a description of the fit test and the test subject's responsibilities during the test procedure. The description of the process shall include a description of the test exercises that the subject will be performing. The respirator to be tested shall be worn for at least five minutes before the start of the fit test.

(n) Test exercises. The test subject shall perform exercises, in the test environment, in the manner described below:

- (i) Normal breathing. In a normal standing position, without talking, the subject shall breathe normally.
- (ii) Deep breathing. In a normal standing position, the subject shall breathe slowly and deeply, taking caution so as to not hyperventilate.

(iii) Turning head side to side. Standing in place, the subject shall slowly turn his/her head from side to side between the extreme positions on each side. The head shall be held at each extreme momentarily so the subject can inhale at each side.

(iv) Moving head up and down. Standing in place, the subject shall slowly move his/her head up and down. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).

(v) Talking. The subject shall talk out loud slowly and loud enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from one hundred, or recite a memorized poem or song.

(vi) Grimace. The test subject shall grimace by smiling or frowning.

(vii) Bending over. The test subject shall bend at the waist as if he/she were to touch his/her toes. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT units which prohibit bending at the waist.

(viii) Normal breathing. Same as exercise in (n)(i) of this subsection.

Each test exercise shall be performed for one minute except for the grimace exercise which shall be performed for fifteen seconds.

The test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become uncomfortable, another model of respirator shall be tried.

(2) Qualitative fit test (QLFT) protocols.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator qualitative fit test program.

(ii) The employer shall ensure that persons administering QLFT are able to prepare test solutions, calibrate equipment and perform tests properly, recognize invalid tests, and assure that test equipment is in proper working order.

(iii) The employer shall assure that QLFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Isoamyl acetate protocol.

(i) Odor threshold screening.

The odor threshold screening test, performed without wearing a respirator, is intended to determine if the individual tested can detect the odor of isoamyl acetate.

(A) Three one-liter glass jars with metal lids are required.

(B) Odor free water (e.g., distilled or spring water) at approximately twenty-five degrees C shall be used for the solutions.

(C) The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding 1 cc of pure IAA to 800 cc of odor free water in a one liter jar and shaking for thirty seconds. A new solution shall be prepared at least weekly.

(D) The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated but shall not be connected to the same recirculating ventilation system.

(E) The odor test solution is prepared in a second jar by placing 0.4 cc of the stock solution into 500 cc of odor free water using a clean dropper or pipette. The solution shall be shaken for thirty seconds and allowed to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution shall be used for only one day.

(F) A test blank shall be prepared in a third jar by adding 500 cc of odor free water.

(G) The odor test and test blank jars shall be labeled 1 and 2 for jar identification. Labels shall be placed on the lids so they can be periodically peeled, dried off, and switched to maintain the integrity of the test.

(H) The following instruction shall be typed on a card and placed on the table in front of the two test jars (i.e., 1 and 2): "The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contains a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

(I) The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatigue in the subject.

(J) If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA qualitative fit test shall not be performed.

(K) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.

(ii) Isoamyl acetate fit test.

(A) The fit test chamber shall be similar to a clear fifty-five gallon drum liner suspended inverted over a two-foot diameter frame so that the top of the chamber is about six inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

(B) Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors. The cartridges or masks shall be changed at least weekly.

(C) After selecting, donning, and properly adjusting a respirator, the test subject shall wear it to the fit testing room. This room shall be separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

(D) A copy of the test exercises and any prepared text from which the subject is to read shall be taped to the inside of the test chamber.

(E) Upon entering the test chamber, the test subject shall be given a six-inch by five-inch piece of paper towel, or other porous, absorbent, single-ply material, folded in half and wetted with 0.75 cc of pure IAA. The test subject shall hand the wet towel on the hook at the top of the chamber.

(F) Allow two minutes for the IAA test concentration to stabilize before starting the fit test exercises. This would be an appropriate time to talk with the test subject; to explain the fit test, the importance of his/her cooperation, and the purpose for the head exercises; or to demonstrate some of the exercises.

(G) If at any time during the test, the subject detects the banana like odor of IAA, the test has failed. The subject shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

(H) If the test has failed, the subject shall return to the selection room and remove the respirator, repeat the odor sensitivity test, select and put on another respirator, return to the test chamber and again begin the procedure described in (b)(ii)(A) through (G) of this subsection. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about five minutes before retesting. Odor sensitivity will usually have returned by this time.

(I) When a respirator is found that passes the test, its efficiency shall be demonstrated for the subject by having the subject break the face seal and take a breath before exiting the chamber.

(J) When the test subject leaves the chamber, the subject shall remove the saturated towel and return it to

the person conducting the test. To keep the test area from becoming contaminated, the used towels shall be kept in a self sealing bag so there is no significant IAA concentration build-up in the test chamber during subsequent tests.

(c) Saccharin solution aerosol protocol. The saccharin solution aerosol QLFT protocol is the only currently available, validated test protocol for use with particulate disposable dust respirators not equipped with high-efficiency filters. The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

(i) Taste threshold screening. The saccharin taste threshold screening, performed without wearing a respirator, is intended to determine whether the individual being tested can detect the taste of saccharin.

(A) Threshold screening as well as fit testing subjects shall wear an enclosure about the head and shoulders that is approximately twelve inches in diameter by fourteen inches tall with at least the front portion clear and that allows free movements of the head when a respirator is worn. An enclosure substantially similar to the 3M hood assembly, parts NZ FT 14 and NZ FT 15 combined, is adequate.

(B) The test enclosure shall have a three-quarter inch hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.

(C) The test subject shall don the test enclosure. Throughout the threshold screening test, the test subject shall breathe through his/her wide open mouth with tongue extended.

(D) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer the test conductor shall spray the threshold check solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the fit test solution nebulizer.

(E) The threshold check solution consists of 0.83 grams of sodium saccharin USP in 1 cc of warm water. It can be prepared by putting 1 cc of the fit test solution (see (b)(ii)(E) of this subsection) in 100 cc of distilled water.

(F) To produce the aerosol, the nebulizer bulb is firmly squeezed so that it collapses completely, then released and allowed to fully expand.

(G) Ten squeezes are repeated rapidly and then the test subject is asked whether the saccharin can be tasted.

(H) If the first response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(I) If the second response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(J) The test conductor will take note of the number of squeezes required to solicit a taste response.

(K) If the saccharin is not tasted after thirty squeezes (subitem (J)), the test subject may not perform the saccharin fit test.

(L) If a taste response is elicited, the test subject shall be asked to take note of the taste for reference in the fit test.

(M) Correct use of the nebulizer means that approximately 1 cc of liquid is used at a time in the nebulizer body.

(N) The nebulizer shall be thoroughly rinsed in water, shaken dry, and refilled at least each morning and afternoon or at least every four hours.

(ii) Saccharin solution aerosol fit test procedure.

(A) The test subject may not eat, drink (except plain water), or chew gum for fifteen minutes before the test.

(B) The fit test uses the same enclosure described in (c)(i) of this subsection.

(C) The test subject shall don the enclosure while wearing the respirator selected in (c)(i) of this subsection. The respirator shall be properly adjusted and equipped with a particulate filter(s).

(D) A second DeVilbiss Model 40 Inhalation Medication Nebulizer is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

(E) The fit test solution is prepared by adding eighty-three grams of sodium saccharin to 100 cc of warm water.

(F) As before, the test subject shall breathe through the open mouth with tongue extended.

(G) The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the enclosure using the same number of squeezes required to elicit a taste response in the screening test.

(H) After generating the aerosol the test subject shall be instructed to perform the exercises in subsection (1)(h) of this section.

(I) Every thirty seconds the aerosol concentration shall be replenished using one-half the number of squeezes as initially.

(J) The test subject shall indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

(K) If the taste of saccharin is detected, the fit is deemed unsatisfactory and a different respirator shall be tried.

(d) Irritant fume protocol.

(i) The respirator to be tested shall be equipped with high-efficiency particulate air (HEPA) filters.

(ii) The test subject shall be allowed to smell a weak concentration of the irritant smoke before the respirator is donned to become familiar with its characteristic odor.

(iii) Break both ends of a ventilation smoke tube containing stannic oxychloride, such as the MSA part No. 5645, or equivalent. Attach one end of the smoke tube to a low flow air pump set to deliver two hundred milliliters per minute.

(iv) Advise the test subject that the smoke can be irritating to the eyes and instruct the subject to keep his/her eyes closed while the test is performed.

(v) The test conductor shall direct the stream of irritant smoke from the smoke tube towards the face seal area of the test subject. He/she shall begin at least twelve inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

(vi) The exercises identified in subsection (1)(n) of this section shall be performed by the test subject while the respirator seal is being challenged by the smoke.

(vii) Each test subject passing the smoke test without evidence of a response shall be given a sensitivity check of the smoke from the same tube once the respirator has been removed to determine whether he/she reacts to the smoke. Failure to evoke a response shall void the fit test.

(viii) The fit test shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agent.

(3) Quantitative fit test (QNFT) protocol.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator quantitative fit test program.

(ii) The employer shall ensure that persons administering QNFT are able to calibrate equipment and perform tests properly, recognize invalid tests, calculate fit factors properly and assure that test equipment is in proper working order.

(iii) The employer shall assure that QNFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Definitions.

(i) "Quantitative fit test." The test is performed in a test chamber. The normal air-purifying element of the respirator is replaced by a high-efficiency particulate air (HEPA) filter in the case of particulate QNFT aerosols or a sorbent offering contaminant penetration protection equivalent to high-efficiency filters where the QNFT test agent is a gas or vapor.

(ii) "Challenge agent" means the aerosol, gas, or vapor introduced into a test chamber so that its concentration inside and outside the respirator may be measured.

(iii) "Test subject" means the person wearing the respirator for quantitative fit testing.

(iv) "Normal standing position" means standing erect and straight with arms down along the sides and looking straight ahead.

(v) "Maximum peak penetration method" means the method of determining test agent penetration in the respirator as determined by strip chart recordings of the test. The highest peak penetration for a given exercise is taken to be representative of average penetration into the respirator for that exercise.

(vi) "Average peak penetration method" means the method of determining test agent penetration into the respirator utilizing a strip chart recorder, integrator, or computer. The agent penetration is determined by an average of the peak heights on the graph or by computer integration, for each exercise except the grimace exercise. Integrators or computers which calculate the actual test agent penetration into the respirator for each exercise will also be considered to meet the requirements of the average peak penetration method.

(vii) "Fit factor" means the ratio of challenge agent concentration outside with respect to the inside of a respirator inlet covering (facepiece or enclosure).

(c) Apparatus.

(i) Instrumentation. Aerosol generation, dilution, and measurement systems using corn oil or sodium chloride as test aerosols shall be used for quantitative fit testing.

(ii) Test chamber. The test chamber shall be large enough to permit all test subjects to perform freely all required exercises without disturbing the challenge agent concentration or the measurement apparatus. The test chamber shall be equipped and constructed so that the challenge agent is effectively isolated from the ambient air, yet uniform in concentration throughout the chamber.

(iii) When testing air-purifying respirators, the normal filter or cartridge element shall be replaced with a high-efficiency particulate filter supplied by the same manufacturer.

(iv) The sampling instrument shall be selected so that a strip chart record may be made of the test showing the rise and fall of the challenge agent concentration with each inspiration and expiration at fit factors of at least two thousand. Integrators or computers which integrate the amount of test agent penetration leakage into the respirator for each exercise may be used provided a record of the readings is made.

(v) The combination of substitute air-purifying elements, challenge agent and challenge agent concentration in the test chamber shall be such that the test subject is not exposed in excess of an established exposure limit for the challenge agent at any time during the testing process.

(vi) The sampling port on the test specimen respirator shall be placed and constructed so that no leakage occurs around the port (e.g., where the respirator is probed), a free air flow is allowed into the sampling line at all times and so that there is no interference with the fit or performance of the respirator.

(vii) The test chamber and test set up shall permit the person administering the test to observe the test subject inside the chamber during the test.

(viii) The equipment generating the challenge atmosphere shall maintain the concentration of challenge agent inside the test chamber constant to within a ten percent variation for the duration of the test.

(ix) The time lag (interval between an event and the recording of the event on the strip chart or computer or integrator) shall be kept to a minimum. There shall be a clear association between the occurrence of an event inside the test chamber and its being recorded.

(x) The sampling line tubing for the test chamber atmosphere and for the respirator sampling port shall be of equal diameter and of the same material. The length of the two lines shall be equal.

(xi) The exhaust flow from the test chamber shall pass through a high-efficiency filter before release.

(xii) When sodium chloride aerosol is used, the relative humidity inside the test chamber shall not exceed fifty percent.

(xiii) The limitations of instrument detection shall be taken into account when determining the fit factor.

(xiv) Test respirators shall be maintained in proper working order and inspected for deficiencies such as cracks, missing valves and gaskets, etc.

(d) Procedural requirements.

(i) When performing the initial positive or negative pressure test the sampling line shall be crimped closed in order to avoid air pressure leakage during either of these tests.

(ii) An abbreviated screening isoamyl acetate test or irritant fume test may be utilized in order to quickly identify poor fitting respirators which passed the positive and/or negative pressure test and thus reduce the amount of QNFT time. When performing a screening isoamyl acetate test, combination high-efficiency organic vapor cartridges/canisters shall be used.

(iii) A reasonably stable challenge agent concentration shall be measured in the test chamber prior to testing. For canopy or shower curtain type of test units the determination of the challenge agent stability may be established after the test subject has entered the test environment.

(iv) Immediately after the subject enters the test chamber, the challenge agent concentration inside the respirator shall be measured to ensure that the peak penetration does not exceed five percent for a half mask or one percent for a full facepiece respirator.

(v) A stable challenge concentration shall be obtained prior to the actual start of testing.

(vi) Respirator restraining straps shall not be overtightened for testing. The straps shall be adjusted by the wearer without assistance from other persons to give a reasonable comfortable fit typical of normal use.

(vii) The test shall be terminated whenever any single peak penetration exceeds five percent for half masks and one percent for full facepiece respirators. The test subject shall be refitted and retested. If two of the three required tests are terminated, the fit shall be deemed inadequate.

(viii) In order to successfully complete a QNFT, three successful fit tests are required. The results of each of the three independent fit tests must exceed the minimum fit factor needed for the class of respirator (e.g., half mask respirator, full facepiece respirator).

(ix) Calculation of fit factors.

(A) The fit factor shall be determined for the quantitative fit test by taking the ratio of the average chamber concentration to the concentration inside the respirator.

(B) The average test chamber concentration is the arithmetic average of the test chamber concentration at the beginning and at the end of the test.

(C) The concentration of the challenge agent inside the respirator shall be determined by one of the following methods:

(I) Average peak concentration;

(II) Maximum peak concentration; or

(III) Integration by calculation of the area under the individual peak for each exercise. This includes computerized integration.

(x) Interpretation of test results. The fit factor established by the quantitative fit testing shall be the lowest of the three fit factor values calculated from the three required fit tests.

(xi) The test subject shall not be permitted to wear a half mask, or full facepiece respirator unless a minimum fit factor equivalent to at least ten times the hazardous exposure level is obtained.

(xii) Filters used for quantitative fit testing shall be replaced at least weekly, or whenever increased breathing resistance is encountered, or when the test agent has altered the integrity of the filter media. Organic vapor cartridges/canisters shall be replaced daily (when used) or sooner if there is any indication of breakthrough by a test agent.

NEW SECTION

WAC 296-62-07540 FORMALDEHYDE. (1) Scope and application. This standard applies to all occupational exposures to formaldehyde, i.e., from formaldehyde gas, its solutions, and materials that release formaldehyde.

(2) Definitions. For purposes of this standard, the following definitions shall apply:

(a) "Action level" means a concentration of 0.5 part formaldehyde per million parts of air (0.5 ppm) calculated as an 8-hour time-weighted average (TWA) concentration.

(b) "Approved" means approved by the director of the department of labor and industries or his authorized representative: PROVIDED, HOWEVER, That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the Bureau of Mines, the provision of WAC 296-24-006 shall apply.

(c) "Authorized person" means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the job site.

(d) "Director" means the director of the department of labor and industries, or his designated representative.

(e) "Emergency" is any occurrence, such as but not limited to equipment failure, rupture of containers, or failure of control equipment that results in an uncontrolled release of a significant amount of formaldehyde.

(f) "Employee exposure" means the exposure to airborne formaldehyde which would occur without corrections for protection provided by any respirator that is in use.

(g) "Formaldehyde" means the chemical substance, HCHO, Chemical Abstracts Service Registry No. 50-00-0.

(3) Permissible exposure limit (PEL).

(a) TWA: The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds one part formaldehyde per million parts of air (1 ppm) as an 8-hour TWA.

(b) Short term exposure limit (STEL): The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds two parts formaldehyde per million parts of air (2 ppm) as a fifteen-minute STEL.

(4) Exposure monitoring.

(a) General.

(i) Each employer who has a workplace covered by this standard shall monitor employees to determine their exposure to formaldehyde.

(ii) Exceptions.

(A) The employer need not initiate exposure monitoring unless there is a formaldehyde hazard as defined in subsection (13) of this section or there are employee health complaints possibly associated with formaldehyde exposure.

(B) Where the employer documents, using objective data, that the presence of formaldehyde or formaldehyde-releasing products in the workplace cannot result in airborne concentrations of formaldehyde that would cause any employee to be exposed at or above the action level or the STEL under foreseeable conditions of use, the employer will not be required to measure employee exposure to formaldehyde unless there are employee health complaints possibly associated with formaldehyde exposure.

(iii) When an employee's exposure is determined from representative sampling, the measurements used shall be representative of the employee's full shift or short-term exposure to formaldehyde, as appropriate.

(iv) Representative samples for each job classification in each work area shall be taken for each shift unless the employer can document with objective data that exposure levels for a given job classification are equivalent for different workshifts.

(b) Initial monitoring. The employer shall identify all employees who may be exposed at or above the action level or at or above the STEL and accurately determine the exposure of each employee so identified.

(i) Unless the employer chooses to measure the exposure of each employee potentially exposed to formaldehyde, the employer shall develop a representative sampling strategy and measure sufficient exposures within each job classification for each workshift to correctly characterize and not underestimate the exposure of any employee within each exposure group.

(ii) The initial monitoring process shall be repeated each time there is a change in production, equipment, process, personnel, or control measures which may result in new or additional exposure to formaldehyde.

(c) Periodic monitoring.

(i) The employer shall periodically measure and accurately determine exposure to formaldehyde for employees shown by the initial monitoring to be exposed at or above the action level or at or above the STEL.

(ii) If the last monitoring results reveal employee exposure at or above the action level, the employer shall repeat monitoring of the employees at least every six months.

(iii) If the last monitoring results reveal employee exposure at or above the STEL, the employer shall repeat monitoring of the employees at least once a year under worst conditions.

(d) Termination of monitoring. The employer may discontinue periodic monitoring for employees if results from two consecutive sampling periods taken at least seven days apart show that employee exposure is below the action level and the STEL. The results must be statistically representative and consistent with the employer's knowledge of the job and work operation.

(e) Accuracy of monitoring. Monitoring shall be accurate, at the ninety-five percent confidence level, to within plus or minus twenty-five percent for airborne

concentrations of formaldehyde at the TWA and the STEL and to within plus or minus thirty-five percent for airborne concentrations of formaldehyde at the action level.

(f) Employee notification of monitoring results. Within fifteen days of receiving the results of exposure monitoring conducted under this standard, the employer shall notify the affected employees of these results. Notification shall be in writing, either by distributing copies of the results to the employees or by posting the results. If the employee exposure is over either PEL, the employer shall develop and implement a written plan to reduce employee exposure to or below both PELs, and give written notice to employees. The written notice shall contain a description of the corrective action being taken by the employer to decrease exposure.

(g) Observation of monitoring.

(i) The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to formaldehyde required by this standard.

(ii) When observation of the monitoring of employee exposure to formaldehyde requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the clothing and equipment to the observer, require the observer to use such clothing and equipment, and assure that the observer complies with all other applicable safety and health procedures.

(5) Regulated areas.

(a) The employer shall establish regulated areas where the concentration of airborne formaldehyde exceeds either the TWA or the STEL and post all entrances and accessways with signs bearing the following information:

**DANGER
FORMALDEHYDE
IRRITANT AND POTENTIAL CANCER HAZARD
AUTHORIZED PERSONNEL ONLY**

(b) The employer shall limit access to regulated areas to authorized persons who have been trained to recognize the hazards of formaldehyde.

(c) An employer at a multi-employer worksite who establishes a regulated area shall communicate the access restrictions and locations of these areas to other employers with work operations at that worksite.

(6) Methods of compliance.

(a) Engineering controls and work practices. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to formaldehyde at or below the TWA and the STEL.

(b) Exception. Whenever the employer has established that feasible engineering and work practice controls cannot reduce employee exposure to or below either of the PELs, the employer shall apply these controls to reduce employee exposures to the extent feasible and shall supplement them with respirators which satisfy this standard.

(7) Respiratory protection.

(a) General. Where respiratory protection is required, the employer shall provide the respirators at no cost to

the employee and shall assure that they are properly used. The respirators shall comply with the requirements of this standard and shall reduce the concentration of formaldehyde inhaled by the employee to at or below both the TWA and the STEL. Respirators shall be used in the following circumstances:

(i) During the interval necessary to install or implement feasible engineering and work practice controls;

(ii) In work operations, such as maintenance and repair activities or vessel cleaning, for which the employer establishes that engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the PELs; and

(iv) In emergencies.

(b) Respirator selection.

(i) The appropriate respirators as specified in Table 1 shall be selected from those approved by the Mine Safety and Health Administration (MSHA) and by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(ii) The employer shall make available a powered air-purifying respirator, meeting the specifications in Table 1, to any employee who experiences difficulty wearing a negative-pressure respirator to reduce exposure to formaldehyde.

(c) Respirator usage.

(i) Whenever respirator use is required by this standard, the employer shall institute a respiratory protection program in accordance with WAC 296-62-07109, 296-62-07111, 296-62-07115, and 296-62-07117.

(ii) The employer shall perform either quantitative or qualitative face fit tests in accordance with the procedures outlined in Appendix E at the time of initial fitting and at least annually thereafter for all employees required by this standard to wear negative-pressure respirators.

(A) Respirators selected shall be from those exhibiting the best facepiece fit.

(B) No respirator shall be chosen that would potentially permit the employee to inhale formaldehyde at concentrations in excess of either the TWA or the STEL.

TABLE 1
MINIMUM REQUIREMENTS FOR RESPIRATORY
PROTECTION AGAINST FORMALDEHYDE

Condition of use or formaldehyde concentration (ppm)	Minimum respirator required ¹
Up to 10 ppm	Full facepiece with cartridges or canisters specifically approved for protection against formaldehyde ² .
Up to 100 ppm	Full-face mask, chest or back mounted type, with industrial size canister specifically approved for protection against formaldehyde.

Condition of use or formaldehyde concentration (ppm)	Minimum respirator required ¹
Above 100 ppm or unknown (emergencies).....	Type C supplied-air respirator, demand type, with full facepiece, hood, or helmet.
Firefighting	SCBA with positive-pressure in full facepiece.
Escape	SCBA in demand or pressure demand mode. Full-face mask, front or back mounted type with industrial size canister specifically approved for protection against formaldehyde.

Type C supplied-air respirator, demand type, with full facepiece, hood, or helmet.

Above 100 ppm or unknown (emergencies)..... Self-contained breathing apparatus (SCBA) with positive-pressure full facepiece.

Combination supplied-air, full facepiece positive-pressure respirator with auxiliary self-contained air supply.

Firefighting SCBA with positive-pressure in full facepiece.

Escape SCBA in demand or pressure demand mode.

Full-face mask, front or back mounted type with industrial size canister specifically approved for protection against formaldehyde.

¹ Respirators specified for use at higher concentrations may be used at lower concentrations.

² A half-mask respirator with cartridges specifically approved for protection against formaldehyde can be substituted for the full facepiece respirator providing that effective gas-proof goggles are provided and used in combination with the half-mask respirator.

(iii) Where air purifying chemical cartridge respirators are used, the cartridges shall be replaced after three hours of use or at the end of the workshift, whichever is sooner unless the cartridge contains a NIOSH-approved end-of-service indicator to show when breakthrough occurs.

(iv) Unless the canister contains a NIOSH-approved end-of-service life indicator to show when breakthrough occurs, canisters used in atmospheres up to 10 ppm shall be replaced every four hours and industrial sized canisters used in atmospheres up to 100 ppm shall be replaced every two hours or at the end of the workshift, whichever is sooner.

(v) Employers shall permit employees to leave the work area to wash their faces and respirator facepieces as needed to prevent skin irritation from respirator use.

(8) Protective equipment and clothing. Employers shall comply with the provisions of WAC 296-24-07501 and 296-24-078. When protective equipment or clothing is provided under these provisions, the employer shall provide these protective devices at no cost to the employee and assure that the employee wears them.

(a) *Selection.* The employer shall select protective clothing and equipment based upon the form of formaldehyde to be encountered, the conditions of use, and the hazard to be prevented.

(i) All contact of the eyes and skin with liquids containing one percent or more formaldehyde shall be prevented by the use of chemical protective clothing made of material impervious to formaldehyde and the use of other personal protective equipment, such as goggles and face shields, as appropriate to the operation.

(ii) Contact with irritating or sensitizing materials shall be prevented to the extent necessary to eliminate the hazard.

(iii) Where a face shield is worn, chemical safety goggles are also required if there is a danger of formaldehyde reaching the area of the eye.

(iv) Full body protection shall be worn for entry into areas where concentrations exceed 100 ppm and for emergency reentry into areas of unknown concentration.

(b) *Maintenance of protective equipment and clothing.*

(i) The employer shall assure that protective equipment and clothing that has become contaminated with formaldehyde is cleaned or laundered before its reuse.

(ii) When ventilating formaldehyde-contaminated clothing and equipment, the employer shall establish a storage area so that employee exposure is minimized. Containers for contaminated clothing and equipment and storage areas shall have labels and signs containing the following information:

**DANGER
FORMALDEHYDE-CONTAMINATED
(CLOTHING) EQUIPMENT
AVOID INHALATION AND SKIN CONTACT**

(iii) The employer shall assure that only persons trained to recognize the hazards of formaldehyde remove the contaminated material from the storage area for purposes of cleaning, laundering, or disposal.

(iv) The employer shall assure that no employee takes home equipment or clothing that is contaminated with formaldehyde.

(v) The employer shall repair or replace all required protective clothing and equipment for each affected employee as necessary to assure its effectiveness.

(vi) The employer shall inform any person who launders, cleans, or repairs such clothing or equipment of formaldehyde's potentially harmful effects and of procedures to safely handle the clothing and equipment.

(9) *Hygiene protection.*

(a) The employer shall provide change rooms, as described in WAC 296-24-120 for employees who are required to change from work clothing into protective clothing to prevent skin contact with formaldehyde.

(b) If employees' skin may become splashed with solutions containing one percent or greater formaldehyde, for example because of equipment failure or improper work practices, the employer shall provide conveniently located quick drench showers and assure that affected employees use these facilities immediately.

(c) If there is any possibility that an employee's eyes may be splashed with solutions containing 0.1 percent or

greater formaldehyde, the employer shall provide acceptable eyewash facilities within the immediate work area for emergency use.

(10) *Housekeeping.* For operations involving formaldehyde liquids or gas, the employer shall conduct a program to detect leaks and spills, including regular visual inspections.

(a) Preventative maintenance of equipment, including surveys for leaks, shall be undertaken at regular intervals.

(b) In work areas where spillage may occur, the employer shall make provisions to contain the spill, to decontaminate the work area, and to dispose of the waste.

(c) The employer shall assure that all leaks are repaired and spills are cleaned promptly by employees wearing suitable protective equipment and trained in proper methods for cleanup and decontamination.

(d) Formaldehyde-contaminated waste and debris resulting from leaks or spills shall be placed for disposal in sealed containers bearing a label warning of formaldehyde's presence and of the hazards associated with formaldehyde.

(11) *Emergencies.* For each workplace where there is the possibility of an emergency involving formaldehyde, the employer shall assure appropriate procedures are adopted to minimize injury and loss of life. Appropriate procedures shall be implemented in the event of an emergency.

(12) *Medical surveillance.*

(a) *Employees covered.*

(i) The employer shall institute medical surveillance programs for all employees exposed to formaldehyde at concentrations at or exceeding the action level or exceeding the STEL.

(ii) The employer shall make medical surveillance available for employees who develop signs and symptoms of overexposure to formaldehyde and for all employees exposed to formaldehyde in emergencies. When determining whether an employee may be experiencing signs and symptoms of possible overexposure to formaldehyde, the employer may rely on the evidence that signs and symptoms associated with formaldehyde exposure will occur only in exceptional circumstances when airborne exposure is less than 0.1 ppm and when formaldehyde is present in materials in concentrations less than 0.1 percent.

(b) *Examination by a physician.* All medical procedures, including administration of medical disease questionnaires, shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(c) *Medical disease questionnaire.* The employer shall make the following medical surveillance available to employees prior to assignment to a job where formaldehyde exposure is at or above the action level or above the STEL and annually thereafter. The employer shall also make the following medical surveillance available promptly upon determining that an employee is experiencing signs and symptoms indicative of possible overexposure to formaldehyde.

(i) Administration of a medical disease questionnaire, such as in Appendix D, which is designed to elicit information on work history, smoking history, any evidence of eye, nose, or throat irritation; chronic airway problems or hyperreactive airway disease; allergic skin conditions or dermatitis; and upper or lower respiratory problems.

(ii) A determination by the physician, based on evaluation of the medical disease questionnaire, of whether a medical examination is necessary for employees not required to wear respirators to reduce exposure to formaldehyde.

(d) Medical examinations. Medical examinations shall be given to any employee who the physician feels, based on information in the medical disease questionnaire, may be at increased risk from exposure to formaldehyde and at the time of initial assignment and at least annually thereafter to all employees required to wear a respirator to reduce exposure to formaldehyde. The medical examination shall include:

(i) A physical examination with emphasis on evidence of irritation or sensitization of the skin and respiratory system, shortness of breath, or irritation of the eyes.

(ii) Laboratory examinations for respirator wearers consisting of baseline and annual pulmonary function tests. As a minimum, these tests shall consist of forced vital capacity (FVC), forced expiratory volume in one second (FEV1), and forced expiratory flow (FEF).

(iii) Any other test which the examining physician deems necessary to complete the written opinion.

(iv) Counseling of employees having medical conditions that would be directly or indirectly aggravated by exposure to formaldehyde on the increased risk of impairment of their health.

(e) Examinations for employees exposed in an emergency. The employer shall make medical examinations available as soon as possible to all employees who have been exposed to formaldehyde in an emergency.

(i) The examination shall include a medical and work history with emphasis on any evidence of upper or lower respiratory problems, allergic conditions, skin reaction or hypersensitivity, and any evidence of eye, nose, or throat irritation.

(ii) Other examinations shall consist of those elements considered appropriate by the examining physician.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and Appendices A, C, D, and E;

(ii) A description of the affected employee's job duties as they relate to the employee's exposure to formaldehyde;

(iii) The representative exposure level for the employee's job assignment;

(iv) Information concerning any personal protective equipment and respiratory protection used or to be used by the employee; and

(v) Information from previous medical examinations of the affected employee within the control of the employer.

(vi) In the event of a nonroutine examination because of an emergency, the employer shall provide to the physician as soon as possible: A description of how the emergency occurred and the exposure the victim may have received.

(g) Physician's written opinion.

(i) For each examination required under this standard, the employer shall obtain a written opinion from the examining physician. This written opinion shall contain the results of the medical examination except that it shall not reveal specific findings or diagnoses unrelated to occupational exposure to formaldehyde. The written opinion shall include:

(A) The physician's opinion as to whether the employee has any medical condition that would place the employee at an increased risk of material impairment of health from exposure to formaldehyde;

(B) Any recommended limitations on the employee's exposure or changes in the use of personal protective equipment, including respirators;

(C) A statement that the employee has been informed by the physician of any medical conditions which would be aggravated by exposure to formaldehyde, whether these conditions may have resulted from past formaldehyde exposure or from exposure in an emergency, and whether there is a need for further examination or treatment.

(ii) The employer shall provide for retention of the results of the medical examination and tests conducted by the physician.

(iii) The employer shall provide a copy of the physician's written opinion to the affected employee within fifteen days of its receipt.

(13) Hazard communication.

(a) General. Notwithstanding any exemption granted in WAC 296-62-05403 (6)(c) for wood products, each employer who has a workplace covered by this standard shall comply with the requirements of WAC 296-62-05409 through 296-62-05419.

(i) For purposes of hazard communication, formaldehyde gas, all mixtures or solutions composed of greater than 0.1 percent formaldehyde, and materials capable of releasing formaldehyde into the air under any normal condition of use at concentrations reaching or exceeding 0.1 ppm shall be considered a health hazard.

(ii) As a minimum, specific health hazards that the employer shall address are: Cancer, irritation and sensitization of the skin and respiratory system, eye and throat irritation, and acute toxicity.

(b) Manufacturers and importers who produce or import formaldehyde or formaldehyde-containing products shall provide downstream employers using or handling these products with an objective determination through the required labels and MSDSs if these items may constitute a health hazard within the meaning of WAC 296-62-05407 under normal conditions of use.

(c) Labels.

(i) The employer shall assure that hazard warning labels complying with the requirements of WAC 296-62-05411 are affixed to all containers where the presence of formaldehyde constitutes a health hazard.

(ii) Information on labels. As a minimum, labels shall identify the hazardous chemical; list the name and address of the responsible party; contain the information "potential cancer hazard"; and appropriately warn of all other hazards as defined in Part C (WAC 296-62-054 through 296-62-05425), Appendices A and B.

(iii) Substitute warning labels. The employer may use warning labels required by other statutes, regulations, or ordinances which impart the same information as the warning statements required by this subitem.

(d) Material safety data sheets.

(i) Any employer who uses formaldehyde-containing materials that constitute a health hazard as defined in this standard shall comply with the requirements of WAC 296-62-05413 with regard to the development and updating of material safety data sheets.

(ii) Manufacturers, importers, and distributors of formaldehyde containing materials that constitute a health hazard as defined in this standard shall assure that material safety data sheets and updated information are provided to all employers purchasing such materials at the time of the initial shipment and at the time of the first shipment after a material safety data sheet is updated.

(14) Employee information and training.

(a) Employee training. Written materials for employee training shall be updated as soon as possible, but no later than two months after the effective date of the standard.

(b) Participation. The employer shall assure that all employees who are assigned to workplaces where there is a health hazard from formaldehyde participate in a training program.

(c) Frequency.

(i) Employers shall provide employees with information and training on formaldehyde at the time of their initial assignment and whenever a new hazard from formaldehyde is introduced into their work area.

(ii) Employers shall provide such information and training at least annually for all employees exposed to formaldehyde concentrations at or above the action level or the STEL.

(d) Training program. The training program shall be conducted in a manner which the employee is able to understand and shall include:

(i) A discussion of the contents of this regulation and the contents of the material safety data sheet;

(ii) The purpose for and a description of the medical surveillance program required by this standard, including:

(A) A description of the potential health hazards associated with exposure to formaldehyde and a description of the signs and symptoms of exposure to formaldehyde.

(B) Instructions to immediately report to the employer the development of any adverse signs or symptoms that the employee suspects is attributable to formaldehyde exposure.

(iii) Description of operations in the work area where formaldehyde is present and an explanation of the safe work practices appropriate for limiting exposure to formaldehyde in each job;

(iv) The purpose for, proper use of, and limitations of personal protective clothing and equipment;

(v) Instructions for the handling of spills, emergencies, and clean-up procedures;

(vi) An explanation of the importance of engineering and work practice controls for employee protection and any necessary instruction in the use of these controls; and

(vii) A review of emergency procedures including the specific duties or assignments of each employee in the event of an emergency.

(e) Access to training materials.

(i) The employer shall inform all affected employees of the location of written training materials and shall make these materials readily available, without cost, to the affected employees.

(ii) The employer shall provide, upon request, all training materials relating to the employee training program to the director of labor and industries, or his designated representative.

(15) Recordkeeping.

(a) Exposure measurements. The employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to formaldehyde. This record shall include:

(i) The date of measurement;

(ii) The operation being monitored;

(iii) The methods of sampling and analysis and evidence of their accuracy and precision;

(iv) The number, durations, time, and results of samples taken;

(v) The types of protective devices worn; and

(vi) The names, job classifications, Social Security numbers, and exposure estimates of the employees whose exposures are represented by the actual monitoring results.

(b) Exposure determinations. Where the employer has determined that no monitoring is required under this standard, the employer shall maintain a record of the objective data relied upon to support the determination that no employee is exposed to formaldehyde at or above the action level.

(c) Medical surveillance. The employer shall establish and maintain an accurate record for each employee subject to medical surveillance under this standard. This record shall include:

(i) The name and Social Security number of the employee;

(ii) The physician's written opinion;

(iii) A list of any employee health complaints that may be related to exposure to formaldehyde; and

(iv) A copy of the medical examination results, including medical disease questionnaires and results of any medical tests required by the standard or mandated by the examining physician.

(d) Respirator fit testing.

(i) The employer shall establish and maintain accurate records for employees subject to negative-pressure respirator fit testing required by this standard.

(ii) This record shall include:

(A) A copy of the protocol selected for respirator fit testing;

(B) A copy of the results of any fit testing performed;
 (C) The size and manufacturer of the types of respirators available for selection; and

(D) The date of the most recent fit testing, the name and Social Security number of each tested employee, and the respirator type and facepiece selected.

(e) Record retention. The employer shall retain records required by this standard for at least the following periods:

(i) Exposure records and determinations shall be kept for at least thirty years;

(ii) Medical records shall be kept for the duration of employment plus thirty years; and

(iii) Respirator fit testing records shall be kept until replaced by a more recent record.

(f) Availability of records.

(i) Upon request, the employer shall make all records maintained as a requirement of this standard available for examination and copying to the director of labor and industries, or his designated representative.

(ii) The employer shall make employee exposure records, including estimates made from representative monitoring and available upon request for examination and copying, to the subject employee, or former employee, and employee representatives in accordance with WAC 296-62-052 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) Employee medical records required by this standard shall be provided upon request for examination and copying, to the subject employee, or former employee, or to anyone having the specific written consent of the subject employee or former employee.

(16) Effective dates.

(a) Laboratories. This standard shall become effective for anatomy, histology, and pathology laboratories thirty days after the adoption date, except as noted in (b) of this subsection. For all laboratories other than anatomy, histology, and pathology, subsections (2) and (4) through (15) of this section shall become effective on September 1, 1988, except as noted in (b) of this subsection.

(b) Engineering and work practice controls. Engineering and work practice controls required by this standard shall be implemented as soon as possible, but no later than February 2, 1989.

(c) Employee training. Written materials for employee training shall be updated as soon as possible, but no later than two months after the effective date of the standard.

NEW SECTION

WAC 296-62-07542 APPENDIX A—SUBSTANCE TECHNICAL GUIDELINE FOR FORMALIN. (1) The following substance technical guideline for formalin provides information on uninhibited formalin solution (thirty-seven percent formaldehyde, no methanol stabilizer). It is designed to inform employees at the production level of their rights and duties under the formaldehyde standard whether their job title defines them as workers or supervisors. Much of the information

provided is general; however, some information is specific for formalin. When employee exposure to formaldehyde is from resins capable of releasing formaldehyde, the resin itself and other impurities or decomposition products may also be toxic, and employers should include this information as well when informing employees of the hazards associated with the materials they handle. The precise hazards associated with exposure to formaldehyde depend both on the form (solid, liquid, or gas) of the material and the concentration of formaldehyde present. For example, thirty-seven to fifty percent solutions of formaldehyde present a much greater hazard to the skin and eyes from spills or splashes than solutions containing less than one percent formaldehyde. Individual substance technical guidelines used by the employer for training employees should be modified to properly give information on the material actually being used.

(a) Substance identification.

(i) Chemical name: Formaldehyde.

(ii) Chemical family: Aldehyde.

(iii) Chemical formula: HCHO.

(iv) Molecular weight: 30.03.

(v) Chemical abstracts service number (CAS number): 50-00-0.

Synonyms: Formalin; Formic Aldehyde; Paraform; Formol; Formalin (Methanol-free); Fyde; Formalith; Methanal; Methyl Aldehyde; Methylene Glycol; Methylene Oxide; Tetraoxymethalene; Oxomethane; Oxymethylene.

(b) Components and contaminants.

(i) Percent: 37.0 Formaldehyde.

(ii) Percent: 63.0 water.

Note. Inhibited solutions contain methanol.

(iii) Other contaminants: Formic acid (alcohol free).

Exposure limits:

(A) WISHA TWA-1 ppm.

(B) WISHA STEL-2 ppm.

(c) Physical data.

(i) Description: Colorless liquid, pungent odor.

(ii) Boiling point: 214°F (101°C).

(iii) Specific gravity: 1.08 (H₂O=1 @ 20 C).

(iv) pH: 2.8-4.0.

(v) Solubility in water: Miscible.

(vi) Solvent solubility: Soluble in alcohol and acetone.

(vii) Vapor density: 1.04 (Air=1 @ 20 C).

(viii) Odor threshold: 0.8-1 ppm.

(d) Fire and explosion hazard.

(i) Moderate fire and explosion hazard when exposed to heat or flame.

(ii) The flash point of thirty-seven percent formaldehyde solutions is above normal room temperature, but the explosion range is very wide, from seven to seventy-three percent by volume in air.

(iii) Reaction of formaldehyde with nitrogen dioxide, nitromethane, perchloric acid and aniline, or peroxyformic acid yields explosive compounds.

(iv) Flash point: 185°F (85°C) closed cup.

(v) Lower explosion limit: Seven percent.

(vi) Upper explosion limit: Seventy-three percent.

(vii) Autoignition temperature: 806°F (430°C).

(viii) Flammable class (WISHA): III A.

Extinguishing media:

(I) Use dry chemical, "alcohol foam," carbon dioxide, or water in flooding amounts as fog. Solid streams may not be effective. Cool fire-exposed containers with water from side until well after fire is out.

(II) Use of water spray to flush spills can also dilute the spill to produce nonflammable mixtures. Water run-off, however, should be contained for treatment.

(ix) National Fire Protection Association Section 325M Designation:

(A) Health: 2-Materials hazardous to health, but areas may be entered with full-faced mask self-contained breathing apparatus which provides eye protection.

(B) Flammability: 2-Materials which must be moderately heated before ignition will occur. Water spray may be used to extinguish the fire because the material can be cooled below its flash point.

(C) Reactivity: D-Materials which (in themselves) are normally stable even under fire exposure conditions and which are not reactive with water. Normal fire fighting procedures may be used.

(e) Reactivity.

(i) Stability: Formaldehyde solutions may self-polymerize to form paraformaldehyde which precipitates.

(ii) Incompatibility (materials to avoid):

(A) Strong oxidizing agents, caustics, strong alkalis, isocyanates, anhydrides, oxides, and inorganic acids.

(B) Formaldehyde reacts with hydrochloric acid to form the potent carcinogen, bis-chloromethyl ether. Formaldehyde reacts with nitrogen dioxide, nitromethane, perchloric acid and aniline, or peroxyformic acid to yield explosive compounds. A violent reaction occurs when formaldehyde is mixed with strong oxidizers.

(C) Hazardous combustion or decomposition products: Oxygen from the air can oxidize formaldehyde to formic acid, especially when heated. Formic acid is corrosive.

(f) Health hazard data.**(i) Acute effects of exposure.**

(A) Ingestion (swallowing): Liquids containing ten to forty percent formaldehyde cause severe irritation and inflammation of the mouth, throat, and stomach. Severe stomach pains will follow ingestion with possible loss of consciousness and death. Ingestion of dilute formaldehyde solutions (0.03-0.04%) may cause discomfort in the stomach and pharynx.

(B) Inhalation (breathing):

(I) Formaldehyde is highly irritating to the upper respiratory tract and eyes. Concentrations of 0.5 to 2.0 ppm may irritate the eyes, nose, and throat of some individuals.

(II) Concentrations of 3 to 5 ppm also cause tearing of the eyes and are intolerable to some persons.

(III) Concentrations of 10 to 20 ppm cause difficulty in breathing, burning of the nose and throat, coughing, and heavy tearing of the eyes, and 25 to 30 ppm causes severe respiratory tract injury leading to pulmonary edema and pneumonitis. A concentration of 100 ppm is immediately dangerous to life and health. Deaths from accidental exposure to high concentrations of formaldehyde have been reported.

(C) Skin (dermal): Formalin is a severe skin irritant and a sensitizer. Contact with formalin causes white discoloration, smarting, drying, cracking, and scaling. Prolonged and repeated contact can cause numbness and a hardening or tanning of the skin. Previously exposed persons may react to future exposure with an allergic eczematous dermatitis or hives.

(D) Eye contact: Formaldehyde solutions splashed in the eye can cause injuries ranging from transient discomfort to severe, permanent corneal clouding and loss of vision. The severity of the effect depends on the concentration of formaldehyde in the solution and whether or not the eyes are flushed with water immediately after the accident.

Note: The perception of formaldehyde by odor and eye irritation becomes less sensitive with time as one adapts to formaldehyde. This can lead to overexposure if a worker is relying on formaldehyde's warning properties to alert him or her to the potential for exposure.

(E) Acute animal toxicity:

(I) Oral, rats: LD50=800 mg/kg.

(II) Oral, mouse: LD50=42 mg/kg.

(III) Inhalation, rats: LC50=250 mg/kg.

(IV) Inhalation, mouse: LC50=900 mg/kg.

(V) Inhalation, rats: LC50=590 mg/kg.

(g) Chronic effects of exposure.

(i) Carcinogenicity: Formaldehyde has the potential to cause cancer in humans. Repeated and prolonged exposure increases the risk. Various animal experiments have conclusively shown formaldehyde to be a carcinogen in rats. In humans, formaldehyde exposure has been associated with cancers of the lung, nasopharynx and oropharynx, and nasal passages.

(ii) Mutagenicity: Formaldehyde is genotoxic in several in vitro test systems showing properties of both an initiator and a promoter.

(iii) Toxicity: Prolonged or repeated exposure to formaldehyde may result in respiratory impairment. Rats exposed to formaldehyde at 2 ppm developed benign nasal tumors and changes of the cell structure in the nose as well as inflamed mucous membranes of the nose. Structural changes in the epithelial cells in the human nose have also been observed. Some persons have developed asthma or bronchitis following exposure to formaldehyde, most often as the result of an accidental spill involving a single exposure to a high concentration of formaldehyde.

(h) Emergency and first-aid procedures.

(i) Ingestion (swallowing): If the victim is conscious, dilute, inactivate, or absorb the ingested formaldehyde by giving milk, activated charcoal, or water. Any organic material will inactivate formaldehyde. Keep affected person warm and at rest. Get medical attention immediately. If vomiting occurs, keep head lower than hips.

(ii) Inhalation (breathing): Remove the victim from the exposure area to fresh air immediately. Where the formaldehyde concentration may be very high, each rescuer must put on a self-contained breathing apparatus before attempting to remove the victim, and medical personnel should be informed of the formaldehyde exposure immediately. If breathing has stopped, give artificial respiration. Keep the affected person warm and at

rest. Qualified first-aid or medical personnel should administer oxygen, if available, and maintain the patient's airways and blood pressure until the victim can be transported to a medical facility. If exposure results in a highly irritated upper respiratory tract and coughing continues for more than ten minutes, the worker should be hospitalized for observation and treatment.

(iii) **Skin contact:** Remove contaminated clothing (including shoes) immediately. Wash the affected area of your body with soap or mild detergent and large amounts of water until no evidence of the chemical remains (at least fifteen to twenty minutes). If there are chemical burns, get first aid to cover the area with sterile, dry dressing, and bandages. Get medical attention if you experience appreciable eye or respiratory irritation.

(iv) **Eye contact:** Wash the eyes immediately with large amounts of water occasionally lifting lower and upper lids, until no evidence of chemical remains (at least fifteen to twenty minutes). In case of burns, apply sterile bandages loosely without medication. Get medical attention immediately. If you have experienced appreciable eye irritation from a splash or excessive exposure, you should be referred promptly to an ophthalmologist for evaluation.

(i) **Emergency procedures.**

(i) **Emergencies:**

(A) If you work in an area where a large amount of formaldehyde could be released in an accident or from equipment failure, your employer must develop procedures to be followed in event of an emergency. You should be trained in your specific duties in the event of an emergency, and it is important that you clearly understand these duties. Emergency equipment must be accessible and you should be trained to use any equipment that you might need. Formaldehyde contaminated equipment must be cleaned before reuse.

(B) If a spill of appreciable quantity occurs, leave the area quickly unless you have specific emergency duties. Do not touch spilled material. Designated persons may stop the leak and shut off ignition sources if these procedures can be done without risk. Designated persons should isolate the hazard area and deny entry except for necessary people protected by suitable protective clothing and respirators adequate for the exposure. Use water spray to reduce vapors. Do not smoke, and prohibit all flames or flares in the hazard area.

(ii) **Special firefighting procedures:**

(A) Learn procedures and responsibilities in the event of a fire in your workplace.

(B) Become familiar with the appropriate equipment and supplies and their location.

(C) In firefighting, withdraw immediately in case of rising sound from venting safety device or any discoloration of storage tank due to fire.

(j) **Spill, leak, and disposal procedures.**

(i) **Occupational spill:** For small containers, place the leaking container in a well ventilated area. Take up small spills with absorbent material and place the waste into properly labeled containers for later disposal. For larger spills, dike the spill to minimize contamination and facilitate salvage or disposal. You may be able to neutralize the spill with sodium hydroxide or sodium

sulfite. Your employer must comply with EPA rules regarding the clean-up of toxic waste and notify state and local authorities, if required. If the spill is greater than 1,000 lb/day, it is reportable under EPA's superfund legislation.

(ii) **Waste disposal:** Your employer must dispose of waste containing formaldehyde in accordance with applicable local, state, and federal law and in a manner that minimizes exposure of employees at the site and of the clean-up crew.

(k) **Monitoring and measurement procedures.**

(i) **Monitoring requirements:** If your exposure to formaldehyde exceeds the 0.5 ppm action level or the 2 ppm STEL, your employer must monitor your exposure. Your employer need not measure every exposure if a "high exposure" employee can be identified. This person usually spends the greatest amount of time nearest the process equipment. If you are a "representative employee," you will be asked to wear a sampling device to collect formaldehyde. This device may be a passive badge, a sorbent tube attached to a pump, or an impinger containing liquid. You should perform your work as usual, but inform the person who is conducting the monitoring of any difficulties you are having wearing the device.

(ii) **Evaluation of 8-hour exposure:** Measurements taken for the purpose of determining time-weighted average (TWA) exposures are best taken with samples covering the full shift. Samples collected must be taken from the employee's breathing zone air.

(iii) **Short-term exposure evaluation:** If there are tasks that involve brief but intense exposure to formaldehyde, employee exposure must be measured to assure compliance with the STEL. Sample collections are for brief periods, only fifteen minutes, but several samples may be needed to identify the peak exposure.

(iv) **Monitoring techniques:** WISHA's only requirement for selecting a method for sampling and analysis is that the methods used accurately evaluate the concentration of formaldehyde in employees' breathing zones. Sampling and analysis may be performed by collection of formaldehyde on liquid or solid sorbents with subsequent chemical analysis. Sampling and analysis may also be performed by passive diffusion monitors and short-term exposure may be measured by instruments such as real-time continuous monitoring systems and portable direct reading instruments.

(v) **Notification of results:** Your employer must inform you of the results of exposure monitoring representative of your job. You may be informed in writing, but posting the results where you have ready access to them constitutes compliance with the standard.

(l) **Protective equipment and clothing.**

(Material impervious to formaldehyde is needed if the employee handles formaldehyde solutions of one percent or more. Other employees may also require protective clothing or equipment to prevent dermatitis.)

(i) **Respiratory protection:**

(A) Use NIOSH-approved full facepiece negative pressure respirators equipped with approved cartridges or canisters within the use limitations of these devices. (Present restrictions on cartridges and canisters do not permit them to be used for a full workshift.) In all other

situations, use positive pressure respirators such as the positive-pressure air purifying respirator or the self-contained breathing apparatus (SCBA).

(B) If you use a negative pressure respirator, your employer must provide you with fit testing of the respirator at least once a year in accordance with the procedures outlined in WAC 296-62-07550 Appendix E.

(ii) Protective gloves:

(A) Wear protective (impervious) gloves provided by your employer, at no cost, to prevent contact with formalin.

(B) Your employer should select these gloves based on the results of permeation testing and in accordance with the ACGIH guidelines for selection of chemical protective clothing.

(iii) Eye protection:

(A) If you might be splashed in the eyes with formalin, it is essential that you wear goggles or some other type of complete protection for the eye.

(B) You may also need a face shield if your face is likely to be splashed with formalin, but you must not substitute face shields for eye protection. (This section pertains to formaldehyde solutions of one percent or more.)

(iv) Other protective equipment:

(A) You must wear protective (impervious) clothing and equipment provided by your employer at no cost to prevent repeated or prolonged contact with formaldehyde liquids.

(B) If you are required to change into whole-body chemical protective clothing, your employer must provide a change room for your privacy and for storage of your normal clothing.

(C) If you are splashed with formaldehyde, use the emergency showers and eyewash fountains provided by your employer immediately to prevent serious injury. Report the incident to your supervisor and obtain necessary medical support.

(2) Entry into an IDLH atmosphere. Enter areas where the formaldehyde concentration might be 100 ppm or more only with complete body protection including a self-contained breathing apparatus with a full facepiece operated in a positive pressure mode or a supplied-air respirator with full facepiece and operated in a positive pressure mode. This equipment is essential to protect your life and health under such extreme conditions.

(a) Engineering controls.

(i) Ventilation is the most widely applied engineering control method for reducing the concentration of airborne substances in the breathing zones of workers. There are two distinct types of ventilation.

(ii) Local exhaust: Local exhaust ventilation is designed to capture airborne contaminants as near to the point of generation as possible. To protect you, the direction of contaminant flow must always be toward the local exhaust system inlet and away from you.

(iii) General (mechanical):

(A) General dilution ventilation involves continuous introduction of fresh air into the workroom to mix with the contaminated air and lower your breathing zone

concentration of formaldehyde. Effectiveness depends on the number of air changes per hour.

(B) Where devices emitting formaldehyde are spread out over a large area, general dilution ventilation may be the only practical method of control.

(iv) Work practices: Work practices and administrative procedures are an important part of a control system. If you are asked to perform a task in a certain manner to limit your exposure to formaldehyde, it is extremely important that you follow these procedures.

(b) Medical surveillance.

(i) Medical surveillance helps to protect employees' health. You are encouraged strongly to participate in the medical surveillance program.

(ii) Your employer must make a medical surveillance program available at no expense to you and at a reasonable time and place if you are exposed to formaldehyde at concentrations above 0.5 ppm as an 8-hour average or 2 ppm over any fifteen-minute period.

(A) You will be offered medical surveillance at the time of your initial assignment and once a year afterward as long as your exposure is at least 0.5 ppm (TWA) or 2 ppm (STEL).

(B) Even if your exposure is below these levels, you should inform your employer if you have signs and symptoms that you suspect, through your training, are related to your formaldehyde exposure because you may need medical surveillance to determine if your health is being impaired by your exposure.

(iii) The surveillance plan includes:

(A) A medical disease questionnaire.

(B) A physical examination if the physician determines this is necessary.

(iv) If you are required to wear a respirator, your employer must offer you a physical examination and a pulmonary function test every year.

(v) The physician must collect all information needed to determine if you are at increased risk from your exposure to formaldehyde. At the physician's discretion, the medical examination may include other tests, such as a chest x-ray, to make this determination.

(vi) After a medical examination the physician will provide your employer with a written opinion which includes any special protective measures recommended and any restrictions on your exposure. The physician must inform you of any medical conditions you have which would be aggravated by exposure to formaldehyde. All records from your medical examinations, including disease surveys, must be retained at your employer's expense.

(c) Emergencies.

(i) If you are exposed to formaldehyde in an emergency and develop signs or symptoms associated with acute toxicity from formaldehyde exposure, your employer must provide you with a medical examination as soon as possible.

(ii) This medical examination will include all steps necessary to stabilize your health.

(iii) You may be kept in the hospital for observation if your symptoms are severe to ensure that any delayed effects are recognized and treated.

NEW SECTION

WAC 296-62-07544 APPENDIX B—SAMPLING STRATEGY AND ANALYTICAL METHODS FOR FORMALDEHYDE. (1) To protect the health of employees, exposure measurements must be unbiased and representative of employee exposure. The proper measurement of employee exposure requires more than a token commitment on the part of the employer. WISHA's mandatory requirements establish a baseline, under the best of circumstances all questions regarding employee exposure will be answered. Many employers, however, will wish to conduct more extensive monitoring before undertaking expensive commitments, such as engineering controls, to assure that the modifications are truly necessary. The following sampling strategy, which was developed at NIOSH by Nelson A. Leidel, Kenneth A. Busch, and Jeremiah R. Lynch and described in NIOSH publication No. 77-173 (Occupational Exposure Sampling Strategy Manual) will assist the employer in developing a strategy for determining the exposure of his or her employees.

(2) There is no one correct way to determine employee exposure. Obviously, measuring the exposure of every employee exposed to formaldehyde will provide the most information on any given day. Where few employees are exposed, this may be a practical solution. For most employers, however, use of the following strategy will give just as much information at less cost.

(3) Exposure data collected on a single day will not automatically guarantee the employer that his or her workplace is always in compliance with the formaldehyde standard. This does not imply, however, that it is impossible for an employer to be sure that his or her worksite is in compliance with the standard. Indeed, a properly designed sampling strategy showing that all employees are exposed below the PELs, at least with a ninety-five percent certainty, is compelling evidence that the exposure limits are being achieved provided that measurements are conducted using valid sampling strategy and approved analytical methods.

(4) There are two PELs, the TWA concentration and the STEL.

(a) Most employers will find that one of these two limits is more critical in the control of their operations, and OSHA expects that the employer will concentrate monitoring efforts on the critical component.

(b) If the more difficult exposure is controlled, this information, along with calculations to support the assumptions, should be adequate to show that the other exposure limit is also being achieved.

(5) Sampling strategy.

(a) Determination of the need for exposure measurements.

(b) The employer must determine whether employees may be exposed to concentrations in excess of the action level. This determination becomes the first step in an employee exposure monitoring program that minimizes employer sampling burdens while providing adequate employee protection.

(c) If employees may be exposed above the action level, the employer must measure exposure. Otherwise,

an objective determination that employee exposure is low provides adequate evidence that exposure potential has been examined.

(d) The employer should examine all available relevant information, e.g., insurance company and trade association data and information from suppliers or exposure data collected from similar operations.

(e) The employer may also use previously-conducted sampling including area monitoring. The employer must make a determination relevant to each operation although this need not be on a separate piece of paper.

(f) If the employer can demonstrate conclusively that no employee is exposed above the action level or the STEL through the use of objective data, the employer need proceed no further on employee exposure monitoring until such time that conditions have changed and the determination is no longer valid.

(g) If the employer cannot determine that employee exposure is less than the action level and the STEL, employee exposure monitoring will have to be conducted.

(6) Workplace material survey.

(a) The primary purpose of a survey of raw material is to determine if formaldehyde is being used in the work environment and if so, the conditions under which formaldehyde is being used.

(b) The first step is to tabulate all situations where formaldehyde is used in a manner such that it may be released into the workplace atmosphere or contaminate the skin. This information should be available through analysis of company records and information on the MSDSs available through provisions of this standard and the hazard communication standard.

(c) If there is an indication from materials handling records and accompanying MSDSs that formaldehyde is being used in the following types of processes or work operations, there may be a potential for releasing formaldehyde into the workplace atmosphere:

(i) Any operation that involves grinding, sanding, sawing, cutting, crushing, screening, sieving, or any other manipulation of material that generates formaldehyde-bearing dust.

(ii) Any processes where there have been employee complaints or symptoms indicative of exposure to formaldehyde.

(iii) Any liquid or spray process involving formaldehyde.

(iv) Any process that uses formaldehyde in preserved tissue.

(v) Any process that involves the heating of a formaldehyde-bearing resin.

Processes and work operations that use formaldehyde in these manners will probably require further investigation at the worksite to determine the extent of employee monitoring that should be conducted.

(7) Workplace observations.

(a) To this point, the only intention has been to provide an indication as to the existence of potentially exposed employees. With this information, a visit to the workplace is needed to observe work operations, to identify potential health hazards, and to determine whether any employees may be exposed to hazardous concentrations of formaldehyde.

(b) In many circumstances, sources of formaldehyde can be identified through the sense of smell. However, this method of detection should be used with caution because of olfactory fatigue.

(c) Employee location in relation to source of formaldehyde is important in determining if an employee may be significantly exposed to formaldehyde. In most instances, the closer a worker is to the source, the higher the probability that a significant exposure will occur.

Other characteristics should be considered. Certain high temperature operations give rise to higher evaporation rates. Locations of open doors and windows provide natural ventilation that tend to dilute formaldehyde emissions. General room ventilation also provides a measure of control.

(8) Calculation of potential exposure concentrations.

(a) By knowing the ventilation rate in a workplace and the quantity of formaldehyde generated, the employer may be able to determine by calculation if the PELs might be exceeded.

(b) To account for poor mixing of formaldehyde into the entire room, locations of fans and proximity of employees to the work operation, the employer must include a safety factor.

(c) If an employee is relatively close to a source, particularly if he or she is located downwind, a safety factor of one hundred may be necessary.

(d) For other situations, a factor of ten may be acceptable. If the employer can demonstrate through such calculations that employee exposure does not exceed the action level or the STEL, the employer may use this information as objective data to demonstrate compliance with the standard.

(9) Sampling strategy.

(a) Once the employer determines that there is a possibility of substantial employee exposure to formaldehyde, the employer is obligated to measure employee exposure.

(b) The next step is selection of a maximum risk employee. When there are different processes where employees may be exposed to formaldehyde, a maximum risk employee should be selected for each work operation.

(c) Selection of the maximum risk employee requires professional judgment. The best procedure for selecting the maximum risk employee is to observe employees and select the person closest to the source of formaldehyde. Employee mobility may affect this selection; e.g., if the closest employee is mobile in his tasks, he may not be the maximum risk employee. Air movement patterns and differences in work habits will also affect selection of the maximum risk employee.

(d) When many employees perform essentially the same task, a maximum risk employee cannot be selected. In this circumstance, it is necessary to resort to random sampling of the group of workers. The objective is to select a subgroup of adequate size so that there is a high probability that the random sample will contain at least one worker with high exposure if one exists. The number of persons in the group influences the number that need to be sampled to ensure that at least one individual from the highest ten percent exposure group is contained in

the sample. For example, to have ninety percent confidence in the results, if the group size is ten, nine should be sampled; for fifty, only eighteen need to be sampled.

(e) If measurement shows exposure to formaldehyde at or above the action level or the STEL, the employer needs to identify all other employees who may be exposed at or above the action level or STEL and measure or otherwise accurately characterize the exposure of these employees.

(f) Whether representative monitoring or random sampling are conducted, the purpose remains the same to determine if the exposure of any employee is above the action level. If the exposure of the most exposed employee is less than the action level and the STEL, regardless of how the employee is identified, then it is reasonable to assume that measurements of exposure of the other employees in that operation would be below the action level and the STEL.

(10) Exposure measurements.

(a) There is no "best" measurement strategy for all situations. Some elements to consider in developing a strategy are:

- (i) Availability and cost of sampling equipment;
- (ii) Availability and cost of analytic facilities;
- (iii) Availability and cost of personnel to take samples;
- (iv) Location of employees and work operations;
- (v) Intraday and interday variations in the process;
- (vi) Precision and accuracy of sampling and analytic methods; and
- (vii) Number of samples needed.

(b) Samples taken for determining compliance with the STEL differ from those that measure the TWA concentration in important ways. STEL samples are best taken in a nonrandom fashion using all available knowledge relating to the area, the individual, and the process to obtain samples during periods of maximum expected concentrations. At least three measurements on a shift are generally needed to spot gross errors or mistakes; however, only the highest value represents the STEL.

(c) If an operation remains constant throughout the workshift, a much greater number of samples would need to be taken over the thirty-two discrete nonoverlapping periods in an 8-hour workshift to verify compliance with a STEL. If employee exposure is truly uniform throughout the workshift, however, an employer in compliance with the 1 ppm TWA would be in compliance with the 2 ppm STEL, and this determination can probably be made using objective data.

(11) Need to repeat the monitoring strategy.

(a) Interday and intraday fluctuations in employee exposure are mostly influenced by the physical processes that generate formaldehyde and the work habits of the employee. Hence, in-plant process variations influence the employer's determination of whether or not additional controls need to be imposed. Measurements that employee exposure is low on a day that is not representative of worst conditions may not provide sufficient information to determine whether or not additional engineering controls should be installed to achieve the PELs.

(b) The person responsible for conducting sampling must be aware of systematic changes which will negate

the validity of the sampling results. Systematic changes in formaldehyde exposure concentration for an employee can occur due to:

- (i) The employee changing patterns of movement in the workplace;
- (ii) Closing of plant doors and windows;
- (iii) Changes in ventilation from season to season;
- (iv) Decreases in ventilation efficiency or abrupt failure of engineering control equipment; and
- (v) Changes in the production process or work habits of the employee.

(c) Any of these changes, if they may result in additional exposure that reaches the next level of action (i.e., 0.5 or 1.0 ppm as an 8-hour average or 2 ppm over fifteen minutes) require the employer to perform additional monitoring to reassess employee exposure.

(d) A number of methods are suitable for measuring employee exposure to formaldehyde or for characterizing emissions within the worksite. The preamble to this standard describes some methods that have been widely used or subjected to validation testing. A detailed analytical procedure derived from the WISHA Method ALDE-1 for acrolein and formaldehyde is presented below for informational purposes.

(e) Inclusion of WISHA's method in this appendix in no way implies that it is the only acceptable way to measure employee exposure to formaldehyde. Other methods that are free from significant interferences and that can determine formaldehyde at the permissible exposure limits within ± 25 percent of the "true" value at the ninety-five percent confidence level are also acceptable. Where applicable, the method should also be capable of measuring formaldehyde at the action level to ± 35 percent of the "true" value with a ninety-five percent confidence level. WISHA encourages employers to choose methods that will be best for their individual needs. The employer must exercise caution, however, in choosing an appropriate method since some techniques suffer from interferences that are likely to be present in workplaces of certain industry sectors where formaldehyde is used.

(12) WISHA's analytical laboratory method.

Method No: ALDE-1.

Matrix: Air.

(a) Target concentration: 1 ppm (1.2 mg/m³).

(b) Procedures: Air samples are collected by drawing known volumes of air through sampling tubes containing XAD-2 adsorbent which have been coated with 2-(hydroxymethyl) piperidine. The samples are desorbed with toluene and then analyzed by gas chromatography using a nitrogen selective detector.

(c) Recommended sampling rate and air volumes: 0.1 L/min and 24 L.

(d) Reliable quantitation limit: 16 ppb (20 ug/m³).

(e) Standard error of estimate at the target concentration: 7.3%.

(f) Status of the method: A sampling and analytical method that has been subjected to the established evaluation procedures of the organic methods evaluation branch.

(13) Date: March, 1985.

(a) General discussion.

(i) Background: The current WISHA method for collecting acrolein vapor recommends the use of activated 13X molecular sieves. The samples must be stored in an ice bath during and after sampling and also they must be analyzed within forty-eight hours of collection. The current WISHA method for collecting formaldehyde vapor recommends the use of bubblers containing ten percent methanol in water as the trapping solution.

This work was undertaken to resolve the sample stability problems associated with acrolein and also to eliminate the need to use bubblers to sample formaldehyde. A goal of this work was to develop and/or to evaluate a common sampling and analytical procedure for acrolein and formaldehyde.

NIOSH has developed independent methodologies for acrolein and formaldehyde which recommend the use of reagent-coated adsorbent tubes to collect the aldehydes as stable derivatives. The formaldehyde sampling tubes contain Chromosorb 102 adsorbent coated with N-benzylethanolamine (BEA) which reacts with formaldehyde vapor to form a stable oxazolidine compound. The acrolein sampling tubes contain XAD-2 adsorbent coated with 2-(hydroxymethyl) to piperidine (2-HMP) which reacts with acrolein vapor to form a different, stable oxazolidine derivative. Acrolein does not appear to react with BEA to give a suitable reaction product. Therefore, the formaldehyde procedure cannot provide a common method for both aldehydes. However, formaldehyde does react with 2-HMP to form a very suitable reaction product. It is the quantitative reaction of acrolein and formaldehyde with 2-HMP that provides the basis for this evaluation.

This sampling and analytical procedure is very similar to the method recommended by NIOSH for acrolein. Some changes in the NIOSH methodology were necessary to permit the simultaneous determination of both aldehydes and also to accommodate WISHA laboratory equipment and analytical techniques.

(ii) Limit-defining parameters: The analyte air concentrations reported in this method are based on the recommended air volume for each analyte collected separately and a desorption volume of 1 mL. The amounts are presented as acrolein and/or formaldehyde, even though the derivatives are the actual species analyzed.

(A) Detection limits of the analytical procedure: The detection limit of the analytical procedure was 386 pg per injection for formaldehyde. This was the amount of analyte which gave a peak whose height was about five times the height of the peak given by the residual formaldehyde derivative in a typical blank front section of the recommended sampling tube.

(B) Detection limits of the overall procedure: The detection limits of the overall procedure were 482 ng per sample (16 ppb or 20 ug/m³ for formaldehyde). This was the amount of analyte spiked on the sampling device which allowed recoveries approximately equal to the detection limit of the analytical procedure.

(C) Reliable quantitation limits: The reliable quantitation limit was 482 ng per sample (16 ppb or 20 ug/m³) for formaldehyde. These were the smallest amounts of analyte which could be quantitated within the limits

of a recovery of at least seventy-five percent and a precision (± 1.96 SD) of $\pm 25\%$ or better.

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.

(D) **Sensitivity:** The sensitivity of the analytical procedure over concentration ranges representing 0.4 to 2 times the target concentration, based on the recommended air volumes, was seven thousand five hundred eighty-nine area units per $\mu\text{g}/\text{mL}$ for formaldehyde. This value was determined from the slope of the calibration curve. The sensitivity may vary with the particular instrument used in the analysis.

(E) **Recovery:** The recovery of formaldehyde from samples used in an eighteen-day storage test remained above ninety-two percent when the samples were stored at ambient temperature. These values were determined from regression lines which were calculated from the storage data. The recovery of the analyte from the collection device must be at least seventy-five percent following storage.

(F) **Precision (analytical method only):** The pooled coefficient of variation obtained from replicate determinations of analytical standards over the range of 0.4 to 2 times the target concentration was 0.0052 for formaldehyde ((d)(C)(iii) of this subsection).

(G) **Precision (overall procedure):** The precision at the ninety-five percent confidence level for the ambient temperature storage tests was $\pm 14.3\%$ for formaldehyde. These values each include an additional $\pm 5\%$ for sampling error. The overall procedure must provide results at the target concentrations that are $\pm 25\%$ at the ninety-five percent confidence level.

(H) **Reproducibility:** Samples collected from controlled test atmospheres and a draft copy of this procedure were given to a chemist unassociated with this evaluation. The formaldehyde samples were analyzed following fifteen days storage. The average recovery was 96.3% and the standard deviation was 1.7%.

(iii) **Advantages:**

(A) The sampling and analytical procedures permit the simultaneous determination of acrolein and formaldehyde.

(B) Samples are stable following storage at ambient temperature for at least eighteen days.

(iv) **Disadvantages:** None.

(b) **Sampling procedure.**

(i) **Apparatus:**

(A) Samples are collected by use of a personal sampling pump that can be calibrated to within $\pm 5\%$ of the recommended 0.1 L/min sampling rate with the sampling tube in line.

(B) Samples are collected with laboratory prepared sampling tubes. The sampling tube is constructed of silane treated glass and is about 8-cm long. The ID is 4 mm and the OD is 6 mm. One end of the tube is tapered so that a glass wool end plug will hold the contents of the tube in place during sampling. The other end of the sampling tube is open to its full 4-mm ID to facilitate

packing of the tube. Both ends of the tube are fire-polished for safety. The tube is packed with a 75-mg backup section, located nearest the tapered end and a 150-mg sampling section of pretreated XAD-2 adsorbent which has been coated with 2-HMP. The two sections of coated adsorbent are separated and retained with small plugs of silanized glass wool. Following packing, the sampling tubes are sealed with two 7/32 inch OD plastic and caps. Instructions for the pretreatment and the coating of XAD-2 adsorbent are presented in (d) of this subsection.

(C) **Sampling tubes,** similar to those recommended in this method, are marketed by Supelco, Inc. These tubes were not available when this work was initiated; therefore, they were not evaluated.

(ii) **Reagents:** None required.

(iii) **Technique:**

(A) Properly label the sampling tube before sampling and then remove the plastic end caps.

(B) Attach the sampling tube to the pump using a section of flexible plastic tubing such that the large, front section of the sampling tube is exposed directly to the atmosphere. Do not place any tubing ahead of the sampling tube. The sampling tube should be attached in the worker's breathing zone in a vertical manner such that it does not impede work performance.

(C) After sampling for the appropriate time, remove the sampling tube from the pump and then seal the tube with plastic end caps.

(D) Include at least one blank for each sampling set. The blank should be handled in the same manner as the samples with the exception that air is not drawn through it.

(E) List any potential interferences on the sample data sheet.

(iv) **Breakthrough:**

(A) Breakthrough was defined as the relative amount of analyte found on a backup sample in relation to the total amount of analyte collected on the sampling train.

(B) For formaldehyde collected from test atmospheres containing six times the PEL, the average five percent breakthrough air volume was 41 L. The sampling rate was 0.1 L/min and the average mass of formaldehyde collected was 250 μg .

(v) **Desorption efficiency:** No desorption efficiency corrections are necessary to compute air sample results because analytical standards are prepared using coated adsorbent. Desorption efficiencies were determined, however, to investigate the recoveries of the analytes from the sampling device. The average recovery over the range of 0.4 to 2 times the target concentration, based on the recommended air volumes, was 96.2% for formaldehyde. Desorption efficiencies were essentially constant over the ranges studied.

(vi) **Recommended air volume and sampling rate:**

(A) The recommended air volume for formaldehyde is 24 L.

(B) The recommended sampling rate is 0.1 L/min.

(vii) **Interferences:**

(A) Any collected substance that is capable of reacting with 2-HMP and thereby depleting the derivatizing

agent is a potential interference. Chemicals which contain a carbonyl group, such as acetone, may be capable of reacting with 2-HMP.

(b) There are no other known interferences to the sampling method.

(viii) Safety precautions:

(A) Attach the sampling equipment to the worker in such a manner that it will not interfere with work performance or safety.

(B) Follow all safety practices that apply to the work area being sampled.

(c) Analytical procedure.

(i) Apparatus:

(A) A gas chromatograph (GC), equipped with a nitrogen selective detector.

(B) A GC column capable of resolving the analytes from any interference. A 6 ft x 1/4 in OD (2mm ID) glass GC column containing 10% UCON 50-HB-5100 + 2% KOH on 80/100 mesh Chromosorb W-AW was used for the evaluation. Injections were performed on-column.

(C) Vials, glass 2-mL with Teflon-lined caps.

(D) Volumetric flasks, pipets, and syringes for preparing standards, making dilutions, and performing injections.

(ii) Reagents:

(A) Toluene and dimethylformamide. Burdick and Jackson solvents were used in this evaluation.

(B) Helium, hydrogen, and air, GC grade.

(C) Formaldehyde, thirty-seven percent by weight, in water. Aldrich Chemical, ACS Reagent Grade formaldehyde was used in this evaluation.

(D) Ambrlite XAD-2 adsorbent coated with 2-(hydroxymethyl) piperidine (2-HMP), 10% by weight ((d) of this subsection).

(E) Desorbing solution with internal standard. This solution was prepared by adding 20 uL of dimethylformamide to 100 mL of toluene.

(iii) Standard preparation:

(A) Formaldehyde: Prepare stock standards by diluting known volumes of thirty-seven percent formaldehyde solution with methanol. A procedure to determine the formaldehyde content of these standards is presented in (d) of this subsection. A standard containing 7.7 mg/mL formaldehyde was prepared by diluting 1 mL of the thirty-seven percent reagent to 50 mL with methanol.

(B) It is recommended that analytical standards be prepared about sixteen hours before the air samples are to be analyzed in order to ensure the complete reaction of the analytes with 2-HMP. However, rate studies have shown the reaction to be greater than ninety-five percent complete after four hours. Therefore, one or two standards can be analyzed after this reduced time if sample results are outside the concentration range of the prepared standards.

(C) Place 150-mg portions of coated XAD-2 adsorbent, from the same lot number as used to collect the air samples, into each of several glass 2-mL vials. Seal each vial with a Teflon-lined cap.

(D) Prepare fresh analytical standards each day by injecting appropriate amounts of the diluted analyte directly onto 150-mg portions of coated adsorbent. It is

permissible to inject both acrolein and formaldehyde on the same adsorbent portion. Allow the standards to stand at room temperature. A standard, approximately the target levels, was prepared by injecting 11 uL of the acrolein and 12 uL of the formaldehyde stock standards onto a single coated XAD-2 adsorbent portion.

(E) Prepare a sufficient number of standards to generate the calibration curves. Analytical standard concentrations should bracket sample concentrations. Thus, if samples are not in the concentration range of the prepared standards, additional standards must be prepared to determine detector response.

(F) Desorb the standards in the same manner as the samples following the sixteen-hour reaction time.

(iv) Sample preparation:

(A) Transfer the 150-mg section of the sampling tube to a 2-mL vial. Place the 75-mg section in a separate vial. If the glass wool plugs contain a significant number of adsorbent beads, place them with the appropriate sampling tube section. Discard the glass wool plugs if they do not contain a significant number of adsorbent beads.

(B) Add 1 mL of desorbing solution to each vial.

(C) Seal the vials with Teflon-lined caps and then allow them to desorb for one hour. Shake the vials by hand with vigorous force several times during the desorption time.

(D) Save the used sampling tubes to be cleaned and recycled.

(v) Analysis:

(A) GC conditions.

Column temperature:

Bi-level temperature program.

First level: 100°C to 140°C at 4°C/min following completion of the first level.

Second level: 140°C to 180°C at 20°C/min following completion of the first level.

Isothermal period: Hold column at 180°C until the recorder pen returns to baseline (usually about twenty-five minutes after injection).

Injector temperature: 180°C.

Helium flow rate: 30 mL/min (detector response will be reduced if nitrogen is substituted for helium carrier gas).

Injection volume: 51 0.8 uL.

GC column: Six-ft x 1/4-in OD (2 mm ID) glass GC column containing 10% UCON 50-HB-5100NZG651+512% KOH on 80/100 Chromosorb W-AW.

NPD conditions:

Hydrogen flow rate: 3 mL/min.

Air flow rate: 50 mL/min.

Detector temperature: 275 5151C.

(B) Use a suitable method, such as electronic integration, to measure detector response.

(C) Use an internal standard method to prepare the calibration curve with several standard solutions of different concentrations. Prepare the calibration curve daily. Program the integrator to report results in ug/mL.

(D) Bracket sample concentrations with standards.

(vi) Interferences (analytical).

(A) Any compound with the same general retention time as the analytes and which also gives a detector response is a potential interference. Possible interferences should be reported to the laboratory with submitted samples by the industrial hygienist.

(B) GC parameters (temperature, column, etc.), may be changed to circumvent interferences.

(C) A useful means of structure designation is GC/MS. It is recommended this procedure be used to confirm samples whenever possible.

(D) The coated adsorbent usually contains a very small amount of residual formaldehyde derivative.

(vii) Calculations:

(A) Results are obtained by use of calibration curves. Calibration curves are prepared by plotting detector response against concentration for each standard. The best line through the data points is determined by curve fitting.

(B) The concentration, in ug/mL, for a particular sample is determined by comparing its detector response to the calibration curve. If either of the analytes is found on the backup section, it is added to the amount found on the front section. Blank corrections should be performed before adding the results together.

(C) The acrolein and/or formaldehyde air concentration can be expressed using the following equation:

$$\text{Mg/m}^3 = (A)(B)/C.$$

where A=ug/mL from 3.7.2, B=desorption volume, and C=L of air sampled.

No desorption efficiency corrections are required.

(D) The following equation can be used to convert results in mg/m³ to ppm.

$$\text{ppm} = (\text{mg/m}^3)(24.45)/\text{MW}$$

where mg/m³=result from 3.7.3, 24.45=molar volume of an ideal gas at 760 mm Hg and 25 °C, MW=molecular weight (Formaldehyde=30.0).

(d) Backup data.

(i) Backup data on detection limits, reliable quantitation limits, sensitivity and precision of the analytical method, breakthrough, desorption efficiency, storage, reproducibility, and generation of test atmospheres are available in OSHA Method 52, developed by the Organics Methods Evaluation Branch, OSHA Analytical Laboratory, Salt Lake City, Utah.

(ii) Procedure to coat XAD-2 adsorbent with 2-HMP:

(A) Apparatus: Soxhlet extraction apparatus, rotary evaporation apparatus, vacuum dessicator, 1-L vacuum flask, 1-L round-bottomed evaporative flask, 1-L Erlenmeyer flask, 250-mL Buchner funnel with a coarse fritted disc, etc.

(B) Reagents:

(I) Methanol, isooctane, and toluene.

(II) (Hydroxymethyl) piperidine.

(III) Amberlite XAD-2 nonionic polymeric adsorbent, twenty to sixty mesh, Aldrich Chemical XAD-2 was used in this evaluation.

(C) Procedure: Weigh 125 g of crude XAD-2 adsorbent into a 1-L Erlenmeyer flask. Add about 200 mL of water to the flask and then swirl the mixture to wash the adsorbent. Discard any adsorbent that floats to the top of the water and then filter the mixture using a

fritted Buchner funnel. Air dry the adsorbent for two minutes. Transfer the adsorbent back to the Erlenmeyer flask and then add about 200 mL of methanol to the flask. Swirl and then filter the mixture as before. Transfer the washed adsorbent back to the Erlenmeyer flask and then add about 200 mL of methanol to the flask. Swirl and then filter the mixture as before. Transfer the washed adsorbent to a 1-L round-bottomed evaporative flask, add 13 g of 2-HMP and then 200 mL of methanol, swirl the mixture and then allow it to stand for one hour. Remove the methanol at about 40°C and reduced pressure using a rotary evaporation apparatus. Transfer the coated adsorbent to a suitable container and store it in a vacuum desiccator at room temperature overnight. Transfer the coated adsorbent to a Soxhlet extractor and then extract the material with toluene for about twenty-four hours. Discard the contaminated toluene, add methanol in its place and then continue the Soxhlet extraction for an additional four hours. Transfer the adsorbent to a weighted 1-L round-bottom evaporative flask and remove the methanol using the rotary evaporation apparatus. Determine the weight of the adsorbent and then add an amount of 2-HMP, which is ten percent by weight of the adsorbent. Add 200 mL of methanol and then swirl the mixture. Allow the mixture to stand for one hour. Remove the methanol by rotary evaporation. Transfer the coated adsorbent to a suitable container and store it in a vacuum dessicator until all traces of solvents are gone. Typically, this will take two to three days. The coated adsorbent should be protected from contamination. XAD-2 adsorbent treated in this manner will probably not contain residual acrolein derivative. However, this adsorbent will often contain residual formaldehyde derivative levels of about 0.1 ug per 150 mg of adsorbent. If the blank values for a batch of coated adsorbent are too high, then the batch should be returned to the Soxhlet extractor, extracted with toluene again and then recoated. This process can be repeated until the desired blank levels are attained.

The coated adsorbent is now ready to be packed into sampling tubes. The sampling tubes should be stored in a sealed container to prevent contamination. Sampling tubes should be stored in the dark at room temperature. The sampling tubes should be segregated by coated adsorbent lot number. A sufficient amount of each lot number of coated adsorbent should be retained to prepare analytical standards for use with air samples from that lot number.

(iii) A procedure to determine formaldehyde by acid titration: Standardize the 0.1 N HCl solution using sodium carbonate and methyl orange indicator.

Place 50 mL of 0.1 M sodium sulfite and three drops of thymophthalein indicator into a 250-mL Erlenmeyer flask. Titrate the contents of the flask to a colorless endpoint with 0.1 N HCl (usually one or two drops is sufficient). Transfer 10 mL of the formaldehyde/methanol solution ((b)(iii)(A) of this subsection) into the same flask and titrate the mixture with 0.1 N HCl, again, to a colorless endpoint. The formaldehyde concentration of the standard may be calculated by the following equation:

$$\text{Formaldehyde, mg/mL} = \frac{\text{acid titer} \times \text{acid normality} \times 30.0}{\text{mL of Sample}}$$

This method is based on the quantitative liberation of sodium hydroxide when formaldehyde reacts with sodium sulfite to form the formaldehyde-bisulfite addition product. The volume of sample may be varied depending on the formaldehyde content but the solution to be titrated must contain excess sodium sulfite. Formaldehyde solutions containing substantial amounts of acid or base must be neutralized before analysis.

NEW SECTION

WAC 296-62-07546 APPENDIX C MEDICAL SURVEILLANCE—FORMALDEHYDE. (1) Health hazards. The occupational health hazards of formaldehyde are primarily due to its toxic effects after inhalation, after direct contact with the skin or eyes by formaldehyde in liquid or vapor form, and after ingestion.

(2) Toxicology.

(a) Acute effects of exposure.

(i) Inhalation (breathing): Formaldehyde is highly irritating to the upper airways. The concentration of formaldehyde that is immediately dangerous to life and health is 100 ppm. Concentrations above 50 ppm can cause severe pulmonary reactions within minutes. These include pulmonary edema, pneumonia, and bronchial irritation which can result in death. Concentrations above 5 ppm readily cause lower airway irritation characterized by cough, chest tightness, and wheezing. There is some controversy regarding whether formaldehyde gas is a pulmonary sensitizer which can cause occupational asthma in a previously normal individual. Formaldehyde can produce symptoms of bronchial asthma in humans. The mechanism may be either sensitization of the individual by exposure to formaldehyde or direct irritation by formaldehyde in persons with preexisting asthma. Upper airway irritation is the most common respiratory effect reported by workers and can occur over a wide range of concentrations, most frequently above 1 ppm. However, airway irritation has occurred in some workers with exposures to formaldehyde as low as 0.1 ppm. Symptoms of upper airway irritation include dry or sore throat, itching and burning sensations of the nose, and nasal congestion. Tolerance to this level of exposure may develop within one to two hours. This tolerance can permit workers remaining in an environment of gradually increasing formaldehyde concentrations to be unaware of their increasingly hazardous exposure.

(ii) Eye contact: Concentrations of formaldehyde between 0.05 ppm and 0.5 ppm produce a sensation of irritation in the eyes with burning, itching, redness, and tearing. Increased rate of blinking and eye closure generally protects the eye from damage at these low levels, but these protective mechanisms may interfere with some workers' work abilities. Tolerance can occur in workers continuously exposed to concentrations of formaldehyde in this range. Accidental splash injuries of human eyes to aqueous solutions of formaldehyde (formalin) have resulted in a wide range of ocular injuries including corneal opacities and blindness. The severity of

the reactions have been directly dependent on the concentration of formaldehyde in solution and the amount of time lapsed before emergency and medical intervention.

(iii) Skin contact: Exposure to formaldehyde solutions can cause irritation of the skin and allergic contact dermatitis. These skin diseases and disorders can occur at levels well below those encountered by many formaldehyde workers. Symptoms include erythema, edema, and vesiculation or hives. Exposure to liquid formalin or formaldehyde vapor can provoke skin reactions in sensitized individuals even when airborne concentrations of formaldehyde are well below 1 ppm.

(iv) Ingestion: Ingestion of as little as 30 ml of a thirty-seven percent solution of formaldehyde (formalin) can result in death. Gastrointestinal toxicity after ingestion is most severe in the stomach and results in symptoms which can include nausea, vomiting, and severe abdominal pain. Diverse damage to other organ systems including the liver, kidney, spleen, pancreas, brain, and central nervous systems can occur from the acute response to ingestion of formaldehyde.

(b) Chronic effects of exposure. Long-term exposure to formaldehyde has been shown to be associated with an increased risk of cancer of the nose and accessory sinuses, nasopharyngeal and oropharyngeal cancer, and lung cancer in humans. Animal experiments provide conclusive evidence of a causal relationship between nasal cancer in rats and formaldehyde exposure. Concordant evidence of carcinogenicity includes DNA binding, genotoxicity in short-term tests, and cytotoxic changes in the cells of the target organ suggesting both preneoplastic changes and a dose-rate effect. Formaldehyde is a complete carcinogen and appears to exert an effect on at least two stages of the carcinogenic process.

(3) Surveillance considerations.

(a) History.

(i) Medical and occupational history: Along with its acute irritative effects, formaldehyde can cause allergic sensitization and cancer. One of the goals of the work history should be to elicit information on any prior or additional exposure to formaldehyde in either the occupational or the nonoccupational setting.

(ii) Respiratory history: As noted above, formaldehyde has recognized properties as an airway irritant and has been reported by some authors as a cause of occupational asthma. In addition, formaldehyde has been associated with cancer of the entire respiratory system of humans. For these reasons, it is appropriate to include a comprehensive review of the respiratory system in the medical history. Components of this history might include questions regarding dyspnea on exertion, shortness of breath, chronic airway complaints, hyperreactive airway disease, rhinitis, bronchitis, bronchiolitis, asthma, emphysema, respiratory allergic reaction, or other pre-existing pulmonary disease.

In addition, generalized airway hypersensitivity can result from exposures to a single sensitizing agent. The examiner should, therefore, elicit any prior history of exposure to pulmonary irritants, and any short-term or long-term effects of that exposure.

Smoking is known to decrease mucociliary clearance of materials deposited during respiration in the nose and upper airways. This may increase a worker's exposure to inhaled materials such as formaldehyde vapor. In addition, smoking is a potential confounding factor in the investigation of any chronic respiratory disease, including cancer. For these reasons, a complete smoking history should be obtained.

(iii) *Skin disorders:* Because of the dermal irritant and sensitizing effects of formaldehyde, a history of skin disorders should be obtained. Such a history might include the existence of skin irritation, previously documented skin sensitivity, and other dermatologic disorders. Previous exposure to formaldehyde and other dermal sensitizers should be recorded.

(iv) *History of atopic or allergic diseases:* Since formaldehyde can cause allergic sensitization of the skin and airways, it might be useful to identify individuals with prior allergen sensitization. A history of atopic disease and allergies to formaldehyde or any other substances should also be obtained. It is not definitely known at this time whether atopic diseases and allergies to formaldehyde or any other substances should also be obtained. Also it is not definitely known at this time whether atopic individuals have a greater propensity to develop formaldehyde sensitivity than the general population, but identification of these individuals may be useful for ongoing surveillance.

(v) *Use of disease questionnaires:* Comparison of the results from previous years with present results provides the best method for detecting a general deterioration in health when toxic signs and symptoms are measured subjectively. In this way recall bias does not affect the results of the analysis. Consequently, WISHA has determined that the findings of the medical and work histories should be kept in a standardized form for comparison of the year-to-year results.

(b) *Physical examination.*

(i) *Mucosa of eyes and airways:* Because of the irritant effects of formaldehyde, the examining physician should be alert to evidence of this irritation. A speculum examination of the nasal mucosa may be helpful in assessing possible irritation and cytotoxic changes, as may be indirect inspection of the posterior pharynx by mirror.

(ii) *Pulmonary system:* A conventional respiratory examination, including inspection of the thorax and auscultation and percussion of the lung fields should be performed as part of the periodic medical examination. Although routine pulmonary function testing is only required by the standard once every year for persons who are exposed over the TWA concentration limit, these tests have an obvious value in investigating possible respiratory dysfunction and should be used wherever deemed appropriate by the physician. In cases of alleged formaldehyde-induced airway disease, other possible causes of pulmonary dysfunction (including exposures to other substances) should be ruled out. A chest radiograph may be useful in these circumstances. In cases of suspected airway hypersensitivity or allergy, it may be appropriate to use bronchial challenge testing with formaldehyde or methacholine to determine the nature of the disorder. Such testing should be performed by or

under the supervision of a physician experienced in the procedures involved.

(iii) *Skin:* The physician should be alert to evidence of dermal irritation of sensitization, including reddening and inflammation, urticaria, blistering, scaling, formation of skin fissures, or other symptoms. Since the integrity of the skin barrier is compromised by other dermal diseases, the presence of such disease should be noted. Skin sensitivity testing carries with it some risk of inducing sensitivity, and therefore, skin testing for formaldehyde sensitivity should not be used as a routine screening test. Sensitivity testing may be indicated in the investigation of a suspected existing sensitivity. Guidelines for such testing have been prepared by the North American Contact Dermatitis Group.

(4) *Additional examinations or tests.* The physician may deem it necessary to perform other medical examinations or tests as indicated. The standard provides a mechanism whereby these additional investigations are covered under the standard for occupational exposure to formaldehyde.

(5) *Emergencies.* The examination of workers exposed in an emergency should be directed at the organ systems most likely to be affected. Much of the content of the examination will be similar to the periodic examination unless the patient has received a severe acute exposure requiring immediate attention to prevent serious consequences. If a severe overexposure requiring medical intervention or hospitalization has occurred, the physician must be alert to the possibility of delayed symptoms. Followup nonroutine examinations may be necessary to assure the patient's well-being.

(6) *Employer obligations.* The employer is required to provide the physician with the following information: A copy of this standard and appendices A, C, D, and E; a description of the affected employee's duties as they relate to his or her exposure concentration; an estimate of the employee's exposure including duration (e.g., fifteen hr./wk., three eight-hour shifts, full-time); a description of any personal protective equipment, including respirators, used by the employee; and the results of any previous medical determinations for the affected employee related to formaldehyde exposure to the extent that this information is within the employer's control.

(7) *Physician's obligations.* The standard requires the employer to obtain a written statement from the physician. This statement must contain the physician's opinion as to whether the employee has any medical condition which would place him or her at increased risk of impaired health from exposure to formaldehyde or use of respirators, as appropriate. The physician must also state his opinion regarding any restrictions that should be placed on the employee's exposure to formaldehyde or upon the use of protective clothing or equipment such as respirators. If the employee wears a respirator as a result of his or her exposure to formaldehyde, the physician's opinion must also contain a statement regarding the suitability of the employee to wear the type of respirator assigned. Finally, the physician must inform the employer that the employee has been told the results of the medical examination and of any medical conditions which require further explanation or treatment. This

written opinion is not to contain any information on specific findings or diagnoses unrelated to occupational exposure to formaldehyde.

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 assist the employer in placing employees initially, in assuring that their health is not being impaired by formaldehyde, and to assess the employee's ability to use any required protective equipment.

NEW SECTION

WAC 296-62-07548 APPENDIX D—NON-MANDATORY MEDICAL DISEASE QUESTIONNAIRE. (1) Identification.

- (a) Plant name:
 - (b) Date:
 - (c) Employee name:
 - (d) Social Security number:
 - (e) Job title:
 - (f) Birthdate:
 - (g) Age:
 - (h) Sex:
 - (i) Height:
 - (j) Weight:
- (2) Medical history.

- (a) Have you ever been in the hospital as a patient?
Yes No
If yes, what kind of problem were you having?
- (b) Have you ever had any kind of operation?
Yes No
If yes, what kind?
- (c) Do you take any kind of medicine regularly?
Yes No
If yes, what kind?
- (d) Are you allergic to any drugs, foods, or chemicals?
Yes No
If yes, what kind of allergy is it?

What causes the allergy?
- (e) Have you ever been told that you have asthma, hayfever, or sinusitis?
Yes No
- (f) Have you ever been told that you have emphysema, bronchitis, or any other respiratory problems?
Yes No
- (g) Have you ever been told you had hepatitis?
Yes No

- (h) Have you ever been told that you have cirrhosis?
Yes No
 - (i) Have you ever been told that you had cancer?
Yes No
 - (j) Have you ever had arthritis or joint pain?
Yes No
 - (k) Have you ever been told that you had high blood pressure?
Yes No
 - (l) Have you ever had a heart attack or heart trouble?
Yes No
- (3) Medical history update.
- (a) Have you been in the hospital as a patient any time within the past year?
Yes No
If so, for what condition?
 - (b) Have you been under the care of a physician during the past year?
Yes No
If so, for what condition?
 - (c) Is there any change in your breathing since last year?
Yes No
 - (i) Better?
 - (ii) Worse?
 - (iii) No change?
If change, do you know why?
 - (d) Is your general health different this year from last year?
Yes No
If different, in what way?
 - (e) Have you in the past year or are you now taking any medication on a regular basis?
Yes No
 - (i) Name Rx
 - (ii) Condition being treated
- (4) Occupational history.
- (a) How long have you worked for your present employer?
 - (b) What jobs have you held with this employer? Include job title and length of time in each job.
 - (c) In each of these jobs, how many hours a day were you exposed to chemicals?

- (d) What chemicals have you worked with most of the time?
- (e) Have you ever noticed any type of skin rash you feel was related to your work?
Yes No
- (f) Have you ever noticed that any kind of chemical makes you cough?
Yes No
- (i) Wheeze:
Yes No
- (ii) Become short of breath or cause your chest to become tight?
Yes No
- (g) Are you exposed to any dust or chemicals at home?
Yes No
Is yes, explain:
- (h) In other jobs, have you ever had exposure to:
- (i) Wood dust?
Yes No
- (ii) Nickel or chromium?
Yes No
- (iii) Silica (foundry, sand blasting)?
Yes No
- (iv) Arsenic or asbestos?
Yes No
- (v) Organic solvents?
Yes No
- (vi) Urethane foams?
Yes No
- (5) Occupational history update.
- (a) Are you working on the same job this year as you were last year?
Yes No
If not, how has your job changed?
- (b) What chemicals are you exposed to on your job?
- (c) How many hours a day are you exposed to chemicals?
- (d) Have you noticed any skin rash within the past year you feel was related to your work?
Yes No
If so, explain circumstances:
- (e) Have you noticed that any chemical makes you cough, be short of breath, or wheeze?
Yes No
If so, can you identify it?
- (6) Miscellaneous.
- (a) Do you smoke?
Yes No
If so, how much and for how long?
- (i) Pipe
- (ii) Cigars
- (iii) Cigarettes
- (b) Do you drink alcohol in any form?
Yes No
If so, how much, how long, and how often?
- (c) Do you wear glasses or contact lenses?
Yes No
- (d) Do you get any physical exercise other than that required to do your job?
Yes No
If so, explain:
- (e) Do you have any hobbies or "side jobs" that require you to use chemicals, such as furniture stripping, sand blasting, insulation or manufacture of urethane foam, furniture, etc.?
Yes No
If so, please describe, giving type of business or hobby, chemicals used and length of exposures.
- (7) Symptoms questionnaire.
- (a) Do you ever have any shortness of breath?
Yes No
- (i) If yes, do you have to rest after climbing several flights of stairs?
Yes No
- (ii) If yes, if you walk on the level with people your own age, do you walk slower than they do?
Yes No
- (iii) If yes, if you walk slower than a normal pace, do you have to limit the distance that you walk?
Yes No
- (iv) If yes, do you have to stop and rest while bathing or dressing?
Yes No
- (b) Do you cough as much as three months out of the year?
Yes No

- (i) If yes, have you had this cough for more than two years?
Yes No
- (ii) If yes, do you ever cough anything up from the chest?
Yes No
- (c) Do you ever have a feeling of smothering, unable to take a deep breath, or tightness in your chest?
Yes No
- (i) If yes, do you notice that this occurs on any particular day of the week?
Yes No
- (ii) If yes, what day of the week?
Yes No
- (iii) If yes, do you notice that this occurs at any particular place?
Yes No
- (iv) If yes, do you notice that this is worse after you have returned to work after being off for several days?
Yes No
- (d) Have you ever noticed any wheezing in your chest?
Yes No
- (i) If yes, is this only with colds or other infections?
Yes No
- (ii) Is this caused by exposure to any kind of dust or other material?
Yes No
- (iii) If yes, what kind?
- (e) Have you noticed any burning, tearing, or redness of your eyes when you are at work?
Yes No
Is so, explain circumstances:
- (f) Have you noticed any sore or burning throat or itchy or burning nose when you are at work?
Yes No
Is so, explain circumstances:
- (g) Have you noticed any stuffiness or dryness of your nose?
Yes No
- (h) Do you ever have swelling of the eyelids or face?
Yes No
- (i) Have you ever been jaundiced?
Yes No
If yes, was this accompanied by any pain?
Yes No
- (j) Have you ever had a tendency to bruise easily or bleed excessively?
Yes No
- (k) Do you have frequent headaches that are not relieved by aspirin or tylenol?
Yes No
- (i) If yes, do they occur at any particular time of the day or week?
Yes No
- (ii) If yes, when do they occur?
- (l) Do you have frequent episodes of nervousness or irritability?
Yes No
- (m) Do you tend to have trouble concentrating or remembering?
Yes No
- (n) Do you ever feel dizzy, light-headed, excessively drowsy, or like you have been drugged?
Yes No
- (o) Does your vision ever become blurred?
Yes No
- (p) Do you have numbness or tingling of the hands or feet or other parts of your body?
Yes No
- (q) Have you ever had chronic weakness or fatigue?
Yes No
- (r) Have you every had any swelling of your feet or ankles to the point where you could not wear your shoes?
Yes No
- (s) Are you bothered by heartburn or indigestion?
Yes No
- (t) Do you ever have itching, dryness, or peeling and scaling of the hands?
Yes No
- (u) Do you ever have a burning sensation in the hands, or reddening of the skin?
Yes No
- (v) Do you ever have cracking or bleeding of the skin on your hands?
Yes No
- (w) Are you under a physician's care?
Yes No
If yes, for what are you being treated?
- (x) Do you have any physical complaints today?
Yes No
If yes, explain:

(y) Do you have other health conditions not covered by these questions?

Yes No

If yes, explain:

NEW SECTION

WAC 296-62-07550 APPENDIX E—QUALITATIVE AND QUANTITATIVE FIT TESTING PROCEDURES. FIT test protocols. Because exposure to formaldehyde can affect the employee's ability to detect common odorants, fit test results from the isoamyl acetate test must be augmented by results from either the saccharin or irritant smoke test.

(1) The employer shall include the following provisions in the fit test procedures. These provisions apply to both qualitative fit testing (QLFT) and quantitative fit testing (QNFT).

(a) The test subject shall be allowed to pick the most comfortable respirator from a selection including respirators of various sizes from different manufacturers. The selection shall include at least three sizes of elastomeric facepieces of the type of respirator that is to be tested, i.e., three sizes of half mask; or three sizes of full facepiece, and units from at least two manufacturers.

(b) Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine a comfortable fit. A mirror shall be available to assist the subject in evaluating the fit and positioning the respirator. This instruction may not constitute the subject's formal training on respirator use, as it is only a review.

(c) The test subject shall be informed that he/she is being asked to select the respirator which provides the most comfortable fit. Each respirator represents a different size and shape, and if fitted and used properly, will provide adequate protection.

(d) The test subject shall be instructed to hold each facepiece up to the face and eliminate those which obviously do not give a comfortable fit.

(e) The more comfortable facepieces are noted; the most comfortable mask is donned and worn at least five minutes to assess comfort. Assistance in assessing comfort can be given by discussing the points in (f) of this subsection. If the test subject is not familiar with using a particular respirator, the test subject shall be directed to don the mask several times and to adjust the straps each time to become adept at setting proper tension on the straps.

(f) Assessment of comfort shall include reviewing the following points with the test subject and allowing the test subject adequate time to determine the comfort of the respirator:

- (i) Position of the mask on the nose;
- (ii) Room for eye protection;
- (iii) Room to talk;
- (iv) Position of mask on face and cheeks.

(g) The following criteria shall be used to help determine the adequacy of the respirator fit:

- (i) Chin properly placed;
- (ii) Adequate strap tension, not overly tightened;
- (iii) Fit across nose bridge;

(iv) Respirator of proper size to span distance from nose to chin;

(v) Tendency of respirator to slip;

(vi) Self-observation in mirror to evaluate fit and respirator position.

(h) The test subject shall conduct the negative and positive pressure fit checks as described below or in the latest edition of ANSI Z88.2. Before conducting the negative or positive pressure test, the subject shall be told to seat the mask on the face by moving the head from side to side and up and down slowly while taking in a few slow deep breaths. Another facepiece shall be selected and retested if the test subject fails the fit check tests.

(i) Positive pressure test. Close off the exhalation valve and exhale gently onto the facepiece. The face fit is considered satisfactory if a slight positive pressure can be built up inside the facepiece without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and then carefully replacing it after the test.

(ii) Negative pressure test. Close off the inlet opening of the canister or cartridge(s) by covering with the palm of the hand(s) or by replacing the filter seal(s), inhale gently so that the facepiece collapses slightly, and hold the breath for ten seconds. If the facepiece remains in its slightly collapsed condition and no inward leakage of air is detected, the tightness of the respirator is considered satisfactory.

(i) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface, such as stubble beard growth, beard, or long sideburns which cross the respirator sealing surface. Any type of apparel which interferes with a satisfactory fit shall be altered or removed.

(j) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respiratory disease or pulmonary medicine to determine whether the test subject can wear a respirator while performing her or his duties.

(k) The test subject shall be given the opportunity to wear the successfully fitted respirator for a period of two weeks. If at any time during this period the respirator becomes uncomfortable, the test subject shall be given the opportunity to select a different facepiece and to be retested.

(l) The employer shall certify that a successful fit test has been administered to the employee. The certification shall include the following information:

- (i) Name of employee;
- (ii) Type, brand, and size of respirator; and
- (iii) Date of test.

Where QNFT is used, the fit factor, strip chart, or other recording of the results of the test, shall be retained with the certification. The certification shall be maintained until the next fit test is administered.

(m) Exercise regimen. Prior to the commencement of the fit test, the test subject shall be given a description of the fit test and the test subject's responsibilities during the test procedure.

The description of the process shall include a description of the test exercises that the subject will be performing. The respirator to be tested shall be worn for at least five minutes before the start of the fit test.

(n) Test exercises. The test subject shall perform exercises, in the test environment, in the manner described below:

(i) Normal breathing. In a normal standing position, without talking, the subject shall breathe normally.

(ii) Deep breathing. In a normal standing position, the subject shall breathe slowly and deeply, taking caution so as to not hyperventilate.

(iii) Turning head side to side. Standing in place, the subject shall slowly turn his/her head from side to side between the extreme positions on each side. The head shall be held at each extreme momentarily so the subject can inhale at each side.

(iv) Moving head up and down. Standing in place, the subject shall slowly move his/her head up and down. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).

(v) Talking. The subject shall talk out loud slowly and loudly enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from one hundred, or recite a memorized poem or song.

(vi) Grimace. The test subject shall grimace by smiling or frowning.

(vii) Bending over. The test subject shall bend at the waist as if he/she were to touch his/her toes. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT units which prohibit bending at the waist.

(viii) Normal breathing. Same as (n)(i) of this subsection.

(A) Each test exercise shall be performed for one minute except for the grimace exercise which shall be performed for fifteen seconds.

(B) The test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become uncomfortable, another model of respirator shall be tried.

(2) Qualitative fit test (QLFT) protocols.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator qualitative fit test program.

(ii) The employer shall ensure that persons administering QLFT are able to prepare test solutions, calibrate equipment and perform tests properly, recognize invalid tests, and assure that the equipment is in proper working order.

(iii) The employer shall assure the QLFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Isoamyl acetate protocol.

(i) Odor threshold screening. The odor threshold screening test, performed without wearing a respirator, is intended to determine if the individual tested can detect the odor of isoamyl acetate.

(A) Three one-liter glass jars with metal lids are required.

(B) Odor free water (e.g., distilled or spring water) at approximately 25°C shall be used for the solutions.

(C) The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding 1 cc of pure IAA to 800 cc of odor free water in a one-liter jar and shaking for thirty seconds. A new solution shall be prepared at least weekly.

(D) The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated but shall not be connected to the same recirculating ventilation system.

(E) The odor test solution is prepared in a second jar by placing 0.4 cc of the stock solution into 500 cc of odor free water using a clear dropper or pipette. The solution shall be shaken for thirty seconds and allowed to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution shall be used for only one day.

(F) A test blank shall be prepared in a third jar by adding 500 cc of odor free water.

(G) The odor test and test blank jars shall be labeled 1 and 2 for jar identification. Labels shall be placed on the lids so they can be periodically peeled, dried off and switched to maintain the integrity of the test.

(H) The following instruction shall be typed on a card and placed on the table in front of the two jars (i.e., 1 and 2): "The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contain a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

(I) The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatigue in the subject.

(J) If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA qualitative fit test shall not be performed.

(K) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.

(ii) Isoamyl acetate fit test.

(A) The fit test chamber shall be similar to a clear fifty-five gallon drum liner suspended inverted over a two-foot diameter frame so that the top of the chamber is about six inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

(B) Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors. The cartridges or masks shall be changed at least weekly.

(C) After selecting, donning, and properly adjusting a respirator, the test subject shall wear it to the fit testing room. This room shall be separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

(D) A copy of the test exercises and any prepared text from which the subject is to read shall be taped to the inside of the test chamber.

(E) Upon entering the test chamber, the test subject shall be given a six-inch by five-inch piece of paper towel, or other porous, absorbent, single-ply material, folded in half, and wetted with 0.75 cc of pure IAA. The test subject shall hang the wet towel on the hook at the top of the chamber.

(F) Allow two minutes for the IAA test concentration to stabilize before starting the fit test exercises. This would be an appropriate time to talk with the test subject, to explain the fit test, the importance of his/her cooperation, and the purpose for the head exercises, or to demonstrate some of the exercises.

(G) If at any time during the test, the subject detects the banana like odor of IAA, the test has failed. The subject shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

(H) If the test has failed, the subject shall return to the selection room and remove the respirator, repeat the odor sensitivity test, select and put on another respirator, return to the test chamber and again begin the procedure described in (b)(ii)(A) through (G) of this subsection. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about five minutes before retesting. Odor sensitivity will usually have returned by this time.

(I) When a respirator is found that passes the test, its efficiency shall be demonstrated for the subject by having the subject break the face seal and take a breath before exiting the chamber.

(J) When the test subject leaves the chamber, the subject shall remove the saturated towel and return it to the person conducting the test. To keep the test area from becoming contaminated, the used towels shall be kept in a self-sealing bag so there is no significant IAA concentration build-up in the test chamber during subsequent tests.

(c) Saccharin solution aerosol protocol. The saccharin solution aerosol QLFT protocol is the only currently available, validated test protocol for use with particulate disposable dust respirators not equipped with high-efficiency filters. The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

(i) Taste threshold screening. The saccharin taste threshold screening, performed without wearing a respirator, is intended to determine whether the individual being tested can detect the taste of saccharin.

(A) Threshold screening as well as fit testing subjects shall wear an enclosure about the head and shoulders that is approximately twelve inches in diameter by fourteen inches tall with at least the front portion clear and that allows free movements of the head when a respirator is worn. An enclosure substantially similar to the 3M hood assembly, parts NZ FT 14 and NZ FT 15 combined, is adequate.

(B) The test enclosure shall have a three-quarter inch hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.

(C) The test subject shall don the test enclosure. Throughout the threshold screening test, the test subject shall breathe through his/her wide open mouth with tongue extended.

(D) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer the test conductor shall spray the threshold check solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the fit test solution nebulizer.

(E) The threshold check solution consists of 0.83 grams of sodium saccharin USP in 1 cc of warm water. It can be prepared by putting 1 cc of the fit test solution (see (c)(ii)(E) of this subsection) in 100 cc of distilled water.

(F) To produce the aerosol, the nebulizer bulb is firmly squeezed so that it collapses completely, then released and allowed to fully expand.

(G) Ten squeezes are repeated rapidly and then the test subject is asked whether the saccharin can be tasted.

(H) If the first response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(I) If the second response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(J) The test conductor will take note of the number of squeezes required to solicit a taste response.

(K) If the saccharin is not tasted after thirty squeezes, the test subject may not perform the saccharin fit test.

(L) If a taste response is elicited, the test subject shall be asked to take note of the taste for reference in the fit test.

(M) Correct use of the nebulizer means that approximately 1 cc of liquid is used at a time in the nebulizer body.

(N) The nebulizer shall be thoroughly rinsed in water, shaken dry, and refilled at least each morning and afternoon or at least every four hours.

(ii) Saccharin solution aerosol fit test procedure.

(A) The test subject may not eat, drink (except plain water), or chew gum for fifteen minutes before the test.

(B) The fit test uses the same enclosure described in (c)(i) of this subsection.

(C) The test subject shall don the enclosure while wearing the respirator selected in (c)(i) of this subsection. The respirator shall be properly adjusted and equipped with a particular filter(s).

(D) A second DeVilbiss Model 40 Inhalation Medication Nebulizer is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

(E) The fit test solution is prepared by adding eighty-three grams of sodium saccharin to 100 cc of warm water.

(F) As before, the test subject shall breathe through the open mouth with tongue extended.

(G) The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the enclosure using the same number of squeezes required to elicit a taste response in the screening test.

(H) After generating the aerosol the test subject shall be instructed to perform the exercises in subsection (1)(n) of this section.

(I) Every thirty seconds the aerosol concentration shall be replenished using one-half the number of squeezes as initially used.

(J) The test subject shall indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

(K) If the taste of saccharin is detected, the fit is deemed unsatisfactory and a different respirator shall be tried.

(d) Irritant fume protocol.

(i) The respirator to be tested shall be equipped with high-efficiency particulate air (HEPA) filters.

(ii) The test subject shall be allowed to smell a weak concentration of the irritant smoke before the respirator is donned to become familiar with its characteristic odor.

(iii) Break both ends of a ventilation smoke tube containing stannic oxychloride, such as the MSA part No. 5645, or equivalent. Attach one end of the smoke tube to a low flow air pump set to deliver two hundred milliliters per minute.

(iv) If a half-mask is being fitted, advise the test subject that the smoke can be irritating to the eyes and instruct the subject to keep his/her eyes closed while the test is performed.

(v) The test conductor shall direct the stream of irritant smoke from the smoke tube towards the face seal area of the test subject. He/she shall begin at least twelve inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

(vi) The exercises identified in subsection (1)(n) of this section shall be performed by the test subject while the respirator seal is being challenged by the smoke.

(vii) Each test subject passing the smoke test without evidence of a response shall be given a sensitivity check of the smoke from the same tube once the respirator has been removed to determine whether he/she reacts to the smoke. Failure to evoke a response shall void the fit test.

(viii) The fit test shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agent.

(3) Quantitative fit test (QNFT) protocol.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator quantitative fit test program.

(ii) The employer shall ensure that persons administering QNFT are able to calibrate equipment and perform tests properly, recognize invalid tests, calculate fit factors properly and assure that test equipment is in proper working order.

(iii) The employer shall assure that QNFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Definitions.

(i) "Quantitative fit test." The test is performed in a test chamber. The normal air-purifying element of the respirator is replaced by a high-efficiency particulate air

(HEPA) filter in the case of particulate QNFT aerosols or a sorbent offering contaminant penetration protection equivalent to high-efficiency filters where the QNFT test agency is a gas or vapor.

(ii) "Challenge agent" means the aerosol, gas, or vapor introduced into a test chamber so that its concentration inside and outside the respirator may be measured.

(iii) "Test subject" means the person wearing the respirator for quantitative fit testing.

(iv) "Normal standing position" means standing erect and straight with arms down along the sides and looking straight ahead.

(v) "Maximum peak penetration method" means the method of determining test agent penetration in the respirator as determined by strip chart recordings of the test. The highest peak penetration for a given exercise is taken to be representative of average penetration into the respirator for that exercise.

(vi) "Average peak penetration method" means the method of determining test agent penetration into the respirator utilizing a strip chart recorder, integrator, or computer. The agent penetration is determined by an average of the peak heights on the graph or by computer integration, for each exercise except the grimace exercise. Integrators or computers which calculate the actual test agent penetration into the respirator for each exercise will also be considered to meet the requirements of the average peak penetration method.

(vii) "Fit factor" means the ratio of challenge agent concentration outside with respect to the inside of a respirator inlet covering (facepiece or enclosure).

(c) Apparatus.

(i) Instrumentation. Aerosol generation, dilution, and measurement systems using corn oil or sodium chloride as test aerosols shall be used for quantitative fit testing.

(ii) Test chamber. The test chamber shall be large enough to permit all test subjects to perform freely all required exercises without disturbing the challenge agent concentration or the measurement apparatus. The test chamber shall be equipped and constructed so that the challenge agent is effectively isolated from the ambient air, yet uniform in concentration throughout the chamber.

(iii) When testing air-purifying respirators, the normal filter or cartridge element shall be replaced with a high-efficiency particulate filter supplied by the same manufacturer.

(iv) The sampling instrument shall be selected so that a strip chart record may be made of the test showing the rise and fall of the challenge agent concentration with each inspiration and expiration at fit factors of at least two thousand. Integrators or computers which integrate the amount of test agent penetration leakage into the respirator for each exercise may be used provided a record of the readings is made.

(v) The combination of substitute air-purifying elements, challenge agent, and challenge agent concentration in the test chamber shall be such that the test subject is not exposed in excess of an established exposure limit for the challenge agent at any time during the testing process.

(vi) The sampling port on the test specimen respirator shall be placed and constructed so that no leakage occurs around the port (e.g., where the respirator is probed), a free air flow is allowed into the sampling line at all times and so that there is no interference with the fit or performance of the respirator.

(vii) The test chamber and test set-up shall permit the person administering the test to observe the test subject inside the chamber during the test.

(viii) The equipment generating the challenge atmosphere shall maintain the concentration of challenge agent inside the test chamber constant to within a ten percent variation for the duration of the test.

(ix) The time lag (interval between an event and the recording of the event on the strip chart or computer or integrator) shall be kept to a minimum. There shall be a clear association between the occurrence of an event inside the test chamber and its being recorded.

(x) The sampling line tubing for the test chamber atmosphere and for the respirator sampling port shall be of equal diameter and of the same material. The length of the two lines shall be equal.

(xi) The exhaust flow from the test chamber shall pass through a high-efficiency filter before release.

(xii) When sodium chloride aerosol is used, the relative humidity inside the test chamber shall not exceed fifty percent.

(xiii) The limitations of instrument detection shall be taken into account when determining the fit factor.

(xiv) Test respirators shall be maintained in proper working order and inspected for deficiencies such as cracks, missing valves and gaskets, etc.

(d) Procedural requirements.

(i) When performing the initial positive or negative pressure test the sampling line shall be crimped closed in order to avoid air pressure leakage during either of these tests.

(ii) An abbreviated screening isoamyl acetate test or irritant fume test may be utilized in order to quickly identify poor fitting respirators which passed the positive and/or negative pressure test and thus reduce the amount of QNFT time. When performing a screening isoamyl acetate test, combination high-efficiency organic vapor cartridges/canisters shall be used.

(iii) A reasonable stable challenge agent concentration shall be measured in the test chamber prior to testing. For canopy or shower curtain type of test units the determination of the challenge agent stability may be established after the test subject has entered the test environment.

(iv) Immediately after the subject enters the test chamber, the challenge agent concentration inside the respirator shall be measured to ensure that the peak penetration does not exceed five percent for a half mask or one percent for a full facepiece respirator.

(v) A stable challenge concentration shall be obtained prior to the actual start of testing.

(vi) Respirator restraining straps shall not be overtightened for testing. The straps shall be adjusted by the wearer without assistance from other persons to give a reasonable comfortable fit typical of normal use.

(vii) The test shall be terminated whenever any single peak penetration exceeds five percent for half masks and one percent for full facepiece respirators. The test subject shall be refitted and retested. If two of the three required tests are terminated, the fit shall be deemed inadequate.

(viii) In order to successfully complete a QNFT, three successful fit tests are required. The results of each of the three independent fit tests must exceed the minimum fit factor needed for the class of respirator (e.g., half mask respirator, full facepiece respirator).

(ix) Calculation of fit factors.

(A) The fit factor shall be determined for the quantitative fit test by taking the ratio of the average chamber concentration to the concentration inside the respirator.

(B) The average test chamber concentration is the arithmetic average of the test chamber concentration at the beginning and of the end of the test.

(c) The concentration of the challenge agent inside the respirator shall be determined by one of the following methods:

(I) Average peak concentration;

(II) Maximum peak concentration;

(III) Integration by calculation of the area under the individual peak for each exercise. This includes computerized integration.

(x) Interpretation of test results. The fit factor established by the quantitative fit testing shall be the lowest of the three fit factor values calculated from the three required fit tests.

(xi) The test subject shall not be permitted to wear a half mask, or full facepiece respirator unless a minimum fit factor equivalent to at least ten times the hazardous exposure level is obtained.

(xii) Filters used for quantitative fit testing shall be replaced at least weekly, or whenever increased breathing resistance is encountered, or when the test agent has altered the integrity of the filter media. Organic vapor cartridges/canisters shall be replaced daily (when used) or sooner if there is any indication of breakthrough by a test agent.

NEW SECTION

WAC 296-62-300 SCOPE, APPLICATION, AND DEFINITIONS. (1) Scope for operations other than emergency response. This section covers employers and employees engaged in the following operations:

(a) Hazardous substance response operations that are conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended (42 U.S.C. 9601 et seq.) (CERCLA), including initial investigations at CERCLA sites before the presence or absence of hazardous substances has been ascertained;

(b) Major corrective actions taken in clean-up operations under the Resource Conservation and Recovery Act of 1976 as amended (42 U.S.C. 6901 et seq.) (RCRA);

(c) Operations involving hazardous waste storage, disposal, and treatment facilities regulated under WAC 173-303-400 pursuant to RCRA;

(d) Hazardous waste operations sites that have been designated for clean-up by state or local governmental authorities; and

(2) Scope for emergency response operations. This section also covers employers whose employees have a reasonable possibility of engaging in emergency response operations for releases of, or substantial threats of releases of, hazardous substances without regard to the location of the hazard.

(3) Application.

(a) All requirements of this chapter and chapters 296-24 and 296-155 WAC apply pursuant to their terms to hazardous waste operations whether covered by this part or not. In addition, the provisions of this part apply to operations covered by this part. If there is a conflict or overlap, the provision more protective of employee safety and health shall apply.

(b) All sections of this part except WAC 296-62-3110 and 296-62-3140 apply to operations involving hazardous substances conducted under CERCLA, major corrective actions taken in clean-up operations under RCRA, and hazardous waste operations that have been designated for clean-up by state or local governmental authorities.

(c) Only the requirements of WAC 296-62-3110 and 296-62-3140 apply to those operations involving hazardous waste storage, disposal, and treatment facilities regulated under WAC 173-303-400.

Exceptions: For small quantity generators and generators with less than ninety days accumulation of hazardous wastes who have emergency response teams that respond to releases of, or substantial threats of releases of, hazardous substances, only WAC 296-62-3110 is applicable. Small quantity generators and generators with less than ninety days accumulation of hazardous wastes who do not have emergency response teams that respond to releases of, or substantial threats of releases of, hazardous substances are exempt from the regulations of this section.

(d) WAC 296-62-3110 applies to all emergency response operations for releases of, or substantial threats of releases of hazardous substances including those releases of or substantial threats of releases that occur at worksites other than those sites identified in (a) through (c) of this subsection.

(4) Definitions.

(a) "Buddy system" means a system of organizing employees into work groups in such a manner that each employee of the work group is designated to observe the activities of at least one other employee in the work group. The purpose of the buddy system is to provide quick assistance to those other employees in the event of an emergency.

(b) "Decontamination" means the removal of hazardous substances from employees and their equipment to the extent necessary to preclude the occurrence of foreseeable adverse health effects.

(c) "Emergency response" means a coordinated response effort by employees from outside the immediate release area or by outside responders (i.e., mutual aid groups, local fire departments, etc.) to an occurrence which results, or is likely to result, in an uncontrolled release of a hazardous substance. Responses to incidental releases of hazardous substances where the substance

can be absorbed, neutralized, or otherwise controlled at the time of release by employees in the immediate release area are not considered to be emergency responses within the scope of this standard. Responses to release of hazardous substances where the concentration of hazardous substance is below the established permissible exposure limits established in this standard are not considered to be emergency responses.

(d) "Established exposure levels" means the inhalation or dermal permissible exposure limit specified, in this chapter, or if none is specified, the exposure limits in "NIOSH Recommendations for Occupational Health Standards" dated 1986 incorporated by reference, or if neither of the above is specified, the standards specified by the American Conference of Governmental Industrial Hygienists in their publication "Threshold Limit Values and Biological Exposure Indices for 1986-87" dated 1986 incorporated by reference. The two documents incorporated by reference are available for purchase from the following:

NIOSH, Publications Dissemination, Division of Standards Development and Technology Transfer, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, OH 45226, (513) 841-4287; and

American Conference of Governmental Industrial Hygienists, 6500 Glenway Ave., Building D-7, Cincinnati, OH 45211-4438, (513) 661-7881 and are available for inspection and copying at the OSHA Docket Office, Docket No. S-760, Room N-3671, 200 Constitution Ave., N.W., Washington, DC 20210.

(e) "Facility" means (i) any building structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment works), well, pit, pond, lagoon, impoundment, ditch, storage container, motor vehicle, rolling stock, or aircraft, or (ii) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

(f) "Hazardous materials (HAZMAT) team" means an organized group of employees, designated by the employer, who are knowledgeable and specifically trained and skilled to handle and control leaking containers or vessels, use and select special chemical protective clothing and perform other duties associated with accidental releases of hazardous substances. The team members perform responses to releases of hazardous substances for the purpose of control or stabilization of the release. A HAZMAT team is not a fire brigade nor is a typical fire brigade a HAZMAT team. A HAZMAT team, however, may be a separate component of a fire brigade.

(g) "Hazardous substance" means any substance designated or listed under (g)(i) through (iv) of this subsection, exposure to which results or may result in adverse effects on the health or safety of employees:

(i) Any substance defined under section 101(14) of CERCLA;

(ii) Any biological agent and other disease-causing agent as defined in section 101(33) of CERCLA;

(iii) Any substance listed by the United States Department of Transportation and regulated as hazardous materials under WAC 480-12-195; and

(iv) Hazardous waste.

(h) "Hazardous waste" means:

(i) A waste or combination of wastes as defined in WAC 173-303-040; or

(ii) Those substances defined in WAC 480-12-195.

(i) "Hazardous waste operation" means any operation conducted within the scope of this standard involving employee exposure to hazardous wastes, hazardous substances, or any combination of hazardous wastes and hazardous substances.

(j) "Hazardous waste site" or "site" means any facility or location within the scope of this standard at which hazardous waste operations take place.

(k) "Health hazard" means a chemical, mixture of chemicals, or a pathogen 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. Further definition of the terms used above can be found in Appendix A to WAC 296-62-054 through 296-62-05427.

(l) "IDLH" or "immediately dangerous to life or health" means any atmospheric concentration of any toxic, corrosive, or asphyxiant substance that poses an immediate threat to life or would cause irreversible or delayed adverse health effects or would interfere with an individual's ability to escape from a dangerous atmosphere.

(m) "Oxygen deficiency" means that concentration of oxygen by volume below which air supplying respiratory protection must be provided. It exists in atmospheres where the percentage of oxygen by volume is less than 19.5 percent oxygen.

(n) "Permissible exposure limit" means the inhalation or dermal permissible limit specified in WAC 296-62-075 through 296-62-07515.

(o) "Post emergency response" means that portion of an emergency response performed after the immediate threat of a release has been stabilized or eliminated and clean-up of the site has begun. If post emergency response is performed by an employer's own employees as a continuation of initial emergency response, it is considered to be part of the initial response and not post emergency response.

(p) "Qualified person" means a person with specific training, knowledge, and experience in the area for which the person has responsibility.

(q) "Site safety and health supervisor (or official)" means the individual located on a hazardous waste site who is responsible to the employer and has the authority and knowledge necessary to implement the site safety and health plan and verify compliance with applicable safety and health requirements.

(r) "Small quantity generator" means a generator of hazardous wastes who in any calendar month generates no more than 1000 kilograms (2210 pounds) of hazardous waste in that month.

NEW SECTION

WAC 296-62-3010 GENERAL REQUIREMENTS. (1) Safety and health program.

(a) General. Employers shall develop and implement a written safety and health program for their employees involved in hazardous waste operations. The program shall be designed to identify, evaluate, and control safety and health hazards and provide for emergency response for hazardous waste operations. The program shall incorporate as a separate chapter the following:

(i) Organizational structure chapter;

(ii) A comprehensive workplan chapter; and

(iii) A site-specific safety and health plan chapter.

(b) Organizational structure chapter.

(i) The organizational structure chapter shall establish the specific chain of command and specify the overall responsibilities of supervisors and employees. It shall include at a minimum, the following elements:

(A) A general supervisor who has the responsibility and authority to direct all hazardous waste operations.

(B) A site safety and health supervisor who has the responsibility and authority to develop and implement the site safety and health plan and verify compliance.

(C) All other personnel needed for hazardous waste site operations and emergency response and their general functions and responsibilities.

(D) The lines of authority, responsibility, and communication.

(ii) The organizational structure shall be reviewed and updated as necessary to reflect the current status of waste site operations.

(iii) The original organizational structure plan and any changes to the overall organizational structure shall be made available to all affected employees.

(c) Comprehensive workplan chapter. The comprehensive workplan chapter shall address the tasks and objectives of site operations and the logistics and resources required to reach those tasks and objectives.

(i) The comprehensive workplan shall address anticipated clean-up activities as well as normal operating procedures.

(ii) The comprehensive workplan shall define work tasks and objectives and identify the methods for accomplishing those tasks and objectives.

(iii) The comprehensive workplan shall establish personnel requirements for implementing the plan.

(iv) The comprehensive workplan shall provide for the implementation of the training required in WAC 296-62-3040.

(v) The comprehensive workplan shall provide for the implementation of the required informational programs required in WAC 296-62-3080.

(vi) The comprehensive workplan shall provide for the implementation of the medical surveillance program described in WAC 296-62-3050.

(d) Site-specific safety and health plan chapter. The site safety and health plan, which is part of the overall

safety and health program shall be available on the site for inspection by employees, their designated representatives, and WISHA personnel, shall address the safety and health hazards of each phase of site operation; and include the requirements and procedures for employee protection.

(i) The site safety and health plan, as a minimum, shall address the following:

(A) Names of key personnel and alternates responsible for site safety and health, including a site safety and health supervisor.

(B) A safety and health risk or hazard analysis for each site task and operation found in the workplan.

(C) Employee training assignments to assure compliance with WAC 296-62-3040.

(D) Personal protective equipment to be used by employees for each of the site tasks and operations being conducted as required by the personal protective equipment program in WAC 296-62-3060.

(E) Medical surveillance requirements in accordance with the program in WAC 296-62-3050.

(F) Frequency and types of air monitoring, personnel monitoring, and environmental sampling techniques and instrumentation to be used including methods of maintenance and calibration of monitoring and sampling equipment to be used.

(G) Site control measures in accordance with the site control program required in WAC 296-62-3030.

(H) Decontamination procedures in accordance with WAC 296-62-3100.

(I) An emergency response plan meeting the requirements of WAC 296-62-3110 for safe and effective responses to emergencies, including the necessary PPE and other equipment.

(J) Confined space entry procedures.

(ii) Preentry briefings shall be held prior to initiating any site activity and at such other times as necessary to ensure that employees are apprised of the site safety and health plan and that this plan is being followed.

(iii) Inspections shall be conducted by the site safety and health supervisor or, in the absence of that individual, another individual acting on behalf of the employer as necessary to determine the effectiveness of the site safety and health plan. Any deficiencies in the effectiveness of the site safety and health plan shall be corrected by the employer.

(iv) When major spills may be anticipated due to the type of work involved, a spill containment program meeting the requirements of WAC 296-62-3080.

(2) Site excavation. Site excavations created during initial site preparation or during hazardous waste operations shall be shored or sloped as appropriate to prevent accidental collapse in accordance with WAC 296-155-650 through 296-155-66505.

(3) Contractors and subcontractors.

(a) An employer who retains contractor or subcontractor services for work in hazardous waste operations shall inform those contractors, subcontractors, or their representatives of any potential fire, explosion, health, safety, or other hazards of the hazardous waste operation that have been identified by the employer including the employer's information program.

(b) The safety and health program required in this section shall be made available to any subcontractor or its representative who will be involved with the hazardous waste operation and employees, their designated representatives, and WISHA personnel.

NEW SECTION

WAC 296-62-3020 SITE CHARACTERIZATION AND ANALYSIS. Hazardous waste sites shall be evaluated in accordance with this section to identify specific site hazards and to determine the appropriate safety and health control procedures needed to protect employees from the identified hazards.

(1) A preliminary evaluation of a site's characteristics shall be performed prior to site entry by a trained person to aid in the selection of appropriate employee protection methods prior to site entry. Immediately after initial site entry, a more detailed evaluation of the site's specific characteristics shall be performed by a qualified person in order to further identify existing site hazards and to further aid in the selection of the appropriate engineering controls and personal protective equipment for the tasks to be performed.

(2) All suspected conditions that may pose inhalation or skin absorption hazards that are immediately dangerous to life or health (IDLH) or other conditions that may cause death or serious harm shall be identified during the preliminary survey and evaluated during the detailed survey. Examples of such hazards include, but are not limited to, confined space entry, potentially explosive or flammable situations, visible vapor clouds, or areas where biological indicators such as dead animals or vegetation are located.

(3) The following information to the extent available shall be obtained by the employer prior to allowing employees to enter a site:

(a) Location and approximate size of the site.

(b) Description of the response activity and/or the job task to be performed.

(c) Duration of the planned employee activity.

(d) Site topography.

(e) Site accessibility by air and roads.

(f) Pathways for hazardous substance dispersion.

(g) Present status and capabilities of emergency response teams that would provide assistance to on-site employees at the time of an emergency.

(h) Hazardous substances and health hazards involved or expected at the site and their chemical and physical properties.

(4) Personal protective equipment (PPE) shall be provided and used during initial site entry in accordance with the following requirements:

(a) Based upon the results of the preliminary site evaluation, an ensemble of PPE shall be selected and used during initial site entry which will provide protection to a level of exposure below established permissible exposure limits for known or suspected hazardous substances and health hazards and which will provide protection against other known and suspected hazards identified during the preliminary site evaluation.

(b) During initial site entry an escape self-contained breathing apparatus of at least five minutes' duration

shall be carried by employees or kept available at their immediate work station if positive-pressure self-contained breathing apparatus is not used as part of the entry ensemble.

(c) If the preliminary site evaluation does not produce sufficient information to identify the hazards or suspected hazards of the site an ensemble of Level B PPE shall be provided as minimum protection and direct reading instruments shall be used as appropriate for identifying IDLH conditions. (See WAC 296-62-3170 - Appendix B for guidelines on Level B protective equipment.)

(d) Once the hazards of the site have been positively identified, the appropriate PPE shall be selected and used in accordance with WAC 296-62-3060.

(5) The following monitoring shall be conducted during initial site entry when the site evaluation produces information that shows the potential for ionizing radiation or IDLH conditions, or when the site information is not sufficient to rule out these possible conditions:

(a) Monitoring for hazardous levels of ionizing radiation.

(b) Monitoring the air with appropriate test equipment for IDLH and other conditions that may cause death or serious harm (combustible or explosive atmospheres, oxygen deficiency, toxic substances).

(c) Visually observing for signs of actual or potential IDLH or other dangerous conditions.

(6) Once the presence and concentrations of specific hazardous substances and health hazards have been established, the risks associated with these substances shall be identified. Employees who will be working on the site shall be informed of any risks that have been identified. In situations covered by WAC 296-62-054 through 296-62-05425, training required by that standard need not be duplicated.

Note: Risks to consider include, but are not limited to:

Exposures exceeding the appropriate threshold limit values (TLVs), permissible exposure limits (PELs), or recommended exposure limits (RELs).

IDLH concentrations.

Potential skin absorption and irritation sources.

Potential eye irritation sources.

Explosion sensitivity and flammability ranges.

(7) Any information concerning the chemical, physical, and toxicologic properties of each substance known or expected to be present on site that is available to the employer and relevant to the duties an employee is expected to perform shall be made available to all employees prior to the commencement of their work activities.

(8) An ongoing air monitoring program in accordance with WAC 296-62-3070 shall be implemented after site characterization has determined the site is safe for the start-up of operations.

NEW SECTION

WAC 296-62-3030 **SITE CONTROL.** Appropriate site control procedures shall be implemented before clean-up work begins to control employee exposure to hazardous substances.

(1) A site control program for protecting employees which is part of the employer's safety and health program required in WAC 296-62-3010 shall be developed during the planning stages of a hazardous waste operation clean-up and modified as necessary as new information becomes available.

(2) The site control program shall, as a minimum, include: A site map, site work zones, the use of a "buddy system," site communications, the standard operating procedures or safe work practices, and identification of nearest medical assistance.

NEW SECTION

WAC 296-62-3040 **TRAINING.** (1) All employees (such as but not limited to equipment operators and general laborers) exposed to hazardous substances, health hazards, or safety hazards shall be thoroughly trained in the following:

(a) Names of personnel and alternates responsible for site safety and health;

(b) Safety, health, and other hazards present on the site;

(c) Use of PPE;

(d) Work practices by which the employee can minimize risks from hazards;

(e) Safe use of engineering controls and equipment on the site;

(f) Medical surveillance requirements including recognition of symptoms and signs which might indicate overexposure to hazards, and

(g) The site safety and health plan set forth in WAC 296-62-3010 (1)(d).

(2) All employees shall at the time of job assignment receive a minimum of forty hours of initial instruction off the site, and a minimum of three days of actual field experience under the direct supervision of a trained, experienced supervisor. Workers who may be exposed to unique or special hazards shall be provided additional training. The level of training provided shall be consistent with the employee's job function and responsibilities.

(3) On-site management and supervisors directly responsible for or who supervise employees engaged in hazardous waste operations shall receive training as provided in subsections (1) and (2) of this section and at least eight additional hours of specialized training at the time of job assignment on such topics as, but not limited to, the employer's safety and health program and the associated employee training program, personal protective equipment program, spill containment program, and health hazard monitoring techniques.

(4) Trainers shall be qualified to instruct employees about the subject matter that is being presented in training.

Note: Trainers can show their qualifications by having the knowledge or training equivalent to a level of training higher than the level they are presenting. This may be shown by academic degrees, training courses completed and/or work experience.

(5) Employees shall not be permitted to participate in field activities until they have been trained to a level required by their job function and responsibility.

(6) Employees and supervisors that have received and successfully completed the training and field experience specified in subsections (1), (2), and (3) of this section shall be certified by their instructor as having completed the necessary training. Any person who has not been so certified nor meets the requirements of subsection (9) of this section shall be prohibited from engaging in hazardous waste operations.

(7) Employees who are engaged in responding to hazardous emergency situations at hazardous waste clean-up sites that may expose them to hazardous substances shall be trained in how to respond to expected emergencies.

(8) Employees specified in subsection (1) of this section and managers specified in subsection (3) of this section shall receive eight hours of refresher training annually on the items specified in subsection (1) of this section and other relevant topics.

(9) Employers who can show that an employee's work experience and/or training has resulted in initial training equivalent to that training required in subsections (1), (2), and (3) of this section shall not be required to provide the initial training requirements of those sections. Equivalent training includes the training that existing employees might have already received from actual site experience.

NEW SECTION

WAC 296-62-3050 MEDICAL SURVEILLANCE. Medical surveillance shall be provided in accordance with this section for employees exposed or potentially exposed to hazardous substances or health hazards or who wear respirators.

(1) Employees covered. A medical surveillance program which is part of the employer's safety and health program required in WAC 296-62-3010 shall be instituted by the employer for the following employees:

(a) All employees who are or may be exposed to hazardous substances or health hazards at or above the established exposure levels for these substances, without regard to the use of respirators, for thirty days or more a year;

(b) All employees who wear a respirator for thirty days or more a year, and

(c) All employees who are injured due to overexposure from an emergency incident involving hazardous substances or health hazards.

(2) Frequency of medical examinations and consultations. Medical examinations and consultations shall be made available by the employer to each employee covered under subsection (1) of this section on the following schedules:

(a) Prior to assignment or for employees covered on the effective date of this standard as specified in WAC 296-62-3150.

(b) At least once every twelve months for each employee covered.

(c) At termination of employment or reassignment to an area where the employee would not be covered if the employee has not had an examination within the last six months.

(d) As soon as possible upon notification by an employee that the employee has developed signs or symptoms indicating possible overexposure to hazardous substances or health hazards or that the employee has been exposed above the established exposure levels in an emergency situation.

(e) At more frequent times, if the examining physician determines that an increased frequency of examination is medically necessary. For employees covered under subsection (1)(c) of this section and for all employees who may have been exposed during an emergency incident to hazardous substances at concentrations above the established exposure levels without the necessary personal protective equipment being used:

(i) As soon as possible following the emergency incident;

(ii) Additional times, if the examining physician determines that follow-up examinations or consultations are medically necessary.

(3) Content of medical examinations and consultations.

(a) Medical examinations required by subsection (2) of this section shall include a medical and work history (or updated history if one is in the employee's file) with special emphasis on symptoms related to the handling of hazardous substances and health hazards, and to fitness for duty including the ability to wear any required PPE under conditions (i.e., temperature extremes) that may be expected at the worksite.

(b) The content of medical examinations or consultations made available to employees pursuant to this section shall be determined by the examining physician.

(4) Examination by a physician and costs. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician; and shall be provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(5) Information provided to the physician. The employer shall provide one copy of this standard and its appendices to the examining physician, and in addition the following for each employee:

(a) A description of the employee's duties as they relate to the employee's exposures;

(b) The employee's exposure levels or anticipated exposure levels;

(c) A description of any personal protective equipment used or to be used;

(d) Information from previous medical examinations of the employee which is not readily available to the examining physician; and

(e) Information required in WAC 296-62-071 through 296-62-07121.

(6) Physician's written opinion.

(a) The employer shall obtain and furnish the employee with a copy of a written opinion from the examining physician containing the following:

(i) The results of the medical examination and tests if requested by the employee.

(ii) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from work in hazardous

waste operations or emergency response or from respirators used as required in WAC 296-62-071 through 296-62-07121.

(iii) The physician's recommended limitations upon the employees assigned work.

(iv) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(b) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposure.

(7) Recordkeeping.

(a) An accurate record of the medical surveillance required by this section shall be retained. This record shall be retained for the period specified and meet the criteria of Part B of this chapter.

(b) The record required in (a) of this subsection shall include at least the following information:

(i) The name and Social Security number of the employee;

(ii) Physicians' written opinions, recommended limitations, and results of examinations and tests;

(iii) Any employee medical complaints related to exposure to hazardous substances;

(iv) A copy of the information provided to the examining physician by the employer, with the exception of the standard and its appendices.

NEW SECTION

WAC 296-62-3060 ENGINEERING CONTROLS, WORK PRACTICES, AND PERSONAL PROTECTIVE EQUIPMENT FOR EMPLOYEE PROTECTION. (1) Engineering controls, work practices, PPE, or a combination of these shall be implemented in accordance with this section to protect employees from exposure to hazardous substances and health hazards.

(a) Engineering controls, work practices, and PPE for substances regulated in this chapter shall be instituted to reduce and maintain employee exposure to or below the permissible exposure limits of substances regulated by this chapter, except to the extent that such controls and practices are not feasible.

Note: Engineering controls which may be feasible include the use of pressurized cabs or control booths on equipment, and/or the use of remotely operated material handling equipment. Work practices which may be feasible are removing all nonessential employees from potential exposure during opening of drums, wetting down dusty operations, and locating employees upwind of possible hazards.

(b) Whenever engineering controls and work practices are not feasible, PPE shall be used to reduce and maintain exposures to or below the permissible exposure limits or dose limits for substances regulated by this chapter.

(c) The employer shall not implement a schedule of employee rotation as a means of compliance with permissible dose limits except when there is no other feasible way of complying with the airborne or dermal dose limits for ionizing radiation.

(2) Engineering controls, work practices, and personal protective equipment for substances not regulated in this chapter. An appropriate combination of engineering controls, work practices, and personal protective equipment shall be established to reduce and maintain employee exposure to or below appropriate exposure levels for hazardous substances and health hazards not regulated by this chapter taking into account the established exposure levels.

(3) Personal protective equipment selection.

(a) Personal protective equipment (PPE) shall be selected and used which will protect employees from the hazards and potential hazards they are likely to encounter as identified during the site characterization and analysis.

(b) Personal protective equipment selection shall be based on an evaluation of the performance characteristics of the PPE relative to the requirements and limitations of the site, the task-specific conditions and duration, and the hazards and potential hazards identified at the site.

(c) Positive pressure self-contained breathing apparatus, or positive pressure air-line respirators equipped with an escape air supply shall be used in IDLH conditions.

(d) Totally-encapsulating chemical protective suits (protection equivalent to Level A protection as specified in Appendix B) shall be used in conditions where skin absorption of a hazardous substance may result in an IDLH situation.

(e) The level of protection provided by PPE selection shall be increased when additional information or site conditions show that increased protection is necessary to reduce employee exposures below established permissible exposure limits for hazardous substances and health hazards. (See WAC 296-62-3170 - Appendix B for guidance on selecting PPE ensembles.)

Note: The level of employee protection provided may be decreased when additional information or site conditions show that decreased protection will not result in increased hazardous exposures to employees.

(f) Personal protective equipment shall be selected and used to meet the requirements of chapter 296-24 WAC, Part A-1, and additional requirements specified in this part.

(4) Totally-encapsulating chemical protective suits.

(a) Totally-encapsulating suit materials used for Level A protection shall protect employees from the particular hazards which are identified during site characterization and analysis.

(b) Totally-encapsulating suits shall be capable of maintaining positive air pressure. (See WAC 296-62-3160 - Appendix A.)

(c) Totally-encapsulating suits shall be capable of preventing inward test gas leakage of more than 0.5 percent. (See WAC 296-62-3160 - Appendix A.)

(5) Personal protective equipment (PPE) program. A personal protective equipment program which is part of the employer's safety and health program required in WAC 296-62-3010 shall be established for hazardous waste operations which shall be part of the site-specific

safety and health plan. The PPE program shall address the following elements:

- (a) Site hazards;
- (b) PPE selection;
- (c) PPE use;
- (d) Work mission duration;
- (e) PPE maintenance and storage;
- (f) PPE decontamination;
- (g) PPE training and proper fitting;
- (h) PPE donning and doffing procedures;
- (i) PPE inspection;
- (j) PPE in-use monitoring;
- (k) Evaluation of the effectiveness of the PPE program; and
- (l) Limitations during temperature extremes, and other appropriate medical considerations.

NEW SECTION

WAC 296-62-3070 **MONITORING**. Monitoring shall be performed in accordance with this section to assure proper selection of engineering controls, work practices, and personal protective equipment so that employees are not exposed to levels which exceed established permissible exposure limits for hazardous substances.

(1) Air monitoring shall be used to identify and quantify airborne levels of hazardous substances and health hazards in order to determine the appropriate level of employee protection needed on site.

(2) Upon initial entry, representative air monitoring shall be conducted to identify any IDLH condition, exposure over established exposure levels, exposure over a radioactive material's dose limits, or other dangerous condition, such as the presence of flammable atmospheres or oxygen-deficient environments.

(3) Periodic monitoring shall be conducted when the possibility of an IDLH condition or flammable atmosphere has developed or when there is indication that exposures may have risen since prior monitoring. Situations where it shall be considered whether the possibility that exposures have risen are when:

- (a) Work begins on a different portion of the site.
- (b) Contaminants other than those previously identified are being handled.
- (c) A different type of operation is initiated (e.g., drum opening as opposed to exploratory well drilling).
- (d) Employees are handling leaking drums or containers or working in areas with obvious liquid contamination (e.g., a spill or lagoon).
- (e) A sufficient reasonable interval has passed so that exposures may have significantly increased.

(4) After hazardous waste cleanup operations commence, the employer shall monitor those employees likely to have the highest exposures to those hazardous substances and health hazards likely to be present above established permissible exposure limits by using personal sampling frequently enough to characterize employee exposures. The employer may utilize a representative sampling approach by documenting that the employees and chemicals chosen for monitoring are based on the criteria stated in subsection (1) of this section.

Note: It is not required to monitor employees engaged in site characterization operations covered by WAC 296-62-3020.

NEW SECTION

WAC 296-62-3080 **INFORMATIONAL PROGRAMS**. Employers shall develop and implement a program which is part of the employer's safety and health program required in WAC 296-62-3010 (1)(d)(iii) to inform employees, contractors, and subcontractors (or their representative) actually engaged in hazardous waste operations of the nature, level, and degree of exposure likely as a result of participation in such hazardous waste operations. Employees, contractors, and subcontractors working outside of the operations part of a site are not covered by this standard.

NEW SECTION

WAC 296-62-3090 **HANDLING DRUMS AND CONTAINERS**. Hazardous substances and contaminated soils, liquids, and other residues shall be handled, transported, labeled, and disposed of in accordance with this section.

(1) General.

(a) Drums and containers used during the clean-up shall meet the appropriate DOT, OSHA, and EPA regulations for the wastes that they contain.

(b) When practical, drums and containers shall be inspected and their integrity shall be assured prior to being moved. Drums or containers that cannot be inspected before being moved because of storage conditions (i.e., buried beneath the earth, stacked behind other drums, stacked several tiers high in a pile, etc.) shall be moved to an accessible location and inspected prior to further handling.

(c) Unlabeled drums and containers shall be considered to contain hazardous substances and handled accordingly until the contents are positively identified and labeled.

(d) Site operations shall be organized to minimize the amount of drum or container movement.

(e) Prior to movement of drums or containers, all employees exposed to the transfer operation shall be warned of the potential hazards associated with the contents of the drums or containers.

(f) United States Department of Transportation specified salvage drums or containers and suitable quantities of proper absorbent shall be kept available and used in areas where spills, leaks, or ruptures may occur.

(g) Where major spills may occur, a spill containment program, which is part of the employer's safety and health program required in WAC 296-62-3010, shall be implemented to contain and isolate the entire volume of the hazardous substance being transferred.

(h) Drums and containers that cannot be moved without rupture, leakage, or spillage shall be emptied into a sound container using a device classified for the material being transferred.

(i) A ground-penetrating system or other type of detection system or device shall be used to estimate the location and depth of drums or containers.

(j) Soil or covering material shall be removed with caution to prevent drum or container rupture.

(k) Fire extinguishing equipment meeting the requirements of Part G of chapter 296-24 WAC shall be on hand and ready for use to control incipient fires.

(2) Opening drums and containers. The following procedures shall be followed in areas where drums or containers are being opened:

(a) Where an airline respirator system is used, connections to the bank of air cylinders shall be protected from contamination and the entire system shall be protected from physical damage.

(b) Employees not actually involved in opening drums or containers shall be kept a safe distance from the drums or containers being opened.

(c) If employees must work near or adjacent to drums or containers being opened, a suitable shield that does not interfere with the work operation shall be placed between the employee and the drums or containers being opened to protect the employee in case of accidental explosion.

(d) Controls for drum or container opening equipment, monitoring equipment, and fire suppression equipment shall be located behind the explosion-resistant barrier.

(e) When there is a reasonable possibility of flammable atmospheres being present, material handling equipment and hand tools shall be of the type to prevent sources of ignition.

(f) Drums and containers shall be opened in such a manner that excess interior pressure will be safely relieved. If pressure cannot be relieved from a remote location, appropriate shielding shall be placed between the employee and the drums or containers to reduce the risk of employee injury.

(g) Employees shall not stand upon or work from drums or containers.

(3) Material handling equipment. Electrical material handling equipment used to transfer drums and containers shall be selected, positioned, and operated to minimize sources of ignition related to the equipment from igniting vapors released from ruptured drums or containers.

(4) Radioactive wastes. Drums and containers containing radioactive wastes shall not be handled until such time as their hazard to employees is properly assessed.

(5) Shock-sensitive wastes.

Caution: Shipping of shock-sensitive wastes may be prohibited under United States Department of Transportation regulations. Employers and their shippers should refer to WAC 480-12-195.

As a minimum, the following special precautions shall be taken when drums and containers containing or suspected of containing shock-sensitive wastes are handled:

(a) All nonessential employees shall be evacuated from the area of transfer.

(b) Material handling equipment shall be provided with explosive containment devices or protective shields to protect equipment operators from exploding containers.

(c) An employee alarm system capable of being perceived above surrounding light and noise conditions shall

be used to signal the commencement and completion of explosive waste handling activities.

(d) Continuous communications (i.e., portable radios, hand signals, telephones, as appropriate) shall be maintained between the employee-in-charge of the immediate handling area and the site safety and health supervisor or command post until such time as the handling operation is completed. Communication equipment or methods that could cause shock-sensitive materials to explode shall not be used.

(e) Drums and containers under pressure, as evidenced by bulging or swelling, shall not be moved until such time as the cause for excess pressure is determined and appropriate containment procedures have been implemented to protect employees from explosive relief of the drum.

(f) Drums and containers containing packaged laboratory wastes shall be considered to contain shock-sensitive or explosive materials until they have been characterized.

(6) Laboratory waste packs. In addition to the requirements of subsection (4) of this section, the following precautions shall be taken, as a minimum, in handling laboratory waste packs (lab packs):

(a) Lab packs shall be opened only when necessary and then only by an individual knowledgeable in the inspection, classification, and segregation of the containers within the pack according to the hazards of the wastes.

(b) If crystalline material is noted on any container, the contents shall be handled as a shock-sensitive waste until the contents are identified.

(7) Sampling drums and containers. Sampling of containers and drums shall be done in accordance with a sampling procedure which is part of the site safety and health plan developed for and available to employees and others at the specific worksite.

(8) Shipping and transport.

(a) Drums and containers shall be identified and classified prior to packaging for shipment.

(b) Drum or container staging areas shall be kept to the minimum number necessary to identify and classify materials safely and prepare them for transport.

(c) Staging areas shall be provided with adequate access and egress routes.

(d) Bulking of hazardous wastes shall be permitted only after a thorough characterization of the materials has been completed.

(9) Tank and vault procedures.

(a) Tanks and vaults containing hazardous substances shall be handled in a manner similar to that for drums and containers, taking into consideration the size of the tank or vault.

(b) Appropriate tank or vault entry procedures meeting WAC 296-62-3080 (2)(a)(xi) shall be followed whenever employees must enter a tank or vault.

NEW SECTION

WAC 296-62-3100 DECONTAMINATION. Procedures for all phases of decontamination shall be developed and implemented in accordance with this section.

(1) A decontamination procedure shall be developed, communicated to employees and implemented before

any employees or equipment may enter areas on site where potential for exposure to hazardous substances exists.

(2) Standard operating procedures shall be developed to minimize employee contact with hazardous substances or with equipment that has contacted hazardous substances.

(3) Decontamination shall be performed in geographical areas that will minimize the exposure of uncontaminated employees or equipment to contaminated employees or equipment.

(4) All employees leaving a contaminated area shall be appropriately decontaminated; all clothing and equipment leaving a contaminated area shall be appropriately disposed of or decontaminated.

(5) Decontamination procedures shall be monitored by the site safety and health supervisor to determine their effectiveness. When such procedures are found to be ineffective, appropriate steps shall be taken to correct any deficiencies.

(6) All equipment and solvents used for decontamination shall be decontaminated or disposed of properly.

(7) Protective clothing and equipment shall be decontaminated, cleaned, laundered, maintained, or replaced as needed to maintain their effectiveness.

(8) Employees whose nonimpermeable clothing becomes wetted with hazardous substances shall immediately remove that clothing and proceed to shower. The clothing shall be disposed of or decontaminated before it is removed from the work zone.

(9) Unauthorized employees shall not remove protective clothing or equipment from change rooms.

(10) Commercial laundries or cleaning establishments that decontaminate protective clothing or equipment shall be informed of the potentially harmful effects of exposures to hazardous substances.

(11) Where the decontamination procedure indicates a need for showers and change rooms outside of a contaminated area, they shall be provided and meet the requirements of Part B-1 of chapter 296-24 WAC. If temperature conditions prevent the effective use of water, then other effective means for cleansing shall be provided and used.

NEW SECTION

WAC 296-62-3110 EMERGENCY RESPONSE. Emergency response at hazardous waste operation incidents shall be conducted in accordance with this section.

(1) General.

(a) An emergency response plan shall be developed and implemented by all employers within the scope of this section to handle anticipated emergencies prior to the commencement of hazardous waste operations. The plan shall be in writing and available for inspection and copying by employees, their representatives, and WISHA personnel. Employers who will evacuate their employees from the workplace when an emergency occurs and who do not permit any of their employees to respond to assist in handling the emergency are exempt from the requirements of this section if they provide an emergency action plan complying with WAC 296-24-567(1).

(b) Elements of an emergency response plan. The employer shall develop an emergency response plan for emergencies which shall address as a minimum, the following:

(i) Preemergency planning.

(ii) Personnel roles, lines of authority, training, and communication.

(iii) Emergency recognition and prevention.

(iv) Safe distances and places of refuge.

(v) Site security and control.

(vi) Evacuation routes and procedures.

(vii) Decontamination.

(viii) Emergency medical treatment and first aid.

(ix) Emergency alerting and response procedures.

(x) Critique of response and follow-up.

(xi) PPE and emergency equipment.

(2) Emergency response at hazardous waste clean-up sites.

(a) Training. Training for emergency response employees at clean-up operations shall be conducted in accordance with WAC 296-62-3040.

(b) Employers who can show that an employee's work experience and/or training has resulted in training equivalent to that training required in (a) of this subsection, shall not be required to provide the initial training requirements of (a) of this subsection. Equivalent training includes the training that existing employees might have already received from actual site work experience.

(c) Procedures for handling site emergency incidents.

(i) In addition to the elements for the emergency response plan required in subsection (1)(b) of this section, the following elements shall be included for emergency response plans:

(A) Site topography, layout, and prevailing weather conditions.

(B) Procedures for reporting incidents to local, state, and federal governmental agencies.

(ii) The emergency response plan shall be a separate section of the site safety and health plan.

(iii) The emergency response plan shall be compatible and integrated with the disaster, fire and/or emergency response plans of local, state, and federal agencies.

(iv) The emergency response plan shall be rehearsed regularly as part of the overall training program for site operations.

(v) The site emergency response plan shall be reviewed periodically and, as necessary, be amended to keep it current with new or changing site conditions or information.

(vi) An employee alarm system shall be installed in accordance with WAC 296-24-631 through 296-24-63199 to notify employees of an on-site emergency situation, to stop work activities if necessary, to lower background noise in order to speed communication, and to begin emergency procedures.

(vii) Based upon the information available at the time of the emergency, the employer shall evaluate the incident and the site response capabilities and proceed with the appropriate steps to implement the on-site emergency response plan.

(3) Emergency response at sites other than hazardous waste clean-up sites.

(a) *Training.* Employers shall provide the training specified by this section for those employees for whom there exists the reasonable possibility of responding to emergencies at sites other than hazardous waste clean-up sites.

(i) *Emergency response organizations or teams.* Employees on emergency response organizations or teams such as fire brigades, fire departments, plant emergency organizations, hazardous materials teams, spill response teams, and similar groups with responsibility for emergency response shall be trained to a level of competence to protect themselves and other employees in the recognition of health and safety hazards, methods to minimize the risk from safety and health hazards, safe use of control equipment, selection and use of appropriate personal protective equipment, safe operating procedures to be used at the incident scene, techniques of coordination with other employees to minimize risks, appropriate response to over exposure from health hazards or injury to themselves and other employees, and recognition of subsequent symptoms which may result from over exposures.

(A) Competency may be demonstrated by twenty-four hours of training annually in those areas with training sessions at least monthly or by demonstrations by the employee of competency in those areas at least quarterly.

(B) A certification shall be made of the training or competency and if certification of competency is made, the employer shall keep a record of the methodology used to demonstrate competency.

(C) An employer of employees for whom the reasonable possibility of responding to emergencies at other than hazardous waste clean-up sites exists need not train all such employees to the degree specified in (a)(i)(A) of this subsection if the employer divides the work force such that sufficient employees who have responsibility to control the emergency have the training specified in this section and other employees who may first respond to the incident have sufficient awareness training to recognize that an emergency response situation exists and are instructed in that case to summon the employees who are fully trained and not attempt control activities for which they are not trained.

(D) An employer of employees for whom the reasonable possibility exists of responding to emergencies at other than hazardous waste clean-up sites need not train such employees to the degree specified in (a)(i)(A) of this subsection if:

(I) Arrangements have been made in advance for a fully-trained emergency response team to respond in a reasonable period; and

(II) Employees who may come to the incident first have sufficient awareness training to recognize that an emergency response situation exists and are instructed to call the designated fully-trained emergency response team for assistance.

(ii) *Specialist employees.* Employees who, in the course of their regular job duties, work with and are trained in the hazards of specific materials covered by this standard, and who will be called upon to provide

technical advice or assistance at a hazardous substance release incident, are exempt from the monthly training sessions required in (a)(i) of this subsection. They must, pursuant to (a)(i) of this subsection, however, receive at least twenty-four hours of training annually or demonstrate competency in the area of their specialization.

(iii) *Skilled support personnel.* Personnel, not necessarily an employer's own employees, who are needed to perform immediate emergency support work that cannot reasonably be performed in a timely fashion by an employer's own employees, and who will be or may potentially be exposed to the hazards at an emergency response scene, are not required to have the twenty-four hours of annual training or demonstrate the competency required for the employer's regular employees. However, the senior official cited in (b)(i) of this subsection shall ensure that these personnel are given an initial briefing at the site of emergency response prior to their participation in that response that shall include instruction in the wearing of appropriate personal protective equipment, what chemical hazards are involved, and what duties are to be performed. All appropriate safety and health precautions provided to the employer's own employees shall be used to assure the safety and health of these personnel.

(b) *Procedures for handling off-site emergency response.*

(i) The senior officer responding to an emergency at other than hazardous waste clean-up sites involving a hazardous substance or health hazard shall establish and become the individual in charge of a site-specific incident command system (ICS). All emergency responders and their communications shall be coordinated and controlled through the individual in charge of the ICS assisted by the senior official present for each employer.

Note: The "senior official" at an off-site emergency response is the most senior official on the site who has the responsibility for controlling the operations at the site. Initially it is the senior officer on the first-due piece of responding emergency apparatus to arrive on the incident scene. As more senior officers arrive (i.e., fire chief, battalion chief, site coordinator, etc.) the position is passed up the line of authority.

(ii) The individual in charge of the ICS shall identify, to the extent possible, all hazardous substances or conditions present and shall address as appropriate site analysis, use of engineering controls, maximum exposure limits, hazardous substance handling procedures, and use of any new technologies.

(iii) Based on the hazardous substances and/or conditions present, the individual in charge of the ICS shall implement appropriate emergency operations, and assure that the personal protective equipment worn is appropriate for the hazards to be encountered. However, personal protective equipment shall meet, at a minimum, the criteria contained in WAC 296-24-58505 through 296-24-58507 when worn while performing fire fighting operations beyond the incipient stage.

(iv) Employees engaged in emergency response and exposed to hazardous substances shall wear positive pressure self-contained breathing apparatus while engaged in emergency response until such time that the individual in charge of the ICS determines through the

use of air monitoring that a decreased level of respiratory protection will not result in hazardous exposures to employees.

(v) The individual in charge of the ICS shall limit the number of emergency response personnel at the emergency site to those who are actively performing emergency operations. However, operations in hazardous areas shall be performed using the buddy system in groups of two or more.

(vi) Back-up personnel shall stand by with equipment ready to provide assistance or rescue. Qualified basic life support personnel, as a minimum, shall also stand by with medical equipment and transportation capability.

(vii) The individual in charge of the ICS shall designate a safety official, who is knowledgeable in the operations being implemented at the emergency response site, with specific responsibility to identify and evaluate hazards and to provide direction with respect to the safety of operations for the emergency at hand.

(viii) When activities are judged by the safety official to be an IDLH condition and/or to involve an imminent danger condition, the safety officer shall have the authority to alter, suspend, or terminate those activities. The safety officer shall immediately inform the individual in charge of the ICS of any actions taken to correct these hazards at an emergency scene.

(ix) After emergency operations have terminated, the individual in charge of the ICS shall implement appropriate decontamination procedures.

(x) When deemed necessary for meeting the tasks at hand, approved self-contained compressed air breathing apparatus may be used with approved cylinders from other approved self-contained compressed air breathing apparatus provided that such cylinders are of the same capacity and pressure rating. All compressed air cylinders used with self-contained breathing apparatus shall meet United States Department of Transportation and National Institute for Occupational Safety and Health criteria.

(4) Hazardous materials teams (HAZMAT).

(a) Employees who are members of the HAZMAT team shall be given training in accordance with subsection (3) of this section that includes the care and use of chemical protective clothing and procedures to be followed when working on leaking drums, containers, tanks, or bulk transport vehicles.

(b) Members of HAZMAT teams shall receive a base line physical exam and have medical surveillance meeting the requirements of WAC 296-62-3050.

(c) Chemical personal protective clothing and equipment to be used by HAZMAT team members shall meet the requirements of WAC 296-62-3060.

(5) Post-emergency response operations. Upon completion of the emergency response, if it is determined that it is necessary to remove hazardous substances, health hazards and materials contaminated with them (such as contaminated soil or other elements of the natural environment) from the site of the incident the employer conducting the clean-up shall comply with one of the following:

(a) Meet all the requirements of WAC 296-62-3010 through 296-62-3130.

(b) Where the clean-up is done on plant property using plant or workplace employees, such employees shall have completed the training requirements of the following: WAC 296-24-567, 296-24-07109(6), 296-62-05415(2), and other appropriate safety and health training made necessary by the tasks that they are expected to be performed. All equipment to be used in the performance of the clean-up work shall be in serviceable condition and shall have been inspected prior to use.

NEW SECTION

WAC 296-62-3120 ILLUMINATION. Areas accessible to employees shall be lighted in accordance with the requirements of this section.

Work areas shall be lighted to not less than the minimum illumination intensities listed in Table 1 while any work is in progress:

TABLE 1 - 120.1 - MINIMUM ILLUMINATION Intensities in Foot-Candles

Foot-candles	Area or operation
5	General site area.
3	Excavation and waste areas, accessways, active storage areas, loading platforms, refueling, and field maintenance areas.
5	Indoors: Warehouses, corridors, hallways, and exitways.
5	Tunnels, shafts, and general underground work areas; exception: Minimum of ten foot-candles is required at tunnel and shaft heading during drilling, mucking, and scaling. Bureau of Mines approved cap lights shall be acceptable for use in the tunnel heading.
10	General shops (e.g., mechanical and electrical equipment rooms, active storerooms, barracks or living quarters, locker or dressing rooms, dining areas, and indoor toilets and workrooms).
30	First aid stations, infirmaries, and offices.

NEW SECTION

WAC 296-62-3130 SANITATION AT TEMPORARY WORKPLACES. Facilities for employee sanitation shall be provided in accordance with this section.

(1) Potable water.

(a) An adequate supply of potable water shall be provided on the site.

(b) Portable containers used to dispense drinking water shall be capable of being tightly closed, and equipped with a tap. Water shall not be dipped from containers.

(c) Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.

(d) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

(2) Nonpotable water.

(a) Outlets for nonpotable water, such as water for fire fighting purposes shall be identified to indicate clearly that the water is unsafe and is not to be used for drinking, washing, or cooking purposes.

(b) There shall be no cross-connection, open or potential, between a system furnishing potable water and a system furnishing nonpotable water.

(3) Toilet facilities.

(a) Toilets shall be provided for employees according to Table 2.

TABLE 2 — TOILET FACILITIES

Number of employees	Minimum number of facilities
20 or fewer	One.
More than 20, fewer than 200 . .	One toilet seat and one urinal per 40 employees.
More than 200 . .	One toilet seat and one urinal per 50 employees.

(b) Under temporary field conditions, provisions shall be made to assure not less than one toilet facility is available.

(c) Hazardous waste sites, not provided with a sanitary sewer shall be provided with the following toilet facilities unless prohibited by local codes:

- (i) Chemical toilets;
- (ii) Recirculating toilets;
- (iii) Combustion toilets; or
- (iv) Flush toilets.

(d) The requirements of this section for sanitation facilities shall not apply to mobile crews having transportation readily available to nearby toilet facilities.

(e) Doors entering toilet facilities shall be provided with entrance locks controlled from inside the facility.

(4) Food handling. All employees' food service facilities and operations for employees shall meet the applicable laws, ordinances, and regulations of the jurisdictions in which they are located.

(5) Temporary sleeping quarters. When temporary sleeping quarters are provided, they shall be heated, ventilated, and lighted.

(6) Washing facilities. The employer shall provide adequate washing facilities for employees engaged in operations where hazardous substances may be harmful to employees. Such facilities shall be in near proximity to the worksite, in areas where exposures are below established permissible exposure limits and which are under the controls of the employer, and shall be so equipped as

to enable employees to remove hazardous substances from themselves.

(7) Showers and change rooms. When hazardous waste clean-up or removal operations commence on a site and the duration of the work will require six months or greater time to complete, the employer shall provide showers and change rooms for all employees exposed to hazardous substances and health hazards involved in hazardous waste clean-up or removal operations.

(a) Showers shall be provided and shall meet the requirements of WAC 296-24-12009(3).

(b) Change rooms shall be provided and shall meet the requirements of WAC 296-24-12011. Change rooms shall consist of two separate change areas separated by the shower area required in (a) of this subsection. One change area, with an exit leading off the worksite, shall provide employees with a clean area where they can remove, store, and put on street clothing. The second area, with an exit to the worksite, shall provide employees with an area where they can put on, remove and store work clothing and personal protective equipment.

(c) Showers and change rooms shall be located in areas where exposures are below the established permissible exposure limits. If this cannot be accomplished, then a ventilation system shall be provided that will supply air that is below the established permissible exposure limits.

(d) Employers shall assure that employees shower at the end of their work shift and when leaving the hazardous waste site.

NEW SECTION

WAC 296-62-3140 CERTAIN OPERATIONS CONDUCTED UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976 (RCRA). Employers conducting operations specified in WAC 296-62-3060 (2)(c) shall:

(1) Develop and implement a written safety and health program for employees involved in hazardous waste operations which shall be available for inspection by employees, their representatives and WISHA personnel. The program shall be designed to identify, evaluate and control safety and health hazards in their facilities for the purpose of employee protection, and provide for emergency response meeting the requirements of WAC 296-62-3110 and it shall address as appropriate site analysis, engineering controls, maximum exposure limits, hazardous waste handling procedures and uses of new technologies;

(2) Implement a hazard communication program as part of the employer's safety and health program meeting the requirements of WAC 296-62-054 through 296-62-05427;

(3) Implement a medical surveillance program meeting the requirements of WAC 296-62-3050;

(4) Develop and implement a decontamination procedure in accordance with WAC 296-62-3100; and

(5) Develop and implement a training program, which is part of the employer's safety and health program, for employees involved with hazardous waste operations to enable each employee to perform their assigned duties and functions in a safe and healthful manner so as not to

endanger themselves or other employees. The initial training shall be for twenty-four hours and refresher training shall be for eight hours annually.

Employers who can show by an employee's previous work experience and/or training that the employee has had training equivalent to the initial training required by this section, shall be considered as meeting the initial training of this section as to that employee. Equivalent training includes the training that existing employees might have already received from actual site work experience. Employees who have received the initial training required by this paragraph shall be given a written certificate attesting that they have successfully completed the necessary training.

(6) **New technology programs.**

(a) The employer shall develop and implement procedures for the introduction of effective new technologies and equipment developed for the improved protection of employees working with hazardous waste clean-up operations, and the same shall be implemented as part of the site safety and health program to assure that employee protection is being maintained.

(b) New technologies, equipment, or control measures available to the industry, such as the use of foams or other means to suppress the level of air contaminants while excavating the site or for spill control, shall be evaluated by employers or their representatives to determine their effectiveness before implementing their use on a large scale for employee protection. Such evaluations shall be made available to WISHA upon request.

NEW SECTION

WAC 296-62-3150 **START-UP DATES.** The engineering controls, work practices, and personal protective equipment required by WAC 296-62-3060(1) are existing requirements of other WISHA standards and continues to be required from the effective date of this standard.

NEW SECTION

WAC 296-62-3152 **APPENDICES TO PART P - HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE.**

Note: The following appendices serve as nonmandatory guidelines to assist employees and employers in complying with the appropriate requirements of this part. However, WAC 296-62-3170 - Appendix B is required in certain circumstances by WAC 296-62-3020 (4)(c) and 296-62-3060 (3)(d) makes mandatory in certain circumstances the use of Level A and Level B personal protective equipment protection.

NEW SECTION

WAC 296-62-3160 **APPENDIX A-PERSONAL PROTECTIVE EQUIPMENT TEST METHODS.** This appendix sets forth the nonmandatory examples of tests which may be used to evaluate compliance with WAC 296-62-3060. Other tests and other challenge agents may be used to evaluate compliance.

(1) **Totally-encapsulating chemical protective suit pressure test.**

(a) **Scope.**

(i) This practice measures the ability of a gas tight totally-encapsulating chemical protective suit material, seams, and closures to maintain a fixed positive pressure. The results of this practice allow the gas tight integrity of a total-encapsulating chemical protective suit to be evaluated.

(ii) Resistance of the suit materials to permeation, penetration, and degradation by specific hazardous substances is not determined by this test method.

(b) **Description of terms.**

(i) "Totally-encapsulated chemical protective suit (TECP suit)" means a full body garment which is constructed of protective clothing materials; covers the wearer's torso, head, arms, and legs; may cover the wearer's hands and feet with tightly attached gloves and boots; completely encloses the wearer by itself or in combination with the wearer's respiratory equipment, gloves, and boots.

(ii) "Protective clothing material" means any material or combination of materials used in an item of clothing for the purpose of isolating parts of the body from direct contact with a potentially hazardous liquid or gaseous chemicals.

(iii) "Gas tight" means for the purpose of this practice the limited flow of a gas under pressure from the inside of a TECP suit to atmosphere at a prescribed pressure and time interval.

(c) **Summary of test method.** The TECP suit is visually inspected and modified for the test. The test apparatus is attached to the suit to permit inflation to the pretest suit expansion pressure for removal of suit wrinkles and creases. The pressure is lowered to the test pressure and monitored for three minutes. If the pressure drop is excessive, the TECP suit fails the test and is removed from service. The test is repeated after leak location and repair.

(d) **Required supplies.**

(i) Source of compressed air.

(ii) Test apparatus for suit testing including a pressure measurement device with a sensitivity of at least 1/4 inch water gauge.

(iii) Vent valve closure plugs or sealing tape.

(vi) Soapy water solution and soft brush.

(v) Stop watch or appropriate timing device.

(e) **Safety precautions.** Care shall be taken to provide the correct pressure safety devices required for the source of compressed air used.

(f) **Test procedure.** Prior to each test, the tester shall perform a visual inspection of the suit. Check the suit for seam integrity by visually examining the seams and gently pulling on the seams. Ensure that all air supply lines, fittings, visor, zippers, and valves are secure and show no signs of deterioration.

(i) Seal off the vent valves along with any other normal inlet or exhaust points (such as umbilical air line fittings or facepiece opening) with tape or other appropriate means (caps, plugs, fixture, etc.). Care should be exercised in the sealing process not to damage any of the suit components.

(ii) Close all closure assemblies.

(iii) Prepare the suit for inflation by providing an improvised connection point on the suit for connecting an

airline. Attach the pressure test apparatus to the suit to permit suit inflation from a compressed air source equipped with a pressure indicating regulator. The leak tightness of the pressure test apparatus should be tested before and after each test by closing off the end of the tubing attached to the suit and assuring a pressure of three inches water gauge for three minutes can be maintained. If a component is removed for the test, that component shall be replaced and a second test conducted with another component removed to permit a complete test of the ensemble.

(iv) The pretest expansion pressure (A) and the suit test pressure (B) shall be supplied by the suit manufacturer, but in no case shall they be less than A=3 inches water gauge and B=2 inches water gauge. The ending suit pressure (C) shall be no less than eighty percent of the test pressure (B); i.e., the pressure drop shall not exceed twenty percent of the test pressure (B).

(v) Inflate the suit until the pressure inside is equal to pressure "A", the pretest expansion suit pressure. Allow at least one minute to fill out the wrinkles in the suit. Release sufficient air to reduce the suit pressure to pressure "B", the suit test pressure. Begin timing. At the end of three minutes, record the suit pressure as pressure "C", the ending suit pressure. The difference between the suit test pressure and the ending suit test pressure ("B-C") shall be defined as the suit pressure drop.

(vi) If the suit pressure drop is more than twenty percent of the suit test pressure "B" during the three minute test period, the suit fails the test and shall be removed from service.

(g) Retest procedure.

(i) If the suit fails the test check for leaks by inflating the suit to pressure "A" and brushing or wiping the entire suit (including seams, closures, lens gaskets, glove-to-sleeve joints, etc.) with a mild soap and water solution. Observe the suit for the formation of soap bubbles, which is an indication of a leak. Repair all identified leaks.

(ii) Retest the TECP suit as outlined in (f) of this subsection.

(h) Report. Each TECP suit tested by this practice shall have the following information recorded.

(i) Unique identification number identifying brand name, date of purchase, material of construction, and unique fit features; e.g., special breathing apparatus.

(ii) The actual values for test pressures "A", "B", and "C" shall be recorded along with the specific observation times. If the ending pressure ("C") is less than eighty percent of the test pressure ("B") the suit shall be identified as failing the test. When possible, the specific leak location shall be identified in the test records. Retest pressure data shall be recorded as an additional test.

(iii) The source of the test apparatus used shall be identified and the sensitivity of the pressure gauge shall be recorded.

(iv) Records shall be kept for each pressure test even if repairs are being made at the test location.

Caution. Visually inspect all parts of the suit to be sure they are positioned correctly and secured tightly before putting the suit back into service. Special care should be taken to examine each exhaust valve to make

sure it is not blocked. Care should also be exercised to assure that the inside and outside of the suit is completely dry before it is put into storage.

(2) Totally-encapsulating chemical protective suit qualitative leak test.

(a) Scope.

(i) This practice semiquantitatively tests gas tight totally-encapsulating chemical protective suit integrity by detecting inward leakage of ammonia vapor. Since no modifications are made to the suit to carry out this test, the results from this practice provide a realistic test for the integrity of the entire suit.

(ii) Resistance of the suit materials to permeation, penetration, and degradation is not determined by this test method.

(b) Definition of terms.

(i) "Totally-encapsulated chemical protective suit (TECP suit)" means a full body garment which is constructed of protective clothing materials; covers the wearer's torso, head, arms, and legs; may cover the wearer's hands and feet with tightly attached gloves and boots; completely encloses the wearer by itself or in combination with the wearer's respiratory equipment, gloves, and boots.

(ii) "Protective clothing material" means any material or combination of materials used in an item of clothing for the purpose of isolating parts of the body from direct contact with a potentially hazardous liquid or gaseous chemicals.

(iii) "Gas tight" means for the purpose of this test method the limited flow of a gas under pressure from the inside of a TECP suit to atmosphere at a prescribed pressure and time interval.

(iv) "Intrusion coefficient." A number expressing the level of protection provided by a gas tight totally-encapsulating chemical protective suit. The intrusion coefficient is calculated by dividing the test room challenge agent concentration by the concentration of challenge agent found inside the suit. The accuracy of the intrusion coefficient is dependent on the challenge agent monitoring methods. The larger the intrusion coefficient, the greater the protection provided by the TECP suit.

(c) Summary of recommended practice. The volume of concentrated aqueous ammonia solution (ammonia hydroxide, NH_4OH) required to generate the test atmosphere is determined using the directions outlined in WAC 296-62-3190 (2)(f)(i). The suit is donned by a person wearing the appropriate respiratory equipment (either a self-contained breathing apparatus or a supplied air respirator) and worn inside the enclosed test room. The concentrated aqueous ammonia solution is taken by the suited individual into the test room and poured into an open plastic pan. A two-minute evaporation period is observed before the test room concentration is measured using a high range ammonia length of stain detector tube. When the ammonia reaches a concentration of between 1000 and 1200 ppm, the suited individual starts a standardized exercise protocol to stress and flex the suit. After this protocol is completed the test room concentration is measured again. The suited individual exits the test room and his stand-by person

measures the ammonia concentration inside the suit using a low range ammonia length of stain detector tube or other more sensitive ammonia detector. A stand-by person is required to observe the test individual during the test procedure, aid the person in donning and doffing the TECP suit and monitor the suit interior. The intrusion coefficient of the suit can be calculated by dividing the average test area concentration by the interior suit concentration. A colorimetric indicator strip of bromophenol blue is placed on the inside of the suit facepiece lens so that the suited individual is able to detect a color change and know if the suit has a significant leak. If a color change is observed the individual should leave the test room immediately.

(d) Required supplies.

(i) A supply of concentrated ammonia (fifty-eight percent ammonium hydroxide by weight).

(ii) A supply of bromophenol/blue indicating paper, sensitive to 5-10 ppm ammonia or greater over a two-minute period of exposure [pH 3.0 (yellow) to pH 4.6 (blue)].

(iii) A supply of high range (0.5-10 volume percent) and low range (5-700 ppm) detector tubes for ammonia and the corresponding sampling pump. More sensitive ammonia detectors can be substituted for the low range detector tubes to improve the sensitivity of this practice.

(iv) A shallow plastic pan (PVC) at least 12" : 14" : 1" and a half pint plastic container (PVC) with tightly closing lid.

(v) A graduated cylinder or other volumetric measuring device of at least fifty milliliters in volume with an accuracy of at least ± 1 milliliters.

(e) Safety precautions.

(i) Concentrated aqueous ammonium hydroxide, NH_4OH is a corrosive volatile liquid requiring eye, skin, and respiratory protection. The person conducting the test shall review the MSDS for aqueous ammonia.

(ii) Since the established permissible exposure limit for ammonia is 50 ppm, only persons wearing a self-contained breathing apparatus or a supplied air respirator shall be in the chamber. Normally only the person wearing the total-encapsulating suit will be inside the chamber. A stand-by person shall have a self-contained breathing apparatus, or a supplied air respirator, available to enter the test area should the suited individual need assistance.

(iii) A method to monitor the suited individual must be used during this test. Visual contact is the simplest but other methods using communication devices are acceptable.

(iv) The test room shall be large enough to allow the exercise protocol to be carried out and then to be ventilated to allow for easy exhaust of the ammonia test atmosphere after the test(s) are completed.

(v) Individuals shall be medically screened for the use of respiratory protection and checked for allergies to ammonia before participating in this test procedure.

(f) Test procedure.

(i) Measure the test area to the nearest foot and calculate its volume in cubic feet. Multiply the test area volume by 0.2 milliliters of concentrated aqueous ammonia per cubic foot of test area volume to determine

the approximate volume of concentrated aqueous ammonia required to generate 1000 ppm in the test area.

(A) Measure this volume from the supply of concentrated ammonia and place it into a closed plastic container.

(B) Place the container, several high range ammonia detector tubes and the pump in the clean test pan and locate it near the test area entry door so that the suited individual has easy access to these supplies.

(ii) In a noncontaminated atmosphere, open a presealed ammonia indicator strip and fasten one end of the strip to the inside of the suit face shield lens where it can be seen by the wearer. Moisten the indicator strip with distilled water. Care shall be taken not to contaminate the detector part of the indicator paper by touching it. A small piece of masking tape or equivalent should be used to attach the indicator strip to the interior of the suit face shield.

(iii) If problems are encountered with this method of attachment the indicator strip can be attached to the outside of the respirator facepiece being used during the test.

(iv) Don the respiratory protective device normally used with the suit, and then don the TECP suit to be tested. Check to be sure all openings which are intended to be sealed (zippers, gloves, etc.) are completely sealed. Do NOT, however, plug off any venting valves.

(v) Step into the enclosed test room such as a closet, bathroom, or test booth, equipped with an exhaust fan. No air should be exhausted from the chamber during the test because this will dilute the ammonia challenge concentrations.

(vi) Open the container with the premeasured volume of concentrated aqueous ammonia within the enclosed test room, and pour the liquid into the empty plastic test pan. Wait two minutes to allow for adequate volatilization of the concentrated aqueous ammonia. A small mixing fan can be used near the evaporation pan to increase the evaporation rate of the ammonia solution.

(vii) After two minutes a determination of the ammonia concentration within the chamber should be made using the high range colorimetric detector tube. A concentration of 1000 ppm ammonia or greater shall be generated before the exercises are started.

(viii) To test the integrity of the suit the following four minute exercise protocol should be followed:

(A) Raising the arms above the head with at least fifteen raising motions completed in one minute.

(B) Walking in place for one minute with at least fifteen raising motions of each leg in a one-minute period.

(C) Touching the toes with at least ten complete motions of the arms from above the head to touching of the toes in a one-minute period.

(D) Knee bends with at least ten complete standing and squatting motions in a one-minute period.

(ix) At any time during the test the colorimetric indicating paper should change colors the test should be stopped and (f)(x) and (xi) of this subsection initiated.

(x) After completion of the test exercise, the test area concentration should be measured again using the high range colorimetric detector tube.

(xi) Exit the test area.

(xii) The opening created by the suit zipper or other appropriate suit penetration should be used to determine the ammonia concentration in the suit with the low range length of stain detector tube or other ammonia monitor. The internal TECP suit air should be sampled far enough from the enclosed test area to prevent a false ammonia reading.

(xiii) After completion of the measurement of the suit interior ammonia concentration the test is concluded and the suit is doffed and the respirator removed.

(xiv) The ventilating fan for the test room should be turned on and allowed to run for enough time to remove the ammonia gas. The fan shall be vented to the outside of the building.

(xv) Any detectable ammonia in the suit interior (5 ppm ammonia (NH₃) or more for the length of stain detector tube) indicates the suit failed the test. When other ammonia detectors are used, a lower level of detection is possible and it should be specified as the pass/fail criteria.

(xvi) By following this test method an intrusion coefficient of approximately two hundred or more can be measured with the suit in a completely operational condition.

(g) Retest procedures.

(i) If the suit fails this test check for leaks by following the pressure test in test "A" above.

(ii) Retest the TECP suit as outlined in (f) of this subsection, Test procedure.

(h) Report.

(i) Each gas tight totally-encapsulating chemical protective suit tested by this practice shall have the following information recorded.

(A) Unique identification number identifying brand name, date of purchase, material of construction, and unique suit features, e.g., special breathing apparatus.

(B) General description of test room used for test.

(C) Brand name and purchase date of ammonia detector strips and color change data.

(D) Brand name, sampling range, and expiration date of the length of stain ammonia detector tubes. The brand name and model of the sampling pump should also be recorded. If another type of ammonia detector is used, it should be identified along with its minimum detection limit for ammonia.

(E) Actual test results shall list the two test area concentrations, their average, the interior suit concentration, and the calculated intrusion coefficient. Retest data shall be recorded as an additional test.

(ii) The evaluation of the data shall be specified as "suit passed" or "suit failed" and the date of the test. Any detectable ammonia (5 ppm or greater for the length of stain detector tube) in the suit interior indicates the suit fails this test. When other ammonia detectors are used, a lower level of detection is possible and it should be specified as the pass/fail criteria.

Caution. Visually inspect all parts of the suit to be sure they are positioned correctly and secured tightly before putting the suit back into service. Special care should be taken to examine each exhaust valve to make sure it is not blocked.

Care should also be exercised to assure that the inside and outside of the suit is completely dry before it is put into storage.

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 296-62-3170 APPENDIX B—GENERAL DESCRIPTION AND DISCUSSION OF THE LEVELS OF PROTECTION AND PROTECTIVE GEAR. This appendix sets forth information about personal protective equipment (PPE) protection levels which may be used to assist employers in complying with the PPE requirements of this section.

(1) As required by the standard, PPE must be selected which will protect employees from the specific hazards which they are likely to encounter during their work on-site.

(a) Selection of the appropriate PPE is a complex process which must take into consideration a variety of factors. Key factors involved in this process are identification of the hazards or suspected hazards, their routes of potential hazard to employees (inhalation, skin absorption, ingestion, and eye or skin contact), and the performance of the PPE materials (and seams) in providing a barrier to these hazards. The amount of protection provided by PPE is material-hazard specific. That is, protective equipment materials will protect well against some hazardous substances and poorly, or not at all, against others. In many instances, protective equipment materials cannot be found which will provide continuous protection from the particular hazardous substance. In these cases the breakthrough time of the protective material should exceed the work durations, or the exposure after breakthrough must not pose a hazardous level.

(b) Other factors in this selection process to be considered are matching the PPE to the employee's work requirements and task-specific conditions. The durability of PPE materials, such as tear strength and seam strength, must be considered in relation to the employee's tasks. The effects of PPE in relation to heat stress and task duration are a factor in selecting and using PPE. In some cases layers of PPE may be necessary to provide sufficient protection, or to protect expensive PPE inner garments, suits or equipment.

(c) The more that is known about the hazards at the site, the easier the job of PPE selection becomes. As more information about the hazards and conditions at the site becomes available, the site supervisor can make decisions to up-grade or down-grade the level of PPE protection to match the tasks at hand.

(2) The following are guidelines which an employer can use to begin the selection of the appropriate PPE. As noted above, the site information may suggest the use of combinations of PPE selected from the different protection levels (i.e., A, B, C, or D) as being more suitable to the hazards of the work. It should be cautioned that the listing below does not fully address the performance of the specific PPE material in relation to the specific hazards at the job site, and that PPE selection, evaluation

and reselection is an ongoing process until sufficient information about the hazards and PPE performance is obtained.

(a) Personal protective equipment has been divided into four categories based on the degree of protection afforded (see (b) of this subsection for further explanation of Levels A, B, C, and D hazards):

(i) Level A. To be selected when the greatest level of skin, respiratory, and eye protection is required. Level A equipment, used as appropriate. The following constitute Level A equipment; it may be used as appropriate:

(A) Pressure-demand, full-facepiece self-contained breathing apparatus (SCBA), or pressure-demand supplied-air respirator with escape SCBA, approved by the National Institute for Occupational Safety and Health (NIOSH).

(B) Totally-encapsulating chemical-protective suit.

(C) Coveralls.*

(D) Long underwear.*

(E) Gloves, outer, chemical-resistant.

(F) Gloves, inner, chemical-resistant.

(G) Boots, outer, chemical-resistant steel toe and shank.

(H) Hard hat (under suit).*

(I) Disposable protective suit, gloves, and boots. (Depending on suit construction, may be worn over totally-encapsulating suit.)

(J) Two-way radios (worn inside encapsulating suit).

*Optional, as applicable.

(ii) Level B. The highest level of respiratory protection is necessary but a lesser level of skin protection is needed. The following constitute Level B equipment; it may be used as appropriate:

(A) Pressure-demand, full-facepiece self-contained breathing apparatus (SCBA), or pressure-demand supplied-air respirator with escape SCBA (NIOSH approved).

(B) Hooded chemical-resistant clothing (overalls and long-sleeved jacket, coveralls, one or two-piece chemical-splash suit, disposable chemical-resistant overalls).

(C) Coveralls.*

(D) Gloves, outer, chemical-resistant.

(E) Gloves, inner, chemical-resistant.

(F) Boots, outer, chemical-resistant steel toe and shank.

(G) Boot-covers, outer, chemical-resistant (disposable).*

(H) Hard hat.

(I) Two-way radios (worn inside encapsulating suit).

(J) Face shield.*

*Optional, as applicable.

(iii) Level C. The concentration(s) and type(s) of airborne substance(s) is/are known and the criteria for using air purifying respirators are met. The following constitute Level C equipment; it may be used as appropriate.

(A) Full-face or half-mask, air purifying, canister equipped respirators (NIOSH approved).

(B) Hooded chemical-resistant clothing (overalls, two-piece chemical-splash suit, disposable chemical-resistant overalls).

(C) Coveralls.*

(D) Gloves, outer, chemical-resistant.

(E) Gloves, inner, chemical-resistant.

(F) Boots (outer), chemical-resistant steel toe and shank.*

(G) Boot-covers, outer, chemical-resistant (disposable).*

(H) Hard hat.

(I) Escape mask.*

(J) Two-way radios (worn under outside protective clothing).

(K) Face shield.*

*Optional, as applicable.

(iv) Level D. A work uniform affording minimal protection: Used for nuisance contamination only. The following constitute Level D equipment; it may be used as appropriate.

(A) Coveralls.

(B) Gloves.*

(C) Boots/shoes, chemical-resistant steel toe and shank.

(D) Boots, outer, chemical-resistant (disposable).*

(E) Safety glasses or chemical splash goggles.*

(F) Hard hat.

(G) Escape mask.*

(H) Face shield.*

*Optional, as applicable.

(b) Part B. The types of hazards for which Levels A, B, C, and D protection are appropriate are described below:

(i) Level A – Level A protection should be used when:

(A) The hazardous substance has been identified and requires the highest level of protection for skin, eyes, and the respiratory system based on either the measured (or potential for) high concentration of atmospheric vapors, gases, or particulates; or the site operations and work functions involve a high potential for splash, immersion, or exposure to unexpected vapors, gases, or particulates of materials that are harmful to skin or capable of being absorbed through the intact skin;

(B) Substances with a high degree of hazard to the skin are known or suspected to be present, and skin contact is possible; or

(C) Operations must be conducted in confined, poorly ventilated areas, and the absence of conditions requiring Level A have not yet been determined.

(ii) Level B protection should be used when:

(A) The type and atmospheric concentration of substances have been identified and require a high level of respiratory protection, but less skin protection;

Note: This involves atmospheres with IDLH concentrations of specific substances that do not represent a severe skin hazard; or that do not meet the criteria for use of air-purifying respirators.

(B) The atmosphere contains less than 19.5 percent oxygen; or

(C) The presence of incompletely identified vapors or gases is indicated by a direct-reading organic vapor detection instrument, but vapors and gases are not suspected of containing high levels of chemicals harmful to skin or capable of being absorbed through the intact skin.

(iii) Level C protection should be used when:

(A) The atmospheric contaminants, liquid splashes, or other direct contact will not adversely affect or be absorbed through any exposed skin;

(B) The types of air contaminants have been identified, concentrations measured, and an air-purifying respirator is available that can remove the contaminants; and

(C) All criteria for the use of air-purifying respirators are met.

(iv) Level D protection should be used when:

(A) The atmosphere contains no known hazard; and

(B) Work functions preclude splashes, immersion, or the potential for unexpected inhalation of or contact with hazardous levels of any chemicals.

Note: As stated before combinations of personal protective equipment other than those described for Levels A, B, C, and D protection may be more appropriate and may be used to provide the proper level of protection.

NEW SECTION

WAC 296-62-3180 APPENDIX C—COMPLIANCE GUIDELINES. (1) Occupational safety and health program. Each hazardous waste site clean-up effort will require an occupational safety and health program headed by the site coordinator or the employer's representative. The program will be designed for the protection of employees at the site. The purpose of the program will need to be developed before work begins on the site and implemented as work proceeds. The program is to facilitate coordination and communication among personnel responsible for the various activities which will take place at the site. It will provide the overall means for planning and implementing the needed safety and health training and job orientation of employees who will be working at the site. The program will provide the means for identifying and controlling worksite hazards and the means for monitoring program effectiveness. The program will need to cover the responsibilities and authority of the site coordinator or the employer's manager on the site for the safety and health of employees at the site, and the relationships with contractors or support services as to what each employer's safety and health responsibilities are for their employees on the site. Each contractor on the site needs to have its own safety and health program so structured that it will smoothly interface with the program of the site coordinator. Also those employers involved with treating, storing, or disposal of hazardous waste as covered in WAC 296-62-3140 must have implemented a safety and health plan for their employees. This program is to include the hazard communication program required in WAC 296-62-3140(1) and the training required in WAC 296-62-3140(5) as parts of the employers comprehensive overall safety and health program. This program is to be in writing.

(a) Each site or workplace safety and health program will need to include the following:

(i) Policy statements of the line of authority and accountability for implementing the program, the objectives of the program and the role of the site safety and health officer or manager and staff;

(ii) Means or methods for the development of procedures for identifying and controlling workplace hazards at the site;

(iii) Means or methods for the development and communication to employees of the various plans, work rules, standard operating procedures and practices that pertain to individual employees and supervisors;

(iv) Means for the training of supervisors and employees to develop the needed skills and knowledge to perform their work in a safe and healthful manner;

(v) Means to anticipate and prepare for emergency situations; and

(vi) Means for obtaining information feedback to aid in evaluating the program and for improving the effectiveness of the program. The management and employees should be trying continually to improve the effectiveness of the program thereby enhancing the protection being afforded those working on the site.

(b) Accidents on the site should be investigated to provide information on how such occurrences can be avoided in the future. When injuries or illnesses occur on the site or workplace, they will need to be investigated to determine what needs to be done to prevent this incident from occurring again. Such information will need to be used as feedback on the effectiveness of the program and the information turned into positive steps to prevent any reoccurrence. Receipt of employee suggestions or complaints relating to safety and health issues involved with site or workplace activities is also a feedback mechanism that needs to be used effectively to improve the program and may serve in part as an evaluative tool(s).

(2) Training.

(a) The employer is encouraged to utilize those training programs that have been recognized by the National Institute of Environmental Health Sciences through its training grants program. These training and educational programs are being developed for the employees who work directly with hazardous substances. For further information about these programs contact: National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709.

(b) The training programs for employees subject to the requirements of WAC 296-62-3040 are expected to address: The safety and health hazards employees should expect to find on sites; what control measures or techniques are effective for those hazards; what monitoring procedures are effective in characterizing exposure levels; what makes an effective employer's safety and health program; what a site safety and health plan should include; and employee's responsibilities under WISHA and other regulations. Supervisors will need training in their responsibilities under the safety and health program and its subject areas such as the spill containment program, the personal protective equipment program, the medical surveillance program, the emergency response plan and other areas.

(c) Training programs for emergency service organizations are available from the United States National Fire Academy, Emmitsburg, MD and the various state fire training schools. The International Society of Fire Service Instructors, Ashland, MA is another resource.

(d) The training programs for employees covered by the requirements of WAC 296-62-3110(3) are expected to address: The need for and use of personal protective equipment including respirators; the decontamination procedures to be used; preplanning activities for hazardous substance incidents including the emergency response plan; company standard operating procedures for hazardous substance emergency responses; the use of the incident command system and other subjects. Hands-on training should be stressed whenever possible. Critiques done after an incident which include any evaluation of what worked, and what did not, and how can we do better the next time, may be counted as training time.

(e) For hazardous materials teams, the training will need to address the care, use and/or testing of chemical protective clothing including totally encapsulating suits, the medical surveillance program, the standard operating procedures for the use of plugging and patching equipment and other subject areas.

(f) Officers and leaders who may be expected to be in charge at an incident will need to be fully knowledgeable of their company's incident command system. They will need to know where and how to obtain additional assistance and be familiar with the local district's emergency response plan.

(g) Technical experts or medical experts or environmental experts that work with hazardous materials in their regular jobs, who may be sent to the incident scene by the shipper, manufacturer or governmental agency to advise and assist the person in charge of the incident need not have monthly training sessions, however, they will be required to have the twenty-four hours of training on an annual basis. Their training must include the care and use of personal protective equipment including respirators; knowledge of the incident command system; and those areas needed to keep them current in their respective field as it relates to safety and health involving specific hazardous substances.

(h) Those employees who work for public works departments or special equipment operators who operate bulldozers, sand trucks, backhoes, etc., who may be called to the incident scene to provide emergency support assistance, will need at least a safety and health briefing before entering the area of potential or actual exposure. These specially skilled persons, who have not been a part of the emergency plan and do not meet the required training hours, must be made aware of the hazards they face and be provided all necessary protective clothing and equipment required for their tasks. If respirators are to be worn, the specially skilled person shall be trained in accordance with WAC 296-62-071 through 296-62-07121 before proceeding into the hazardous area to do their assigned job.

(3) Decontamination. Decontamination procedures should be tailored to the specific hazards of the site and will vary in complexity, and number of steps, depending

on the level of hazard and the employee's exposure to the hazard. Decontamination procedures and PPE decontamination methods will vary depending upon the specific substance, since one procedure or method will not work for all substances. Evaluation of decontamination methods and procedures should be performed, as necessary, to assure that employees are not exposed to hazards by reusing PPE. References in WAC 296-62-3190, Appendix D, may be used for guidance in establishing an effective decontamination program.

(4) Emergency response plans. States, along with designated districts within the states, will be developing or have developed emergency response plans. These district and state plans are to be utilized in the emergency response plans called for in this standard. Each employer needs to assure that its emergency response plan is compatible with the local plan. In addition, the chemical manufacturers' association (CMA) is another helpful resource in formulating an effective emergency response plan. Also the current Emergency Response Guidebook from the United States Department of Transportation, CMA's CHEMTREC and the Fire Service Emergency Management Handbook should be used as resources.

NEW SECTION

WAC 296-62-3190 APPENDIX D—REFERENCES. The following references may be consulted for further information on the subject of this notice:

(1) WISHA Guidelines for Superfund and Other Hazardous Waste Site Activities, W.R.D. 84-13 as amended, October 24, 1986.

(2) WISHA Hazardous Waste Activity Form, July 1986, WISHA Form F413-016-000.

(3) Hazardous Waste Inspections Reference Manual, U.S. Department of Labor, Occupational Safety and Health Administration, 1986.

(4) Memorandum of Understanding Among the National Institute for Occupational Safety and Health, the Occupational Safety and Health Administration, the United States Coast Guard, and the United States Environmental Protection Agency, Guidance for Worker Protection During Hazardous Waste Site Investigations and Clean-up and Hazardous Substance Emergencies, December 18, 1980.

(5) National Priorities List, 1st Edition, October 1984; U.S. Environmental Protection Agency, Revised periodically.

(6) The Decontamination of Response Personnel, Field Standard Operating Procedures (F.S.O.P.) 7; U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Hazardous Response Support Division, December 1984.

(7) Preparation of a Site Safety Plan, Field Standard Operating Procedures (F.S.O.P.) 9; U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Hazardous Response Support Division, April 1985.

(8) Standard Operating Safety Guidelines; U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Hazardous Response Support Division, Environmental Response Team; November 1984.

(9) *Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, National Institute for Occupational Safety and Health (NIOSH), Occupational Safety and Health Administration (OSHA), U.S. Coast Guard (USCG), and Environmental Protection Agency (EPA); October 1985.*

(10) *Protecting Health and Safety at Hazardous Waste Sites: An Overview, U.S. Environmental Protection Agency, EPA/625/9-85/006; September 1985.*

(11) *Hazardous Waste Sites and Hazardous Substance Emergencies, NIOSH Worker Bulletin, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health; December 1982.*

(12) *Personal Protective Equipment for Hazardous Materials Incidents: A Selection Guide, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health; October 1984.*

(13) *Fire Service Emergency Management Handbook, International Association of Fire Chiefs Foundation, 101 East Holly Avenue, Unit 10B, Sterling, VA 22170, January 1985.*

(14) *Emergency Response Guidebook, U.S. Department of Transportation, Washington, D.C., 1983.*

(15) *Report to the Congress on Hazardous Materials Training, Planning and Preparedness, Federal Emergency Management Agency, Washington, DC, July 1986.*

(16) *Workbook for Fire Command, Alan V. Brunacini and J. David Beageron, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, 1985.*

(17) *Fire Command, Alan V. Brunacini, National Fire Protection, Batterymarch Park, Quincy, MA 02269, 1985.*

(18) *Incident Command System, Fire Protection Publications, Oklahoma State University, Stillwater, OK 74078, 1983.*

(19) *Site Emergency Response Planning, Chemical Manufacturers Association, Washington, DC 20037, 1986.*

WSR 88-16-045
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-65—Filed July 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 and personal use 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 catch per unit effort shows need to close for conservation purposes due to low stock abundance.

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 29, 1988.

By Judith Merchant
Deputy
for Joseph R. Blum
Director

NEW SECTION

WAC 220-52-05100A SHRIMP FISHERY—PUGET SOUND. Notwithstanding the provisions of WAC 220-52-051, effective 6:00 p.m. August 1, 1988, it shall be unlawful to fish for or possess shrimp taken for commercial purposes from Shrimp District I.

NEW SECTION

WAC 220-56-32500N SHRIMP—AREAS AND SEASONS. Notwithstanding the provisions of WAC 220-56-325, effective 6:00 p.m. August 1, 1988, it shall be unlawful to fish for or possess shrimp taken for personal use from those waters of Puget Sound southerly of a line from McCurdy Point on the Quimper Peninsula to the northern tip of Protection Island then to Rocky Point on the Miller Peninsula and all waters of Discovery Bay.

WSR 88-16-046
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-66—Filed July 29, 1988]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to sport 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 upon request of the Pacific Fisheries Management Council. Harvestable numbers of coho expected to be taken.

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 29, 1988.

By Judith Merchant
Deputy
for Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000C 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 31, 1988 until 11:59 p.m. August 2, 1988.

(b) Bag Limit - 2 salmon. 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 barbless single hooks.

(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 Leadbetter Point.

(a) Open to salmon angling 12:01 a.m. until 11:59 p.m. July 31, 1988.

(b) Bag Limit - 2 salmon. 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 barbless single hooks.

(d) Closed from 6 to 200 nautical miles of shore.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000B SALTWATER SEASONS AND BAG LIMITS. (88-60)

WSR 88-16-047
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 88-67—Filed July 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 restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Puget Sound and Canadian chinook stocks. Openings in Areas 7B, 7C and 7E provide opportunity to harvest the non-Indian allocation. All other areas are closed to prevent overharvest.

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

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 29, 1988.

By Judith Merchant
Deputy
for Joseph R. Blum
Director

NEW SECTION

WAC 220-47-905 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 9:00 AM Monday August 1 until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

- * Areas 4B, 5, 6, 6A, 6C, 7, 7A - Under control of Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 7:00 PM Monday (8/1) to 9:30 AM Tuesday (8/2), and 7:00 PM Tuesday (8/2) to 9:30 AM Wednesday (8/3), and 7:00 PM Wednesday (8/3) to 9:30 AM Thursday (8/4).
- * Area 7E - Gillnets using 7-inch minimum mesh may fish from 7:00 PM Monday (8/1) to 9:30 AM Tuesday (8/2), and 7:00 PM Tuesday (8/2) to 9:30 AM Wednesday (8/3), and 7:00 PM Wednesday (8/3) to 9:30 AM Thursday (8/4); Purse seines may fish from 5:00 AM - 9:00 PM Monday (8/1), and 5:00 AM - 9:00 PM Tuesday (8/2), and 5:00 AM - 9:00 PM Wednesday (8/3); This Area 7E opening excludes those waters east of a line projected from Tongue Pt. to Juniper Pt. to the point immediately south of Juniper Pt.
- * Areas 6B, 7D, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas - Closed.

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 220-47-904 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (88-61)

WSR 88-16-048
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 88-68—Filed July 29, 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 chinook are available for non-treaty harvest.

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 29, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000D SALTWATER SEASONS AND BAG LIMITS. Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. July 30, 1988 until further notice the daily bag limit in Skagit Bay is three salmon of any species, and the minimum size for chinook salmon is 22 inches. Skagit Bay is defined as those waters east of 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 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000Z SALTWATER SEASONS AND BAG LIMITS. (88-41)

NEW SECTION

WAC 220-57-42500Q SKAGIT RIVER. Notwithstanding the provisions of WAC 220-57-425, effective July 30, 1988:

(1) Until further notice, Bag Limit A upstream from the mouth of the Skagit River to Gilligan Creek, except 3 adult salmon may be retained.

(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 220-57-42500P SKAGIT RIVER. (88-47)

WSR 88-16-049
NOTICE OF PUBLIC MEETINGS
HIGHLINE COMMUNITY COLLEGE
[Memorandum—July 20, 1988]

The following dates for the regular monthly meetings of the Community College District 9 board of trustees are forwarded in compliance with RCW 42.30.075:

July 14, 1988
September 8, 1988
October 13, 1988
November 10, 1988
December 8, 1988
January 12, 1989
February 9, 1989
March 9, 1989
April 13, 1989
May 11, 1989
June 8, 1989

WSR 88-16-050
PROPOSED RULES
STATE EMPLOYEES INSURANCE BOARD
[Filed August 1, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Employees Insurance Board intends to adopt, amend, or repeal rules concerning the amending of WAC 182-12-115, 182-12-127 and 182-12-210;

that the agency will at 9:30 a.m., Friday, September 16, 1988, in the Board Room, the 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 41.05.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 13, 1988.

Dated: August 1, 1988

By: C. H. Shay
Assistant Benefits Manager

STATEMENT OF PURPOSE

Amending WAC 182-12-115 Eligible employees and retirees; 182-12-127 Extension of retiree dependent's eligibility; and 182-12-210 Extended self-pay medical and dental coverage.

Statutory Authority: RCW 41.05.010.

Amendment to WAC 182-12-115 changes the effective date for certain seasonal employees to the first day of employment and revised eligibility to exclude employees who are not covered by state industrial insurance; amendments to WAC 182-12-127 and 182-12-210 eliminates subsections (8) and (9) respectively which are now obsolete.

Responsible for Drafting, Implementation and Enforcement: C. H. Shay, Assistant Benefits Manager, Department of Personnel, Insurance Benefits Division, 1400 Evergreen Park Drive S.W., Olympia, WA 98504, mailstop FX-11, phone 753-3096, 234-3096 scan.

Proposed by: State Employees Insurance Board.

Agency Comments: None.

Not necessary due to law or court action.

AMENDATORY SECTION (Amending Resolution No. 88-1, filed 5/26/88, effective 7/1/88)

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

(1) "Permanent employees." Those who are scheduled to work at least half-time per month and are expected to be employed for more than six months. Such employees shall be eligible effective with their first day of employment.

(2) "Nonpermanent employees." Those who are scheduled to work at least half-time and are expected to be employed for no more than six months. Such employees shall be eligible effective the first day of the seventh calendar month of employment.

(3) "Seasonal employees." Those who work at least half-time per month during a designated season for a minimum of three months but less than nine months per year and who have an understanding of continued employment with their agency season after season. These employees become eligible ((to enroll when they return to state employment for their second "season" of employment. Employees who work on a seasonal basis and do not elect to self pay during the break between seasons shall be treated as "new" employees on return to work in a following season)) on the first day of such employment, however, they are not eligible for the employer contribution during the break between seasons of employment.

(4) "Part-time faculty." Faculty who are employed on a quarter/semester to quarter/semester basis become eligible beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education, provided that:

(a) For determining eligibility, spring and fall may be considered consecutive quarters/semesters; and

(b) "Half-time or more employment" will be determined based on each institution's definition of "full-time"; and

(c) At the beginning of each quarter/semester, the employers of part-time faculty shall notify, in writing, all current and newly hired part-time faculty of their potential right to benefits under this section. The employee shall have the responsibility, each quarter, to notify the employers, in writing, of the employee's multiple employment. In no case will there be a requirement for retroactive coverage or employer contribution if a part-time faculty member fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and

(d) Where concurrent employment at more than one state higher education institution is used to determine total part-time faculty employment of half-time or more, the employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the part-time faculty member would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to SEIB; and

(e) Once enrolled, if a part-time faculty member does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.

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

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

(7) "Retirees and disabled employees." Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical, dental and life coverages provided the person:

(a) Immediately begins receiving a monthly retirement income benefit from such retirement system; or

(b) If not retiring under the public employees retirement system (PERS), would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the provisions of PERS I or PERS II for the same period of employment; or

(c) Must take a lump sum benefit because their monthly benefit would have been under fifty dollars.

Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their SEIB active employee coverage ends. Persons retiring who do not have waiver of premium coverage from any SEIB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. Retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the SEIB program at the time of retirement or disability.

(8) "Eligible dependents." The following are eligible as dependents under the medical and dental plans:

(a) Lawful spouse.

(b) Dependent children through age twenty.

(c) Dependent children age twenty-one through age twenty-three who are dependent upon the employee/retiree for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters and for the quarter following graduation provided the employee/retiree is covered at the same time.

(d) Dependent children of any age who are incapable of self-support due to developmental disability or physical handicap are also eligible, provided such condition occurs prior to age twenty-one or during the time the dependent was covered under an SEIB plan as a full-time student. Proof of such disability and dependency must be furnished

prior to the dependent's attainment of age twenty-one or loss of eligibility for student coverage, and as periodically requested thereafter.

(e) "Children" includes natural children, stepchildren, adopted children, and approved foster children. A foster child must be under age twenty-one at the time of approval. "Children" also includes married children if dependent upon the employee/retiree within the meaning of the Internal Revenue Code.

(f) "Dependent parents." Parents of the employee/retiree or their spouse are eligible subject to Internal Revenue Code dependency status and qualification. Eligibility is subject to making application and verification.

(9) Notwithstanding any of the foregoing, employees who are not mandatorily, by election, or otherwise covered by industrial insurance under Title 51 RCW shall not be considered "eligible employees" within the meaning of this section.

AMENDATORY SECTION (Amending Resolution No. 87-6, filed 10/19/87)

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

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

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

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

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

(5) NOTICE REQUIREMENTS:

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

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

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

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

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

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

AMENDATORY SECTION (Amending Resolution No. 87-2, filed 3/13/87)

WAC 182-12-210 EXTENDED SELF-PAY MEDICAL AND DENTAL COVERAGE. In accordance with federal law, the Consolidated Omnibus Budget Reconciliation Act (COBRA), employees and dependents not otherwise enrolled in SEIB employer-funded coverage may continue their SEIB medical and dental coverage by self-payment of premium according to the following guidelines:

(1) Employees and/or their enrolled dependents may continue coverage for up to eighteen months following the month in which either of the following qualifying events occur: (a) The employee is terminated (other than by reason of gross misconduct - see WAC 182-12-220 for appeal of dismissal) or (b) the employee would otherwise lose coverage due to reduction in hours of employment.

(2) Enrolled dependents of employees may continue their coverage for up to thirty-six months following the month in which the first of any of the following qualifying events occur: (a) The employee dies (except as provided under WAC 182-12-122), (b) the employee becomes divorced, or (c) a child ceases to be a dependent child under the requirements of the plan. Should more than one qualifying event occur, the maximum period a dependent may continue coverage under this section shall be thirty-six months.

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

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

(5) Continued coverage will be terminated when (a) the plan terminates, (b) premium is not paid within the grace period stated in subsection (8) of this section, or (c) the person becomes covered in SEIB employer-funded coverage.

(6) NOTICE REQUIREMENTS:

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

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

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

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

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

~~((9) CONVERSION OPTION: Within a period of thirty-one days following the expiration of a person's continued coverage, the person may purchase an individual conversion policy:))~~

WSR 88-16-051

EMERGENCY RULES

STATE EMPLOYEES INSURANCE BOARD

[Resolution No. 88-2—Filed August 1, 1988]

Be it resolved by the State Employees Insurance Board, acting at the Department of Personnel Board Room, 521 South Capitol Way, Olympia, WA, that it does adopt the annexed rules relating to the amending of WAC 182-12-115 Eligible employees, retirees, and dependents.

We, the State Employees Insurance Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the State Employees Insurance Board (SEIB) is the entity responsible for providing health care benefits for state employees and certain other eligible persons. The SEIB has designed a new benefit package which took effect July 1, 1988. A question has arisen regarding the eligibility of state liquor store agency managers (liquor vendors) appointed pursuant to RCW 66.08.050(2) to participate in SEIB approved health care benefit plans. Agency managers were recently excluded from mandatory coverage under state industrial insurance. Thus, under existing

rules agency managers who do not have industrial insurance may use state employee health insurance benefits to help pay the costs of occupational injuries. Such use of state health insurance benefits depletes the funds available for those nonoccupational claims for which such benefits were intended, and unfairly requires employees who do have industrial insurance to subsidize employees who do not have such coverage for the costs associated with occupational injuries. In order immediately to ensure that no such depletions and subsidies occur henceforth it is necessary to forego the provision of all of the notice required for amendment of WAC 182-12-115. This amendment is adopted as an emergency rule in order for the SEIB to ensure that effective immediately no further fund depletions or subsidies occur as a result of state employees using state health insurance benefits as a substitute for industrial insurance. Emergency filing is needed to ensure no further fund depletion as a result of employees using SEIB insurance in place of industrial insurance.

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

This rule is promulgated under the general rule-making authority of the State Employees Insurance Board as authorized in RCW 41.05.010.

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

APPROVED AND ADOPTED August 1, 1988.

By C. H. Shay
Assistant Benefits Manager

AMENDATORY SECTION (Amending Resolution No. 88-1, filed 5/26/88, effective 7/1/88)

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

(1) "Permanent employees." *Those who are scheduled to work at least half-time per month and are expected to be employed for more than six months. Such employees shall be eligible effective with their first day of employment.*

(2) "Nonpermanent employees." *Those who are scheduled to work at least half-time and are expected to be employed for no more than six months. Such employees shall be eligible effective the first day of the seventh calendar month of employment.*

(3) "Seasonal employees." *Those who work at least half-time per month during a designated season for a minimum of three months per year and who have an understanding of continued employment with their agency season after season. These employees become eligible to enroll when they return to state employment for their second "season" of employment. Employees who work on a seasonal basis and do not elect to self pay*

during the break between seasons shall be treated as "new" employees on return to work in a following season.

(4) "Part-time faculty." *Faculty who are employed on a quarter/semester to quarter/semester basis become eligible beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education, provided that:*

(a) *For determining eligibility, spring and fall may be considered consecutive quarters/semesters; and*

(b) *"Half-time or more employment" will be determined based on each institution's definition of "full-time"; and*

(c) *At the beginning of each quarter/semester, the employers of part-time faculty shall notify, in writing, all current and newly hired part-time faculty of their potential right to benefits under this section. The employee shall have the responsibility, each quarter, to notify the employers, in writing, of the employee's multiple employment. In no case will there be a requirement for retroactive coverage or employer contribution if a part-time faculty member fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and*

(d) *Where concurrent employment at more than one state higher education institution is used to determine total part-time faculty employment of half-time or more, the employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the part-time faculty member would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to SEIB; and*

(e) *Once enrolled, if a part-time faculty member does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.*

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

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

(7) "Retirees and disabled employees." *Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical, dental and life coverages provided the person:*

(a) *Immediately begins receiving a monthly retirement income benefit from such retirement system; or*

(b) *If not retiring under the public employees retirement system (PERS), would have been eligible for a monthly retirement income benefit because of age and years of service had the person been employed under the*

provisions of PERS I or PERS II for the same period of employment; or

(c) Must take a lump sum benefit because their monthly benefit would have been under fifty dollars.

Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their SEIB active employee coverage ends. Persons retiring who do not have waiver of premium coverage from any SEIB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. Retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the SEIB program at the time of retirement or disability.

(8) "Eligible dependents." The following are eligible as dependents under the medical and dental plans:

(a) Lawful spouse.

(b) Dependent children through age twenty.

(c) Dependent children age twenty-one through age twenty-three who are dependent upon the employee/retiree for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters and for the quarter following graduation provided the employee/retiree is covered at the same time.

(d) Dependent children of any age who are incapable of self-support due to developmental disability or physical handicap are also eligible, provided such condition occurs prior to age twenty-one or during the time the dependent was covered under an SEIB plan as a full-time student. Proof of such disability and dependency must be furnished prior to the dependent's attainment of age twenty-one or loss of eligibility for student coverage, and as periodically requested thereafter.

(e) "Children" includes natural children, stepchildren, adopted children, and approved foster children. A foster child must be under age twenty-one at the time of approval. "Children" also includes married children if dependent upon the employee/retiree within the meaning of the Internal Revenue Code.

(f) "Dependent parents." Parents of the employee/retiree or their spouse are eligible subject to Internal Revenue Code dependency status and qualification. Eligibility is subject to making application and verification.

(9) Notwithstanding any of the foregoing, employees who are not mandatorily, by election, or otherwise covered by industrial insurance under Title 51 RCW shall not be considered "eligible employees" within the meaning of this section.

WSR 88-16-052
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed August 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 effect of newly acquired income and property on continuing need, amending WAC 388-28-482;

that the agency will at 10:00 a.m, Thursday, September 8, 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 September 9, 1988.

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

The specific statute these rules are intended to implement is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 8, 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 25, 1988. The meeting site is in a location which is barrier free.

Dated: July 28, 1988

By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

Re: WAC 388-28-482.

Purpose of the Rule Changes: To clarify that income from the department to correct a previous underpayment shall not be considered as income; and other changes to this WAC are editorial.

Reason These Rules are Necessary: Compliance with Code of Federal Regulations 233.20 (a)(13)(ii).

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Clarifies that money to correct an AFDC underpayment is not considered income.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Dana Beck, Program Manager, Division of Income Assistance, mailstop OB-31C, phone 753-3177.

AMENDATORY SECTION (Amending Order 2613, filed 3/23/88)

WAC 388-28-482 EFFECT OF NEWLY ACQUIRED INCOME AND PROPERTY ON CONTINUING NEED. (1) "Newly acquired income" means any previously unreported or undiscovered income ((which has come into the possession or control;)) a public assistance recipient possesses or controls in whole or in part ((; of a recipient of public assistance, or of a recipient in suspended grant status)).

((+)) (2) ((Whenever a recipient shall come into the possession or control of any income, except as modified in subsections (3), (4), and (5) of this section, such income shall be deducted)) Unless otherwise specified in this section, the department shall deduct newly acquired income from the payment level plus authorized additional requirements to determine grant amount ((beginning with the effective date specified in WAC 388-28-483)). The amount deducted shall equal the following:

(a) The net amount of the income if in cash or its equivalent((-);) and

(b) At least ((his or her)) the recipient's equity in the quick sale value of property other than cash.

((+)) (3) The department shall apply WAC 388-28-400(7) when the property is only potentially available ((for use in meeting)) to meet the recipient's requirements((; WAC 388-28-400(7) applies)).

((+)) (4) ((Exceptions:)) The department shall allow recipients who ((comes into the possession and control of)) own property listed below ((may)) to retain ((such)) the property without having ((the fact of possession or its sale value)) it affect ((his or her)) their eligibility or need:

(a) A home used as a residence - see WAC 388-28-420;

(b) Useful and needed clothing, household equipment, food, fuel, and other items included in the requirement standards;

(c) An automobile within the ceiling values in WAC 388-28-430(2); ((and))

(d) An income tax refund within the resource ceiling values in WAC 388-28-430. ((That)) The earned income tax credit portion of the refund ((which is an earned income tax credit)) shall be ((considered)) newly acquired income; and

(e) Income from the department to correct a previous underpayment of assistance under WAC 388-33-195.

((+)) (5) ((Recipient with income:)) The department shall modify the rule in subsection ((+)) (2) of this section ((is modified)) for a recipient of AFDC or continuing general assistance ((with income)) as follows:

(a) Earned income retained by a child ((according to)), under WAC 388-28-535(3) ((shall be considered as)), is the personal property of the family and ((shall be)) subject to the ceilings in WAC 388-28-430(2);

(b) ((Income from the Economic Opportunity Act, Title I of the Elementary and Secondary Education Act, and from WIN and JTPA is treated according to WAC 388-28-515 and 388-28-570 through 388-28-578;

(c)) The possession of any amount of funds from sources listed in subsection ((+)(a) and (b)) (5)(a) of this section in a cash reserve or savings account does not affect the eligibility of a general assistance recipient. However, if such exempted income is converted into other types of property, WAC 388-28-410 through 388-28-455 apply;

((+)) (c) Income from interest on exempt savings, dividends from exempt stocks, increase in life insurance cash surrender value, livestock births, etc., affect eligibility only to the extent the amount causes the total value of the resource possessed to exceed the ceiling values of the resource. The excess is considered available((-);

(e) Payment for funeral expenses for recipient. When a public assistance recipient dies, his or her surviving spouse or children or parent of a minor child receiving public assistance may use any of their exempt or nonexempt resources or income, except the home property, to add to available funeral and burial resources in order to pay for the funeral expenses of the deceased person without affecting their eligibility for public assistance. PROVIDED HOWEVER, That if the total funeral expenses for the deceased recipient exceeds the department's maximum cost or the amount provided by the recipient toward the total cost of the funeral expense, whichever is the lesser, shall be considered available to meet the public assistance need of the surviving recipient in accordance with this section); and

((+)) (d) Exempt funds ((received by an applicant or recipient)) representing another person's ((or family's)) share of household costs are exempt ((as income)) provided((-);

(i)) such payments ((do not represent)) are not legally obligated child support except as provided in WAC 388-28-484 (7)(b)((; and

(ii) The provisions of subsection (5) of this section are met:

(5) Use of grant and cash reserve in relation to income:

(a) No question about eligibility is raised if public assistance grants and other income considered in computing financial need are used to add to the cash reserve up to the legal personal property limitations - see WAC 388-28-430. The cash reserve may exceed the maximum only to the extent these unexpended moneys are on hand within thirty days after their receipt, and by exempted amounts as specified in this section:

(b) A recipient always has the right to make a current expenditure out of a cash reserve and replace it from a succeeding grant, just as he or she might place his or her whole grant in a bank account, along with his or her cash reserve, at the beginning of the month and then spend out of the account during the month)).

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 88-16-053
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed August 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 Overpayment—Amount, amending WAC 388-44-035;

that the agency will at 10:00 a.m., Thursday, September 8, 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 September 9, 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 September 8, 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 25, 1988. The meeting site is in a location which is barrier free.

Dated: August 1, 1988
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-44-035.

Purpose of the Amendment: To change the criteria for repayment of underpayments to former recipients.

Rule Change is Necessary: To comply with a federal direction resulting from a California court case, *Edwards v. McMahon, Bowen*.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Currently former recipients are only repaid for underpayments if there is a court order or fair hearing to do so. The department will now repay underpayments (after offsetting existing overpayments) for former recipients as they are discovered.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Betty Brinkman, Program Manager 2, Division of Income Assistance, mailstop OB-31C, phone 753-4915.

This rule change is necessary as a result of a federal court decision, *Edwards v. McMahon, Bowen* decision and confirming letter to Region X, Health and Human Services (HHS).

Economic impact statement is unnecessary.

AMENDATORY SECTION (Amending Order 2335, filed 1/24/86)

WAC 388-44-035 OVERPAYMENT—AMOUNT. (1) The amount of overpayment shall be ~~((determined as))~~ the amount of assistance received, including medical care, ~~((to))~~ for which the assistance unit was not entitled.

(2) ~~((To determine))~~ The amount ~~((to which))~~ of the ~~((assistance unit was not entitled))~~ overpayment in subsection (1) of this section ~~((; the overpayment))~~ shall be reduced by:

(a) ~~((By))~~ The amount of assistance the ~~((assistance))~~ unit would ~~((have been))~~ be eligible to receive from any other category of assistance during the period of ineligibility ~~((from any other category of assistance)); and~~

(b) ~~((By))~~ The amount of child support ~~((; paid by the absent parent))~~ the department received for the month of overpayment ~~((;))~~ in excess of the amount of assistance the assistance unit was ~~((actually))~~ entitled ~~((; in cases where the client was eligible for some part of the monthly AFDC grant)); or~~

(c) ~~((By))~~ The amount of excess support in subsection (2)(b) of this section minus the amount of support already distributed to the ~~((recipient))~~ assistance unit according to WAC 388-14-270 (2)(a), ~~((in cases where the client was totally ineligible for an AFDC grant))~~ if ineligibility exists.

(3) When establishing an overpayment ~~((for a period of time containing both overpayments and underpayments)),~~ reduce any overpayment ~~((shall be reduced))~~ by the amount of any underpayment.

~~((4))~~ Underpayments, not negated by being budgeted against an overpayment established at the same time, will be paid to recipients upon discovery. Underpayments to former recipients will not be paid unless specifically ordered by a decision of the courts or a fair hearing. For purposes of determining continued eligibility and amount of assistance, underpayments paid to recipients shall not be considered as income or as a resource in the month paid nor in the next following month.

WSR 88-16-054

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed August 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 needy infants, children and pregnant women, amending WAC 388-83-032;

that the agency will at 10:00 a.m., Thursday, September 8, 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 September 9, 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 September 8, 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 25, 1988. The meeting site is in a location which is barrier free.

Dated: August 1, 1988

By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-83-032.

Purpose: To simplify the eligibility process for pregnant women.

Reason: Time required to verify the value of stocks and bonds may delay the determination of eligibility and thereby delay the availability of needed prenatal care.

Statutory Authority: RCW 74.08.090.

Summary: Only resources that would be immediately available and easily verified will be considered in determining Medicaid eligibility of pregnant women. The regulations are being filed for emergency adoption as they will result in a substantial benefit to clients.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-7316.

Rules are proposed by DSHS.

Theses rules are not necessary as a result of a new state or federal law.

No economic impact statement is required under the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 2626, filed 5/17/88)

WAC 388-83-032 **NEEDY INFANTS, CHILDREN AND PREGNANT WOMEN.** (1) The department shall find the following groups eligible for Medicaid as categorically needy, if they meet the income and resource requirements of this section:

- (a) Effective July 1, 1987:
 - (i) Women during pregnancy and during the sixty-day period beginning on the last day of pregnancy, and
 - (ii) Infants under one year of age.
- (b) Effective October 1, 1987, children under two years of age.
- (2) Income eligibility:
 - (a) Total family income shall not exceed ninety percent of the poverty income guidelines as published and updated by the secretary of health and human services. Ninety percent of the 1988 poverty income guidelines is:

	Family Size	Monthly
(i)	One	\$ 433.00
(ii)	Two	\$ 580.00
(iii)	Three	\$ 727.00
(iv)	Four	\$ 874.00
(v)	Five	\$1,021.00
(vi)	Six	\$1,168.00
(vii)	Seven	\$1,315.00
(viii)	Eight	\$1,462.00

- (ix) For family units with more than eight members add \$147.00 to the monthly income for each additional member.
- (b) The department shall determine family income:
 - (i) According to AFDC methodology except for the exclusions in WAC 388-83-130 (5) and (6), and
 - (ii) Shall not use the costs incurred for medical care or for any other type of remedial care to reduce the family income.
- (3) Resource eligibility:
 - (a) The total value of the family's countable resources shall not exceed five thousand dollars.
 - (b) Countable resources are limited to cash, savings accounts, checking accounts, (~~stocks, bonds, mutual fund shares,~~) and certificates of deposit.
 - (c) The department shall not consider other resources in determining the eligibility of groups included in subsection (1) of this section.
 - (4) Changes in income or living situations shall not affect eligibility for medical assistance, during pregnancy or during the sixty-day period beginning on the last day of pregnancy:
 - (a) Once a pregnant woman is determined eligible under this section, or
 - (b) If at any time while eligible for and receiving medical assistance meets the eligibility requirements of this section.
 - (5) An infant or child who attains the maximum age as described in subsection (1)(a) or (b) of this section shall continue to be eligible until the later of:
 - (a) The end of the month in which the infant or child attains the maximum age, or
 - (b) The end of the month in which the infant or child receives inpatient services if:
 - (i) The infant or child is receiving inpatient services on the last day of the month in which the child attains the maximum age, and
 - (ii) The stay for inpatient services continues into the following month(s), and
 - (iii) Who, but for attaining such age, would be eligible for assistance under this section.

WSR 88-16-055
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed August 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 hearing aids, amending WAC 388-86-040;

that the agency will at 10:00 a.m., Thursday, September 8, 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 September 9, 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 September 8, 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 25, 1988. The meeting site is in a location which is barrier free.

Dated: July 28, 1988
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
 Re: Amending WAC 388-86-040.
 Purpose: Clarification on the referrals of children under age 18.

Reason: WAC in need of clarification.
 Statutory Authority: RCW 74.08.090.
 Summary: Children under age 18 shall be referred to the local children's coordinated services (Title V, SSA) program, administered through the local districts.
 Person Responsible for Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-7316.

Rules are proposed by DSHS.
 These rules are not necessary as a result of a new state or federal law.

No economic impact statement is required under the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 2368, filed 5/1/86)

WAC 388-86-040 HEARING AIDS. (1) The department ~~((provides))~~ shall provide to categorically needy recipients:

(a) The purchase of a new hearing aid covered by a one-year warranty under the following conditions:

- (i) ~~((On))~~ Prescription ~~((of))~~ by the attending physician~~((:));~~ and
- (ii) ~~((With a minimum of 50))~~ Fifty decibel minimum hearing loss in the better ear based on auditory screening at 500, 1000, 2000, and 4000 Hertz (Hz) with effective masking as indicated~~((:));~~ and
- (iii) The department ~~((is))~~ shall not be responsible for purchase of batteries.

(b) The repair of a hearing aid when the repair is covered by a ninety-day warranty~~((:));~~

(c) Where there are significant handicapping factors, the division may approve:

- (i) A second hearing aid and/or replacement; or
- (ii) A hearing aid when the 50 decibel loss in the better ear is not met.

(2) The department shall not permit group screening for hearing aids ~~((is not permitted))~~ under the program.

(3) ~~((Individuals))~~ The department shall refer recipients under ~~((age))~~ eighteen ~~((are referred))~~ years of age to the ~~((crippled))~~ local children's coordinated services ~~((conservation of hearing))~~ (Title V) program, administered by the local districts.

(4) ~~((Individuals))~~ Recipients twenty-one years of age and over may sign a waiver statement declining the medical evaluation for religious or personal beliefs that preclude consultation with a physician.

WSR 88-16-056
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed August 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 transportation (other than ambulance), amending WAC 388-86-085;

that the agency will at 10:00 a.m., Thursday, September 8, 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 September 8, 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 September 8, 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 25, 1988. The meeting site is in a location which is barrier free.

Dated: July 28, 1988
 By: Leslie F. James, Director
 Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: WAC 388-86-085.

Purpose: To correct an error in the regulations.

Reason: An error in the format of WAC 388-86-085 was perceived as allowing for the purchase of wheelchair lifts for private vans.

Statutory Authority: RCW 74.08.090.

Summary: The regulations will provide for the use of specialized equipment, such as wheelchair lifts, only on equipment owned or used by nonprofit organizations. Restrictions applying to care received outside of the local community applies to the entire medical assistance program, not just when recipient's or volunteer's cars are used. The regulations are being filed for emergency adoption in order to prevent the spending of funds for noncovered services.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, mailstop HB-41, phone 753-7316.

Rules are proposed by DSHS.

These rules are not necessary as a result of a new state or federal law.

No economic impact statement is required under the Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order 2600, filed 3/2/88)

WAC 388-86-085 TRANSPORTATION (OTHER THAN AMBULANCE). ~~((+))~~ The department shall assure the availability of necessary transportation for recipients to and from medical care services covered under the medical assistance program~~((:))~~ in accordance with the following guidelines:

(1) The department shall not provide transportation outside the local community unless necessary medical care is not available locally. Transportation outside of the local medical community shall be to a reasonable and least costly location where providers are able and willing to provide the necessary and covered medical care;

(2) The department shall provide transportation ~~((shall be provided))~~ as a medical service or as an administrative service in designated counties~~((:));~~

(3) The department shall provide or arrange transportation ~~((shall))~~ only ~~((be provided or arranged))~~ through designated contractors/brokers in counties/areas where transportation is provided as an administrative service~~((:));~~ and

(4) When the department provides transportation ~~((is provided))~~ as a medical service, the following guidelines shall apply:

(a) Reimbursement for recipient transportation shall only be made:

- (i) When other sources of transportation are not available, accessible, or suitable to the medical needs of the recipient; and
- (ii) Only for the least expensive mode of transportation available that is suitable to the recipient's medical need~~((and~~

~~((iii) Only for transportation to and from covered medical care within the local community unless necessary and covered medical care is not available locally)).~~

(b) Only authorize cabulance transportation ~~((shall be authorized))~~ when the medical necessity is clearly demonstrated and the physical

condition of the recipient is such that any less specialized means of transportation is inadvisable((-));

(c) ~~The department shall authorize transportation by nonprofit organizations ((may provide transportation for recipients)) when personal transportation, volunteer transportation, and/or transit services are not available or not accessible by the recipient, and transportation is medically necessary. ((~~that~~)) The department shall authorize the use of specialized equipment, such as wheelchair lifts, ((shall be authorized)) by nonprofit organizations when the medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable((-));~~

((~~e~~)) (d) ~~The department shall reimburse recipients or volunteers ((shall be reimbursed)) at rates established by the department for transportation to and from medically necessary and covered services by private automobile owned by recipient ((is payable at rates established by the department)) under the following conditions:~~

(i) Recipient's own automobile must be the least expensive available means suitable to the recipient's medical need((-); and

(ii) ~~Presume other transportation ((shall be presumed)) available if the location of medical services is not more than twenty miles from the recipient's home or if public transportation is available((-);~~

~~(ii) Transportation shall not be provided outside of the local community unless necessary medical care is not available locally, and transportation outside of the local medical community shall be to a reasonable and least costly location where providers are able and willing to provide the necessary and covered medical services)).~~

((~~f~~)) (e) ~~Authorize taxi transportation ((shall be authorized)) when medically necessary and other less expensive modes of transportation are not available or not appropriate to meet the recipient's needs((-);~~

((~~g~~)) (f) ~~Authorize interstate and intrastate transportation (e.g., bus, train, air, etc.) ((shall be authorized)) when:~~

(i) Transportation is medically necessary; and

(ii) Necessary medical treatment is not available locally; and

(iii) The physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

((~~h~~)) (g) ~~The department shall certify providers ((shall be certified)) in accordance with rules established by the division of medical assistance and shall operate their services in accordance with all federal, state, and local ordinances, statutes, and regulations.~~

WSR 88-16-057

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed August 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 underpayments, amending WAC 388-33-195;

that the agency will at 10:00 a.m., Thursday, September 8, 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 September 9, 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 September 8, 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 25, 1988. The meeting site is in a location which is barrier free.

Dated: July 28, 1988

By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: WAC 388-33-195.

Purpose of the Rule or Rule Change: To change the criteria for repayment of underpayments to former recipients.

Rule Change is Necessary: To comply with a federal direction resulting from a California court case, *Edwards v. McMahon, Bowen*, 20B.030.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Currently former recipients are only repaid for underpayments if there is a court order or fair hearing to do so. The department will now repay underpayments (after offsetting existing overpayments) for former recipients as they are discovered. WAC 388-33-195(3) has been removed and inserted in WAC 388-28-482.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Betty Brinkman, Program Manager 2, Division of Income Assistance, mailstop OB-31C, phone 753-4915.

This rule change is necessary as a result of a federal court decision, *Edwards v. McMahon, Bowen* decision and confirming letter to Region X, Health and Human Services (HHS).

Economic impact statement is unnecessary.

AMENDATORY SECTION (Amending Order 2258, filed 7/17/85)

WAC 388-33-195 ((EFFECTIVE DATE OF GRANT=)) ~~UN- DERPAYMENTS. (1) The department shall repay upon discovery a current or former recipient ((receiving less than the correct amount of an assistance grant or service payment due to departmental error or client error in estimating income for prospective budgeting, shall be paid the amount due)) any underpayment, not negated by budgeting against an overpayment.~~

(2) The effective date of the corrective payment ((is) shall be the date of the payment ((is authorized)) authorization.

((~~3~~)) For purposes of determining continued eligibility and amount of assistance, corrective payments shall not be considered as income or as a resource in the month paid nor in the next following month:))

WSR 88-16-058
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2654—Filed August 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to underpayments, amending WAC 388-33-195.

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 criteria for repayment of underpayments to former clients to comply with federal court decision, *Edwards v. McMahon, Bowen*.

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 July 28, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2258, filed 7/17/85)

WAC 388-33-195 (~~EFFECTIVE DATE OF GRANT~~) UNDERPAYMENTS. (1) The department shall repay upon discovery a current or former recipient (receiving less than the correct amount of an assistance grant or service payment due to departmental error or client error in estimating income for prospective budgeting, shall be paid the amount due) any underpayment, not negated by budgeting against an overpayment.

(2) The effective date of the corrective payment ((is)) shall be the date of the payment ((is authorized)) authorization.

~~((3) For purposes of determining continued eligibility and amount of assistance, corrective payments shall not be considered as income or as a resource in the month paid nor in the next following month.)~~

WSR 88-16-059
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2655—Filed August 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to transportation (other than ambulance), amending WAC 388-86-085.

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 prevent the spending of funds for uncovered services and to correct a perceived error in the format of WAC allowing the purchase of wheelchair lifts for private vans.

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 July 28, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2600, filed 3/2/88)

WAC 388-86-085 TRANSPORTATION (OTHER THAN AMBULANCE). ~~((+))~~ The department shall assure the availability of necessary transportation for recipients to and from medical care services covered under the medical assistance program((-)) in accordance with the following guidelines:

(1) The department shall not provide transportation outside the local community unless necessary medical care is not available locally. Transportation outside of the local medical community shall be to a reasonable and least costly location where providers are able and willing to provide the necessary and covered medical care;

(2) The department shall provide transportation ((shall be provided)) as a medical service or as an administrative service in designated counties((-));

(3) The department shall provide or arrange transportation ((shall)) only ((be provided or arranged)) through designated contractors/brokers in counties/areas where transportation is provided as an administrative service((-); and

(4) When the department provides transportation ((is provided)) as a medical service, the following guidelines shall apply:

(a) Reimbursement for recipient transportation shall only be made:

(i) When other sources of transportation are not available, accessible, or suitable to the medical needs of the recipient; and

(ii) Only for the least expensive mode of transportation available that is suitable to the recipient's medical need(~~(; and~~

~~(iii) Only for transportation to and from covered medical care within the local community unless necessary and covered medical care is not available locally)).~~

(b) Only authorize cabulance transportation (~~(shall be authorized)~~) when the medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable(~~(:);~~);

(c) The department shall authorize transportation by nonprofit organizations (~~(may provide transportation for recipients)~~) when personal transportation, volunteer transportation, and/or transit services are not available or not accessible by the recipient, and transportation is medically necessary. (~~((†))~~) The department shall authorize the use of specialized equipment, such as wheelchair lifts, (~~(shall be authorized)~~) by nonprofit organizations when the medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable(~~(:);~~);

~~((†))~~ (d) The department shall reimburse recipients or volunteers (~~(shall be reimbursed)~~) at rates established by the department for transportation to and from medically necessary and covered services by private automobile owned by recipient (~~(is payable at rates established by the department)~~) under the following conditions:

(i) Recipient's own automobile must be the least expensive available means suitable to the recipient's medical need(~~(:); and~~

(ii) Presume other transportation (~~(shall be presumed)~~) available if the location of medical services is not more than twenty miles from the recipient's home or if public transportation is available(~~(;~~

~~(ii) Transportation shall not be provided outside of the local community unless necessary medical care is not available locally, and transportation outside of the local medical community shall be to a reasonable and least costly location where providers are able and willing to provide the necessary and covered medical services)).~~

~~((†))~~ (e) Authorize taxi transportation (~~(shall be authorized)~~) when medically necessary and other less expensive modes of transportation are not available or not appropriate to meet the recipient's needs(~~(:);~~);

~~((†))~~ (f) Authorize interstate and intrastate transportation (e.g., bus, train, air, etc.) (~~(shall be authorized)~~) when:

(i) Transportation is medically necessary; and

(ii) Necessary medical treatment is not available locally; and

(iii) The physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

~~((†))~~ (g) The department shall certify providers (~~(shall be certified)~~) in accordance with rules established by the division of medical assistance and shall operate their services in accordance with all federal, state, and local ordinances, statutes, and regulations.

WSR 88-16-060
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2656—Filed August 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to needy infants, children, and pregnant women, amending WAC 388-83-032.

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 shorten the Medicaid eligibility process in determining care for pregnant women.

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 August 1, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2626, filed 5/17/88)

WAC 388-83-032 NEEDY INFANTS, CHILDREN AND PREGNANT WOMEN. (1) The department shall find the following groups eligible for Medicaid as categorically needy, if they meet the income and resource requirements of this section:

(a) Effective July 1, 1987:

(i) Women during pregnancy and during the sixty-day period beginning on the last day of pregnancy, and

(ii) Infants under one year of age.

(b) Effective October 1, 1987, children under two years of age.

(2) Income eligibility:

(a) Total family income shall not exceed ninety percent of the poverty income guidelines as published and updated by the secretary of health and human services. Ninety percent of the 1988 poverty income guidelines is:

Family Size	Monthly
(i) One	\$ 433.00
(ii) Two	\$ 580.00
(iii) Three	\$ 727.00
(iv) Four	\$ 874.00
(v) Five	\$1,021.00
(vi) Six	\$1,168.00
(vii) Seven	\$1,315.00
(viii) Eight	\$1,462.00

(ix) For family units with more than eight members add \$147.00 to the monthly income for each additional member.

(b) The department shall determine family income:

(i) According to AFDC methodology except for the exclusions in WAC 388-83-130 (5) and (6), and

(ii) Shall not use the costs incurred for medical care or for any other type of remedial care to reduce the family income.

(3) Resource eligibility:

(a) The total value of the family's countable resources shall not exceed five thousand dollars.

(b) Countable resources are limited to cash, savings accounts, checking accounts, ((stocks, bonds, mutual fund shares,)) and certificates of deposit.

(c) The department shall not consider other resources in determining the eligibility of groups included in subsection (1) of this section.

(4) Changes in income or living situations shall not affect eligibility for medical assistance, during pregnancy or during the sixty-day period beginning on the last day of pregnancy:

(a) Once a pregnant woman is determined eligible under this section, or

(b) If at any time while eligible for and receiving medical assistance meets the eligibility requirements of this section.

(5) An infant or child who attains the maximum age as described in subsection (1)(a) or (b) of this section shall continue to be eligible until the later of:

(a) The end of the month in which the infant or child attains the maximum age, or

(b) The end of the month in which the infant or child receives inpatient services if:

(i) The infant or child is receiving inpatient services on the last day of the month in which the child attains the maximum age, and

(ii) The stay for inpatient services continues into the following month(s), and

(iii) Who, but for attaining such age, would be eligible for assistance under this section.

WSR 88-16-061
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2657—Filed August 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Overpayments—Amount, amending WAC 388-44-035.

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 criteria for repayment of underpayments to former clients to comply with federal court decision, *Edwards v. McMahon, Bowen*.

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 August 1, 1988.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2335, filed 1/24/86)

WAC 388-44-035 OVERPAYMENT—AMOUNT. (1) The amount of overpayment shall be ~~((determined as))~~ the amount of assistance received, including medical care, ~~((to))~~ for which the assistance unit was not entitled.

(2) ~~((To determine))~~ The amount ((to which)) of the ((assistance unit was not entitled)) overpayment in subsection (1) of this section((, the overpayment)) shall be reduced by:

(a) ~~((By))~~ The amount of assistance the ((assistance)) unit would ((have been)) be eligible to receive from any other category of assistance during the period of ineligibility ((from any other category of assistance.)); and

(b) ~~((By))~~ The amount of child support((, paid by the absent parent)) the department received for the month of overpayment((;)) in excess of the amount of assistance the assistance unit was ((actually)) entitled((, in cases where the client was eligible for some part of the monthly AFDC grant.)); or

(c) ~~((By))~~ The amount of excess support in subsection (2)(b) of this section minus the amount of support already distributed to the ((recipient)) assistance unit according to WAC 388-14-270 (2)(a), ((in cases where the client was totally ineligible for an AFDC grant)) if ineligibility exists.

(3) When establishing an overpayment (~~for a period of time containing both overpayments and underpayments~~), reduce any overpayment (~~shall be reduced~~) by the amount of any underpayment.

~~((4) Underpayments, not negated by being budgeted against an overpayment established at the same time, will be paid to recipients upon discovery. Underpayments to former recipients will not be paid unless specifically ordered by a decision of the courts or a fair hearing. For purposes of determining continued eligibility and amount of assistance, underpayments paid to recipients shall not be considered as income or as a resource in the month paid nor in the next following month.))~~

WSR 88-16-062
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2658—Filed August 1, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to effect of newly acquired income and property on continuing need, amending WAC 388-28-482.

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 clarify that income from AFDC underpayments shall not be considered as income to comply with federal court decision *Edwards v. McMahon, Bowen*.

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 August 1, 1988.

By Leslie F. James, Director
 Administrator Services

AMENDATORY SECTION (Amending Order 2613, filed 3/23/88)

WAC 388-28-482 EFFECT OF NEWLY ACQUIRED INCOME AND PROPERTY ON CONTINUING NEED. (1) "Newly acquired income" means any previously unreported or undiscovered income (~~which has come into the possession or control~~) a public assistance recipient possesses or controls in whole or in part(~~of a recipient of public assistance, or of a recipient in suspended grant status~~).

~~((1)) (2) (Whenever a recipient shall come into the possession or control of any income, except as modified in subsections (3), (4), and (5) of this section, such income shall be deducted) Unless otherwise specified in this section, the department shall deduct newly acquired income from the payment level plus authorized additional requirements to determine grant amount (beginning with the effective date specified in WAC 388-28-483)). The amount deducted shall equal the following:~~

(a) The net amount of the income if in cash or its equivalent(~~(;)~~); and

(b) At least (~~his or her~~) the recipient's equity in the quick sale value of property other than cash.

~~((2)) (3) The department shall apply WAC 388-28-400(7) when the property is only potentially available (for use in meeting) to meet the recipient's requirements(, WAC 388-28-400(7) applies)).~~

~~((3)) (4) (Exceptions.) The department shall allow recipients who (comes into the possession and control of) own property listed below (may) to retain (such) the property without having (the fact of possession or its sale value) it affect (his or her) their eligibility or need:~~

(a) A home used as a residence - see WAC 388-28-420;

(b) Useful and needed clothing, household equipment, food, fuel, and other items included in the requirement standards;

(c) An automobile within the ceiling values in WAC 388-28-430(2); (~~and~~)

(d) An income tax refund within the resource ceiling values in WAC 388-28-430. (~~That~~) The earned income tax credit portion of the refund (which is an earned income tax credit) shall be (considered) newly acquired income, and

(e) Income from the department to correct a previous underpayment of assistance under WAC 388-33-195.

~~((4)) (5) (Recipient with income.) The department shall modify the rule in subsection ((1)) (2) of this section (is modified) for a recipient of AFDC or continuing general assistance (with income) as follows:~~

(a) Earned income retained by a child (~~according to~~), under WAC 388-28-535(3) (shall be considered as), is the personal property of the family and (shall be) subject to the ceilings in WAC 388-28-430(2);

(b) (~~Income from the Economic Opportunity Act, Title I of the Elementary and Secondary Education Act, and from WIN and JTPA is treated according to WAC 388-28-515 and 388-28-570 through 388-28-578;~~

~~(c)) The possession of any amount of funds from sources listed in subsection ((4)(a) and (b)) (5)(a) of this section in a cash reserve or savings account does not affect the eligibility of a general assistance recipient. However, if such exempted income is converted into other types of property, WAC 388-28-410 through 388-28-455 apply;~~

~~((d)) (c) Income from interest on exempt savings, dividends from exempt stocks, increase in life insurance cash surrender value, livestock births, etc., affect eligibility only to the extent the amount causes the total value of the resource possessed to exceed the ceiling values of the resource. The excess is considered available(;~~

~~(c) Payment for funeral expenses for recipient. When a public assistance recipient dies, his or her surviving spouse or children or parent of a minor child receiving public assistance may use any of their exempt or nonexempt resources or income, except the home property, to add to available funeral and burial resources in order to pay for the funeral expenses of the deceased person without affecting their eligibility for public assistance. PROVIDED HOWEVER, That if the total funeral expenses for the deceased recipient exceeds the department's maximum cost or the amount provided by the recipient toward the total cost of the funeral expense, whichever is the lesser, shall be considered available to meet the public assistance need of the surviving recipient in accordance with this section); and~~

~~((ff)) (d) Exempt funds ((received by an applicant or recipient)) representing another person's ((or family's)) share of household costs are exempt ((as income)) provided(:~~

~~(i)) such payments ((do not represent)) are not legally obligated child support except as provided in WAC 388-28-484 (7)(b)((, and~~

~~(ii) The provisions of subsection (5) of this section are met.~~

~~(5) Use of grant and cash reserve in relation to income:~~

~~(a) No question about eligibility is raised if public assistance grants and other income considered in computing financial need are used to add to the cash reserve up to the legal personal property limitations — see WAC 388-28-430. The cash reserve may exceed the maximum only to the extent these unexpended moneys are on hand within thirty days after their receipt, and by exempted amounts as specified in this section:~~

~~(b) A recipient always has the right to make a current expenditure out of a cash reserve and replace it from a succeeding grant, just as he or she might place his or her whole grant in a bank account, along with his or her cash reserve, at the beginning of the month and then spend out of the account during the month)).~~

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 88-16-063

NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER (Design Committee)

[Memorandum—July 28, 1988]

There will be a meeting of the design committee of the Washington State Convention and Trade Center on Wednesday, August 3 at 1:30 p.m. The location of the meeting will be the Washington State Convention and Trade Center, 800 Convention Place, Room 601, in downtown Seattle.

WSR 88-16-064

NOTICE OF PUBLIC MEETINGS CONVENTION AND TRADE CENTER

[Memorandum—July 28, 1988]

There will be a special meeting of the board of directors of the Washington State Convention and Trade Center (WSCTC) on Wednesday, August 3, 1988, at 3:00 p.m. The location of the meeting will be the Washington State Convention and Trade Center, 800 Convention Place, Room 601, in downtown Seattle.

WSR 88-16-065

ADOPTED RULES INSURANCE COMMISSIONER

[Order R 88-7—Filed August 1, 1988]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to requirements and exceptions with respect to coverage for the formulas necessary for the treatment of phenylketonuria (PKU), to be provided by insurers, health care service contractors and health maintenance organizations, pursuant to chapter 173, Laws of 1988.

This action is taken pursuant to Notice No. WSR 88-13-123 filed with the code reviser on June 22, 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 48.02.060 (3)(a), 48.44.050 and 48.46.200 which directs that the Insurance Commissioner has authority to implement the provisions of sections 1 through 4, chapter 173, 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 July 29, 1988.

Dick Marquardt
Insurance Commissioner
By Robert E. Johnson
Deputy Commissioner

NEW SECTION

WAC 284-44-450 PKU FORMULA COVERAGE REQUIREMENTS AND EXCEPTIONS. (1) The purpose of this section is to effectuate the provisions of section 3, chapter 173, Laws of 1988, by establishing the requirements and exceptions with respect to coverage for the formulas necessary for the treatment of phenylketonuria (PKU), applicable to health care service contractors registered pursuant to RCW 48.44.015.

(2) Each contract for health care services which is delivered or issued for delivery or renewed in this state on or after September 1, 1988, shall provide coverage for the formulas necessary for the treatment of phenylketonuria, subject to the following exceptions:

(a) A contract that is subject to chapter 48.66 RCW and provides medicare supplemental insurance need not provide the PKU formula coverage;

(b) A contract that is subject to chapter 48.84 RCW and provides long-term care insurance need not provide the PKU formula coverage;

(c) A contract that provides benefits for hospital services only or for custodial services only may limit the coverage for PKU formulas to a benefit that supplies the formula needed, or pays for the formula used, during time such services are provided.

(d) A contract which provides services or reimbursement exclusively for optometric or vision care services, dental or orthodontic services, podiatric services, ambulance services, mental health services, or chiropractic services need not provide coverage for PKU formula.

(e) A contract that is governed by 5 U.S.C. chapter 89 or 42 U.S.C. section 1395mm need not provide the PKU formula coverage.

(f) In response to the written request of a contractor, other contracts may exclude coverage for the PKU formula with the written consent of the commissioner upon a finding that such coverage would be inappropriate.

(3) Coverage for the formulas necessary for the treatment of phenylketonuria may be limited to the usual and customary charge for such formulas, and may be made subject to deductibles, copayments, coinsurance or other reductions only to the extent that deductibles, copayments, coinsurance or other reductions are applied to general expenses incurred for common sicknesses or disorders under the provisions of the particular contract. (Relating the PKU formula to a special expense benefit, such as a prescription drug benefit, is not acceptable unless it results in the PKU formula benefit being paid at an amount no less than the amount that would be produced by application of the reimbursement formula for medically necessary treatment for common sicknesses or disorders.)

(4) The amount charged by a health care service contractor shall be no greater to a family or individual receiving benefits under the PKU formula coverage, by reason thereof, than to a family or individual under the same contract form or group contract who is not receiving such benefits.

(5) Preexisting condition provisions shall not be used with respect to PKU formula coverage, and no contractor shall cancel or decline to renew any contract, or restrict, modify, exclude, or reduce the amount of benefits payable or type of coverage provided in any contract, because an applicant or covered person has phenylketonuria.

(6) For purposes of section 3, chapter 173, Laws of 1988, and this section, a contract is "renewed" when it is continued beyond the earliest date after September 1, 1988, upon which, at the contractor's sole option:

(a) The contract's termination could have been effectuated, for other than nonpayment of premium; or

(b) The contract could have been amended to add the PKU formula coverage, with, if justified, an appropriate rate increase for any increased cost in providing the PKU formula coverage under the contract.

The failure of the contractor to take any such steps does not prevent the contract from being "renewed." The intent of this subsection is to bring the PKU formula coverage under the maximum number of contracts possible at the earliest possible time, by permitting the contractor to exclude such coverage from only those contracts as to which there exists a right of renewal on the part of a contract holder without any change in any provision of the contract.

NEW SECTION

WAC 284-46-100 PKU FORMULA COVERAGE REQUIREMENTS. (1) The purpose of this section is to effectuate the provisions of section 4, chapter 173, Laws of 1988, by establishing the requirements with respect to coverage for the formulas necessary for the treatment of phenylketonuria (PKU), applicable to health maintenance organizations.

(2) Any agreement for health care services delivered or issued for delivery or renewed in this state on or after September 1, 1988, shall provide coverage for the formulas necessary for the treatment of phenylketonuria, subject to the following exceptions:

(a) A contract that is subject to chapter 48.66 RCW and provides medicare supplemental insurance need not provide the PKU formula coverage;

(b) A contract that is subject to chapter 48.84 RCW and provides long-term care insurance need not provide the PKU formula coverage;

(c) A contract that is governed by 5 U.S.C. chapter 89 or 42 U.S.C. section 1395mm need not provide the PKU formula coverage; and

(d) In response to the written request of a health maintenance organization, other contracts may exclude coverage for the PKU formula with the written consent of the commissioner upon a finding that such coverage would be inappropriate.

(3) The amount charged by a health maintenance organization shall be no greater to a family or individual receiving benefits under the PKU formula coverage, by reason thereof, than to a family or individual under the same agreement form or group agreement who is not receiving such benefits.

(4) Preexisting condition provisions shall not be used with respect to PKU formula coverage, and no health maintenance organization shall cancel or decline to renew any contract, or restrict, modify, exclude, or reduce the amount of benefits payable or type of coverage provided in any contract, because an applicant or covered person has phenylketonuria.

(5) For purposes of section 4, chapter 173, Laws of 1988, and this section, an agreement is "renewed" when it is continued beyond the earliest date after September 1, 1988, upon which, at the health maintenance organization's sole option:

(a) The agreement's termination could have been effectuated, for other than nonpayment of premium; or

(b) The agreement could have been amended to add the PKU formula coverage, with, if justified, an appropriate rate increase for any increased cost in providing the PKU formula coverage under the contract.

The failure of the organization to take any such steps does not prevent the agreement from being "renewed." The intent of this subsection is to bring the PKU formula coverage under the maximum number of agreements possible at the earliest possible time, by permitting the health maintenance organization to exclude such coverage from only those agreements as to which there exists a right of renewal on the part of an enrollee without any change in any provision of the agreement.

(6) Coverage for the formulas may be made subject to deductibles, copayments, coinsurance or other reductions only to the extent that such deductibles, copayments, coinsurance or other reductions do not exceed those applicable to common sicknesses or disorders in the particular contract.

NEW SECTION

WAC 284-50-260 PKU FORMULA COVERAGE REQUIREMENTS AND EXCEPTIONS. (1) The purpose of this section is to effectuate the provisions of sections 1 and 2, chapter 173, Laws of 1988, by establishing the requirements and exceptions with respect to coverage for the formulas necessary for the treatment of phenylketonuria (PKU).

(2) Every group disability insurance contract, which is delivered or issued for delivery or renewed in this state on or after September 1, 1988, that insures for hospital or medical expenses shall provide coverage for the formulas necessary for the treatment of phenylketonuria, with the exception of the following contracts, which need not provide such coverage:

(a) A contract of "blanket disability insurance" as defined in RCW 48.21.040;

(b) A group contract designed to provide benefits on an "accident only" or "specified disease only" basis;

(c) A group contract subject to chapter 48.66 RCW and providing medicare supplemental insurance;

(d) A group contract subject to chapter 48.84 RCW and providing long-term care insurance; and

(e) A group contract as to which the commissioner, in writing, consents to the exclusion of PKU formula coverage, upon a finding that such coverage would be inappropriate to the contract.

(3) Every individual disability insurance contract, including a contract of "family expense disability insurance" as defined in RCW 48.20.340 and a contract on a "franchise plan" as defined in RCW 48.20.350, delivered or issued for delivery or renewed in this state on or after September 1, 1988, that insures for hospital or medical expenses, shall provide coverage for the formulas necessary for the treatment of phenylketonuria, subject to the following exceptions:

(a) A contract providing only hospital confinement indemnity coverage, as such coverage is defined in WAC 284-50-345, need not provide the PKU formula coverage;

(b) A contract limited to providing accident only coverage, as such coverage is defined in WAC 284-50-360, need not provide the PKU formula coverage;

(c) A contract providing only specified disease or specified accident coverage, as such coverage is defined

in WAC 284-50-365, need not provide the PKU formula coverage;

(d) A contract providing limited benefit health insurance coverage, as such coverage is defined in WAC 284-50-370, need not provide the PKU coverage to the extent that the commissioner allows an exception;

(e) A contract providing basic hospital expense coverage, as such coverage is defined in WAC 284-50-335, may limit the coverage for PKU formulas to a benefit that is based on the cost of formula consumed during a covered hospital stay;

(f) A contract that is subject to chapter 48.66 RCW and provides medicare supplemental insurance need not provide the PKU formula coverage;

(g) A contract that is subject to chapter 48.84 RCW and provides long-term care insurance need not provide the PKU formula coverage; and

(h) A contract as to which the commissioner, in writing, consents to the exclusion of PKU formula coverage, upon a finding that such coverage would be inappropriate to the contract.

(4) Coverage for the formulas necessary for the treatment of phenylketonuria may be limited to the usual and customary charge for such formulas, and may be made subject to deductibles, copayments, coinsurance or other reductions only to the extent that deductibles, copayments, coinsurance or other reductions are applied to general expenses incurred for common sicknesses or disorders under the provisions of the particular contract. (Relating the PKU formula to a special expense benefit, such as a prescription drug benefit, is not acceptable unless it results in the PKU formula benefit being paid at an amount no less than the amount that would be produced by application of the reimbursement formula for medically necessary treatment for common sicknesses or disorders.)

(5) Premiums for an insured receiving benefits under the PKU formula coverage shall be no greater, by reason thereof, than the premiums for anyone else who is covered under the same form and who is not receiving such benefits.

(6) Preexisting condition provisions shall not be used with respect to PKU formula coverage, and no insurer shall cancel or decline to renew any contract, or restrict, modify, exclude or reduce the amount of benefits payable or type of coverage provided in any contract, because an applicant or insured has phenylketonuria.

(7) For purposes of sections 1 and 2, chapter 173, Laws of 1988, and this section, a contract is "renewed" when it is continued beyond the earliest date, after September 1, 1988, upon which, at the insurer's sole option:

(a) The contract's termination could have been effectuated, for other than nonpayment of premium; or

(b) The contract could have been amended to add the PKU formula coverage, with, if justified, an appropriate rate increase for any increased cost in providing the PKU formula coverage under the contract.

The failure of the insurer to take any such steps does not prevent the contract from being "renewed." The intent of this subsection is to bring the PKU formula benefits under the maximum number of contracts possible at the earliest possible time, by permitting the insurer to

exclude such coverage from only those contracts as to which there exists a right of renewal on the part of the insured without any change in any provision of the contract.

WSR 88-16-066

ADOPTED RULES

DEPARTMENT OF GENERAL ADMINISTRATION

(Division of Banking)

[Order 74—Filed August 1, 1988]

I, Thomas H. Oldfield, director of the Division of Banking, Department of General Administration, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amendment of WAC 50-12-230(2), concerning the definition of the term "loans and extensions of credit."

This action is taken pursuant to Notice No. WSR 88-13-064 filed with the code reviser on June 14, 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 30.04.111 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 1, 1988.

By Thomas H. Oldfield
Supervisor of Banking

AMENDATORY SECTION (Amending Order 69, filed 9/30/87)

WAC 50-12-230 DEFINITIONS. (1) The term "person" shall include an individual, sole proprietor, partnership, joint venture, association, trust, estate, business trust, corporation, sovereign government or agency, instrumentality, or political subdivision thereof, or any similar entity or organization.

(2) The term "loans and extensions of credit" means any direct or indirect advance of funds to a person made on a basis of any obligation of that person to repay the funds, or repayable from specific property pledged by or on behalf of a person. "Loans and extensions of credit" also includes a "contractual commitment to advance funds" as that term is defined in this section, and includes a renewal, modification, or extension of the maturity date of a loan or extension of credit. Provided, the term "loan or extension of credit" does not include a renewal, extension or restructuring of an existing loan, with interest paid current and no further advance of funds, by a bank under the direction and control of a conservator appointed by the supervisor.

(3) The term "contractual commitment to advance funds" means:

(a) An obligation on the part of the bank to make payments (directly or indirectly) to a designated third party contingent upon a default by the bank's customer in the performance of an obligation under the terms of that customer's contract with the third party; or

(b) An obligation to guarantee or stand as surety for the benefit of a third party. The term includes, but is not limited to, standby letters of credit, guarantees, puts, and other similar arrangements. Undisbursed loan funds, loan commitments not yet drawn upon which do not fall under this definition, and commercial letters of credit or similar instruments are not considered contractual commitments to advance funds.

(4) The term "readily marketable collateral" means financial instruments and bullion which are saleable under ordinary circumstances with reasonable promptness at a fair market value determined by daily quotations based on actual transactions on an auction or a similarly available daily bid and ask price market.

(5) The term "financial instruments" shall include stocks, notes, bonds, and debentures traded on a national securities exchange, "OTC margin stocks" (as defined in Regulation U of the Federal Reserve Board), commercial paper, negotiable certificates of deposit, bankers' acceptances, and shares in money market and mutual funds of the type which issue shares in which banks may perfect a security interest.

(6) The term "current market value" means the bid or closing price listed for an item in a regularly published listing or an electronic reporting service.

(7) The term "capital" will include the amount of common stock outstanding and unimpaired, the amount of preferred stock outstanding and unimpaired, and capital notes or debentures issued pursuant to chapter 30.36 RCW.

(8) The term "surplus" shall include capital surplus, reflecting the amounts paid in excess of the par or stated value of capital stock, or amounts contributed to the bank other than for capital stock, and amounts transferred to surplus from undivided profits pursuant to resolution of the board of directors.

(9) The term "subsidiary" means:

(a) Any company twenty-five percent or more of whose voting shares (excluding shares owned by the United States or by any company wholly owned by the United States) is directly or indirectly owned or controlled by such person, or is held by it with power to vote;

(b) Any company the election of a majority of whose directors is controlled in any manner by such person; or

(c) Any company with respect to the management or policies of which such person has power, directly or indirectly, to exercise a controlling influence, as determined by the division, after notice and opportunity for hearing.

WSR 88-16-067**EMERGENCY RULES****DEPARTMENT OF NATURAL RESOURCES**

[Order 542—Filed August 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 burning privileges in King and Kitsap 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 continuing dry weather and increasing fire danger has prompted the need to restrict the use of fire to protect life and property.

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

This rule is promulgated pursuant to RCW 76.04.015 and 76.04.315 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 1, 1988.

By Brian J. Boyle

NEW SECTION

WAC 332-26-087 BURNING SUSPENSION. *Effective midnight, Monday, August 1, 1988, through midnight, Thursday, September 15, 1988, all outdoor burning and the use of burning barrels on department protected lands in King and Kitsap counties is prohibited: PROVIDED, That fires contained in a campfire pit, approved by the department, located in state, county, municipal, or other campgrounds and fires contained within a camp stove or barbecue situated on bare soil, gravel bars, beaches, green fields or similar areas free of flammable material are exempt from this suspension of burning privileges.*

WSR 88-16-068**ADOPTED RULES****CLARK COLLEGE**

[Order 88-01—Filed August 2, 1988]

Be it resolved by the board of trustees of Clark Community College District No. 14, acting at 1800 East McLoughlin Boulevard, Vancouver, WA 98663, that it does adopt the annexed rules relating to code of student conduct.

This action is taken pursuant to Notice No. WSR 88-11-047 filed with the code reviser on May 16, 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 under the general rule-making authority of Clark College as authorized in chapters 28B.50 and 28B.10 RCW.

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

APPROVED AND ADOPTED July 27, 1988.

By Georgia-Mae Gallivan
Chair

Chapter 132N-20 WAC
CODE OF STUDENT CONDUCT

WAC

132N-20-010	Student responsibilities and standards of conduct.
132N-20-020	Authority.
132N-20-030	Summary action.
132N-20-040	Student participation.
132N-20-050	Violations.
132N-20-060	Disciplinary hearing procedures.
132N-20-070	Committee on student conduct.
132N-20-080	Forms of disciplinary action.
132N-20-090	Procedure for summary suspension.

NEW SECTION

WAC 132N-20-010 STUDENT RESPONSIBILITIES AND STANDARDS OF CONDUCT. Admission to the college carries with it the presumption that students will conduct themselves as responsible members of the academic community. Thus, when they enroll in the college, students assume the obligation to observe standards of conduct which are appropriate to the pursuit of educational goals.

NEW SECTION

WAC 132N-20-020 AUTHORITY. The board of trustees, acting pursuant to RCW 28B.50.140(14), has delegated (by written order) to the president of the college the authority to administer disciplinary action. Pursuant to this authority, the president, or designee, shall be responsible for the administration of the disciplinary procedures provided for herein. However, all disciplinary action in which there is a recommendation that a student be suspended shall be reviewed by the president or acting president.

Only where the institution's interests as an academic community are distinctly and clearly involved shall the special authority of the institution be asserted. Institutional action shall be based on the facts and circumstances of each case, and shall be independent of community pressure.

NEW SECTION

WAC 132N-20-030 SUMMARY ACTION. Nothing herein shall prevent faculty members or administrators from taking reasonable summary action to maintain order when they have reason to believe that

such action is necessary for the physical safety and well-being of the student, or the safety and protection of other students or of college property, or when a student materially and substantially disrupts the educational process. Such summary action in the form of removal from the classroom or campus shall be effective for a period not to exceed two scheduled class days. The procedure for summary action which would result in removal from the classroom for more than two days is contained in WAC 132N-20-090.

Faculty and administrators shall maintain a written record of any summary action and a copy shall be filed with the dean of students and dean of faculty within two scheduled class days.

Any summary action may be appealed to the dean of students or designee for an informal hearing.

NEW SECTION

WAC 132N-20-040 STUDENT PARTICIPATION. Students shall have an opportunity, through ASCC, to participate in the formulation of all policies and rules pertaining to student conduct.

Rules and sanctions affecting the conduct of men and women shall be based on general principles of equal treatment, including penalties for like violations.

NEW SECTION

WAC 132N-20-050 VIOLATIONS. Disciplinary action may result from the commission of any of the actions listed below, or any violation of civil or criminal law while on college property or on a college-sponsored activity off campus where, in the judgment of the dean of students or designee, said commission affects suitability as a member of a college community. No disciplinary action shall be imposed on a student except in accordance with this chapter:

(1) Academic cheating or plagiarism or aiding or abetting cheating or plagiarism.

(2) Furnishing false information to the college with intent to deceive.

(3) Forgery or alteration or misuse of college documents, records, or identification cards.

(4) Threatened or actual physical abuse of another person.

(5) Malicious destruction, damage, or misuse of college or private property (including library materials).

(6) Theft or conversion of college or private property.

(7) Conduct which materially or substantially disrupts the educational process of the college.

(8) Conduct prohibited as obscene or pornographic pursuant to chapter 9.68 RCW and public indecency as defined by RCW 9A.88.010.

(9) Disorderly conduct and/or disruptive behavior, or any conduct which by its nature threatens the safety of any student, faculty, staff, or any person, or which could result in the destruction of college property.

(10) Failure to comply with directions of college personnel acting in performance of their duties.

(11) Interference by force or violence (or by threat of force or violence) with any administrator, faculty/staff member, or student of the college who is in the peaceful

discharge or conduct of his/her duties or studies. (RCW 28B.10.570 through 28B.10.573)

(12) Furnishing, purchasing, sale, possession, or consumption of alcoholic beverages (as defined by federal or state law) on college-owned or controlled property, or at a college or student organization supervised function. When these acts occur with the prior permission of the board of trustees or its authorized designee and under a permit issued by the state of Washington liquor control board or its designee, they shall not constitute a violation of this provision. Being demonstrably under the influence of alcoholic beverages is a violation in any case.

(13) Possession, consumption, or furnishing of any narcotic or dangerous drug, or being demonstrably under the influence of drugs as defined in chapter 69.41 RCW as now law or hereinafter amended, except when use or possession is prescribed by an authorized individual under that statute.

(14) A violation of the code of student conduct occurs when a student conducts or participates in a demonstration which disrupts the academic community in any of the following manners:

Is conducted in a disorderly manner; unreasonably interferes with classes, scheduled meetings or ceremonies; unreasonably interferes with vehicular or pedestrian traffic or unreasonably interferes with regular college functions.

(15) Disobedience of the notice against trespass.

(16) Failure to comply with the following regulation governing weapons:

Weapons are not permitted on the Clark College campus, any other facilities leased or operated by the college, or at any activity under the administration or sponsorship of the college. This policy includes firearms; explosives and incendiary devices; or other dangerous weapons, instruments, or facsimiles and includes but is not limited to devices specified in RCW 9.41.250.

Exceptions to this policy are permitted when the weapon is used in conjunction with a college instructional program or is carried by duly constituted federal, state, county, or city peace officers.

(17) Violations of published college regulations, including those related to entry and use of college facilities, the rules in this section, and any other regulations which may be enacted with this document.

Actions which constitute possible criminal violations will be reported immediately to the appropriate law enforcement agency.

NEW SECTION

WAC 132N-20-060 DISCIPLINARY HEARING PROCEDURES. (1) Allegations of misconduct which constitute a violation of this chapter shall be filed in the dean of students' office in writing. The notice shall state specifically the alleged violation and summarize the supporting evidence. Upon review and investigation, the dean of students or designee shall make preliminary findings regarding the alleged violation.

(2) Students charged with misconduct will meet with the dean of students or designee within twenty-four hours of notification excluding nonclass days. He/she will determine whether disciplinary action is required.

The student will be informed of what provision or provisions of the code of student conduct he/she is charged with violating and what appears to be the maximum penalties, if any, which might result from a finding of violation in the disciplinary proceeding.

(3) The dean of students or designee shall be the primary person responsible for the initiation of disciplinary action for conduct which is prohibited pursuant to this code of student conduct and for violation of other college rules, except for those rules which are the responsibility of the divisions and instructors hereafter enumerated:

(a) The division chair and the faculty of each division, shall be responsible for the administration of discipline, for the infraction of any rule relating to such student's academic program in that division;

(b) The instructor of each course shall be responsible for maintenance of order, security, and proper student conduct in a classroom. Such instructor shall be authorized to take any summary steps as may be necessary to preserve order and maintain effective cooperation of the class in fulfilling the objective of the course; and

(c) The classroom instructor may, for serious violation of classroom decorum or order, refer such violation to the chair of the division involved and such chair, through the dean of faculty, may request the dean of students or designee to initiate disciplinary action. (See WAC 132N-20-090 for procedure.)

(4) After considering the evidence in the case, and interviewing the student or students accused of violating the rules of student conduct, the dean of students or designee may take any of the following actions:

(a) Terminate the proceeding, exonerating the student or students;

(b) Dismiss the case after whatever counseling and advice may be appropriate;

(c) Impose minor sanctions (reprimand) directly;

(d) Recommend major sanctions, (probation, or suspension). See subsection (5) of this section.

(5) If major sanctions (probation or suspension) are deemed necessary, the dean of students or designee may recommend that the president impose a form of disciplinary action provided for in this chapter.

(a) In the event that the student wishes to contest the proposed disciplinary action, the student may request a hearing before a committee on student conduct by filing within three class days of the receipt of the proposed disciplinary action, a written request in the office of the president together with a written response to the findings and conclusions and proposed recommendation of the vice-president or designee. The disciplinary action shall be held in abeyance until the hearing procedure is completed, unless otherwise provided in this procedure. If the request for hearing is not filed within the prescribed time, it shall be deemed that the student accepts the disciplinary action.

(b) The committee on student conduct shall be convened not later than five class days after receipt of the student's request for hearing unless the student and the college mutually agree to a different time period. The committee on student conduct shall receive evidence and submit its recommendations to the president.

(c) The hearing shall be tape recorded and written findings and conclusions, along with the recommendation of the committee on student conduct shall be reviewed by the president. If the president or acting president concludes additional evidence should be taken, he/she may remand the matter to the committee for further proceedings. If the president is satisfied that the record is complete, he/she may confirm, reverse, or modify the recommendation of the committee on student conduct. The decision of the president shall be communicated to the student in a timely manner. The decision of the president shall be final.

NEW SECTION

WAC 132N-20-070 COMMITTEE ON STUDENT CONDUCT. (1) The committee on student conduct shall conduct hearings as provided for herein regarding alleged violations of the code of student conduct. The committee will be convened whenever a student makes a written request to the president for a hearing to contest a proposed disciplinary action.

(2) The committee shall be appointed by the president. Vacancies on the committee shall be filled as they arise.

(3) The committee shall include:

(a) Two students nominated by the ASCC;

(b) Two persons nominated by the Clark College AHE faculty;

(c) One administrator appointed by the president.

Faculty members shall be appointed for overlapping two-year terms so that there will be continuity on the committee.

(4) A quorum shall consist of three members with at least one student member present.

(5) All committee members shall have voting rights.

(6) The committee shall select its chair and make additional rules for conducting hearings.

NEW SECTION

WAC 132N-20-080 FORMS OF DISCIPLINARY ACTION. The following are types of disciplinary action which may be taken pursuant to this chapter.

(1) Reprimand: An official reprimand serves to place on record that conduct in a specific instance does not meet the standards expected at the college. A person receiving a reprimand is notified that any future misconduct may result in further disciplinary action. He/she is further informed that records of reprimands are confidential property of the college and are destroyed two years after the last entry has been made concerning any disciplinary action. Such records are not considered part of a student's permanent file at the college.

(2) Disciplinary probation: The president or designee may restrict the college-related activities of individual students or groups of students as he/she deems necessary and feasible by placing them on disciplinary probation. Disciplinary probation may be imposed for a period not to exceed one academic year. Repetition, during the probationary period, of the conduct which resulted in disciplinary probation or a new violation may be cause for suspension or other disciplinary action.

(3) Disciplinary suspension: Disciplinary suspension for a specified period serves as a penalty against the student who violates the code of student conduct. A suspended student may not occupy any portion of the campus (including off-campus centers) and is denied all college privileges including class attendance during the period of the suspension. Disciplinary suspension requires the approval of the college president.

(4) Summary suspension: Summary suspension may be used to protect the college from the immediate possibility of disorder or threat to the safety of students, staff, or to protect against destruction or harm to college property. A suspended student is not to occupy any portion of the campus and is denied all college privileges including class attendance. Summary suspension for the purpose of investigating the event or events in which the student or students were allegedly involved shall be for no more than two class days. However, it may be extended pending final disposition of the case if it is reasonably necessary for the safety of students or staff or for the protection of college property.

NEW SECTION

WAC 132N-20-090 PROCEDURE FOR SUMMARY SUSPENSION. (1) The appropriate dean or designee may summarily suspend a student or students when he/she deems it necessary for the safety and welfare of the college. The president must be informed immediately following a summary suspension.

(2) Notification of the reason or reasons for a summary suspension and of the specific violations with which the student is being charged shall be sent by registered mail or delivered in person to the student and the student's parents if the student is under eighteen years of age. The notice will be addressed to the last known residence of the student within one class day of the summary suspension.

(3) A copy of this notice shall be given to the president.

(4) Upon receipt of the notification of summary suspension, the student may request a meeting with the dean of students or designee, and shall have the right to have that meeting within one class day of his/her request. At that time, the student may present any defenses, explanations, and/or mitigation of why the summary suspension should not be continued until a formal hearing can be held.

(5) After the meeting with the student and the student's parents (if student is under eighteen years of age), the dean of students or designee may make a decision to terminate the summary suspension; however, a summary suspension shall remain in full force and effect until such time as the dean of students or designee notifies the student in writing of the termination of summary suspension. A decision to terminate the summary suspension shall be made only if it appears that there are no grounds for continuing the summary suspension and no threat to the safety of persons on the campus or to college property or disruption of the educational process.

(6) The dean of students or designee shall, in any event, issue within five class days, his/her decision and

proposal to the president regarding any additional disciplinary action to be taken against the student. A student shall be allowed to appeal from said proposed decision and to have a full hearing before the committee on student conduct, as provided in this chapter.

WSR 88-16-069
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Massage)
 [Filed August 2, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Massage intends to adopt, amend, or repeal rules concerning new section WAC 308-51-021 and amending section WAC 308-51-140;

that the agency will at 10:00 a.m., Wednesday, September 7, 1988, in the Cascade Room, West Coast Sea-Tac Hotel, 18200 Pacific Highway South, Seattle, WA 98188, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.108.025.

The specific statute these rules are intended to implement is RCW 18.108.025.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 1, 1988.

Dated: July 28, 1988
 By: Robert A. Van Schoorl
 Assistant Director

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To add a new section outlining the requirements for reciprocity. Amending WAC 308-51-140 to clarify notice needed to be given for using a translator and to clarify the role of translator.

Statutory Authority: RCW 18.108.025.

Summary of the Rules: WAC 308-51-021 pertains to reciprocity and the requirements for requesting reciprocity in order not to have to fulfill the current educational requirements necessary for examination and licensure in this state; and WAC 308-51-140 clarifies the role of the translator and more accurately uses the term translator than interpreter.

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: Patti Rathbun, Program Manager, Department of Licensing, P.O. Box 9012, Olympia, WA 98504-8001, (206) 753-3199, off scan, (206) 234-3199 scan.

Proponents: The state of Washington Department of Licensing, Washington State Board of Massage.

NEW SECTION

WAC 308-51-021 RECIPROCITY. The board, at its discretion, and subject to the laws pertaining to the licensing of massage practitioners may endorse a massage practitioner license issued by the proper authorities of any other state, territory, or foreign jurisdiction upon payment of the application fee and initial license fee and submission of evidence satisfactory to the board:

(1) That such other state, territory, or foreign jurisdiction maintains a system and standard of education and examination for massage practitioners which is substantially equivalent to that required in Washington;

(2) That such applicant provides proof, in a manner approved by the department, that the education and examination requirements of the alternative state, territory, or foreign jurisdiction are equivalent to that of Washington;

(3) That such applicant successfully demonstrates, to the satisfaction of the board, a working knowledge of Washington laws pertaining to the practice of massage;

(4) That such applicant has not had any disciplinary action taken against himself/herself including a license revocation or suspension in any state, territory, or foreign jurisdiction in which the applicant has received a massage practitioner's license or reciprocal endorsement;

(5) That such applicant, after meeting the preceding requirements, must submit the application fee, initial license fee and is subject to annual renewal fees and late penalty fees.

AMENDATORY SECTION (Amending Order PM 725, filed 5/10/88)

WAC 308-51-140 SPECIAL EXAMINATION. An applicant who states that the applicant cannot read or speak the English language with sufficient facility to take the written or practical examination may elect one of the following options:

(1) To have the examination read in English; or

(2) Take the examination with the assistance of ((an interpreter)) a translator.

The applicant must notify the department of the applicant's need for a translator at the time of filing an application to take the massage exam.

The translator shall not define or translate from English to the requested language any medical terms, conditions, or treatments.

WSR 88-16-070
PROPOSED RULES
BOARD OF PHARMACY
 [Filed August 2, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning good manufacturing practices;

that the agency will at 1:30 p.m., Thursday, September 22, 1988, in the HUB Meeting Room, Columbia Basin College, 2600 North 20th Street, Pasco, 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 18.64.005.

The specific statute these rules are intended to implement is RCW 18.64.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 21, 1988.

Dated: August 1, 1988

By: John H. Keith
 Assistant Attorney General
 Board Council

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Pharmacy.

Summary, Purpose of Rule and Reason Proposed: The following rules all relate to good manufacturing practices for drug manufacturers. The changes are proposed to improve the regulation of this activity to increase public protection and to update terminology and recognize developments in drug product manufacture. The affected rules are: WAC 360-46-010 Definitions; 360-46-020 Finished pharmaceuticals—Manufacturing practice; 360-46-030 Personnel; 360-46-040 Buildings or facilities; 360-46-050 Equipment; 360-46-060 Production and control procedures; 360-46-070 Components; 360-46-090 Laboratory controls; 360-46-100 Stability; 360-46-120 Packaging and labeling; 360-46-130 Master production and control records—Batch production and control records; and 360-46-160 Variance and procedure.

Statutory Authority: RCW 18.64.005.

Responsible Agency Personnel: The board and the executive secretary of the board have responsibility for drafting, implementing and enforcing these rules. The executive secretary is Donald H. Williams, 319 East Seventh Avenue, W.E.A. Building, FF-21, Olympia, WA 98504, phone (206) 753-6834.

Proponents of the Proposed Rules: Washington State Board of Pharmacy.

Federal Law or State or Federal Court Requirements: Not necessitated as a result of federal law or state or federal court action.

Small Business Economic Impact Statement: Not necessary since these rules do not impact small businesses as that term was defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-010 DEFINITIONS. (1) As used in these regulations, "act" means the Uniform Food, Drug and Cosmetic Act, chapter 69.04 RCW.

(2) The definitions and interpretations contained in the act shall be applicable to such terms used in these regulations.

(3) As used in these regulations:

(a) The term "component" means any ingredient intended for use in the manufacture of ((drugs in dosage form)) a drug product, including those that may not appear in the finished product.

~~(b) ((The term "batch" means a specific quantity of a drug that has uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.~~

~~(c) The term "lot" means a batch or any portion of a batch of a drug or, in the case of a drug produced by a continuous process, an amount of drug produced in a unit of time or quantity in a manner that assures its uniformity, and in either case which is identified by a distinctive lot number and has uniform character and quality within specified limits.~~

~~(d) The terms "lot number" or "control number" mean any distinctive combination of letters, numbers, or both, from which the complete history of the manufacture, control, packaging, and distribution of a batch or lot of drug can be determined.~~

~~(e)) The term "drug product" means a finished dosage form, for example, tablet, capsule, solution, etc., that contains an active drug ingredient generally, but not necessarily, in association with inactive ingredients. The term also includes a finished dosage form that does not contain an active ingredient but is intended to be used as a placebo.~~

~~(c) The term "active ingredient" means any component ((which)) that is intended to furnish pharmacological activity or other direct effect in the diagnosis, cure, mitigation, treatment, or prevention of disease, or to affect the structure or any function of the body of ((man))~~

humans or other animals. The term ~~((shall))~~ includes those components ~~((which))~~ that may undergo chemical change in the manufacture of the drug product and be present in ~~((the finished))~~ that drug product in a modified form intended to furnish the specified activity or effect.

~~((ff))~~ (d) The term "inactive ingredient" means any component other than an "active ingredient" ~~((means any component other than an "active ingredient"))~~ present in a drug product.

(e) The term "batch" means a specific quantity of a drug or other material that has uniform character and quality, within specified limits, and is produced according to a single manufacturing order during the same cycle of manufacture.

(f) The term "lot" means a batch or a specific identified portion of a batch having uniform character and quality within specified limits; or, in the case of a drug product produced by continuous process, it is a specific identified amount produced in a unit of time or quantity in a manner that assures its having uniform character and quality within specified limits.

(g) The terms "lot number," "control number," or "batch number" mean any distinctive combination of letters, numbers, or symbols, or any combination of them, from which the complete history of the manufacture, processing, packing, holding, and distribution of a batch or lot of drug product or other material can be determined.

~~((fg))~~ (h) The term ~~((materials approval))~~ "quality control unit" means any person or organizational element having the authority and responsibility to approve or reject components, in-process materials, packaging components, and final products.

~~((th))~~ (i) The term "strength" means:

(i) The concentration of the drug ~~((substance))~~ product (for example, w/w, w/v, or unit dose/volume basis); and/or

(ii) The potency, that is, the therapeutic activity of the drug ~~((substance))~~ product as indicated by appropriate laboratory tests or by adequately developed and controlled clinical data (expressed, for example, in terms of units by reference to a standard).

(j) The term "fiber" means any particulate contaminant with a length at least three times greater than its width.

(k) The term "nonfiber-releasing filter" means any filter, which after any appropriate pretreatment such as washing or flushing, will not release fibers into the component or drug product that is being filtered. All filters composed of asbestos are deemed to be fiber-releasing filters.

(l) The term "manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages or labels such substance or device.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-020 FINISHED PHARMACEUTICALS—MANUFACTURING PRACTICE. (1) The criteria in WAC 360-46-040 through 360-46-150, inclusive, shall apply in determining whether the methods used in, or the facilities or controls used for, the manufacture, processing, packing, or holding of a drug conform to or are operated or administered in conformity with current good manufacturing practice to assure that a drug meets the requirements of the act as to safety and has the identity and strength and meets the quality and purity characteristics which it purports or is represented to possess as required by the act.

(2) The regulations in this ~~((part))~~ chapter permit the use of precision automatic, mechanical, or electronic equipment in the production and control of drugs when ~~((adequate))~~ written inspection and checking policies and procedures are used to assure proper performance.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-030 PERSONNEL. (1) The personnel responsible for directing the manufacture and control of the drug shall be adequate in number and background of education, training, and experience, or combination thereof, to assure that the drug has the safety, identity, strength, quality, and purity that it purports to possess. All personnel shall have capabilities commensurate with their assigned functions, a thorough understanding of the manufacturing or control operations they perform, the necessary training or experience, and adequate information concerning the reason for application of pertinent provisions of this part to their respective functions.

(2) Any person shown at any time (either by medical examination or supervisory observation) to have an apparent illness or open lesions that may adversely affect the safety or quality of drugs shall be excluded from direct contact with components, drug product containers, closures, in-process materials, and drug products until the condition is corrected or determined by competent medical personnel not to jeopardize the safety or quality of drug products. All employees shall be instructed to report to supervisory personnel any conditions that may have such an adverse effect on drug products.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-040 BUILDINGS OR FACILITIES. Buildings shall be maintained in a clean and orderly manner and shall be of suitable size, construction, and location to facilitate adequate cleaning, maintenance, and proper operations in the manufacturing, processing, packing, repacking, labeling, or holding of a drug. The buildings shall:

(1) Provide adequate space for:

(a) Orderly placement of equipment and materials to minimize any risk of mixups between different drugs, drug components, drug products, in-process materials, packaging materials, or labeling, and to minimize the possibility of contamination.

(b) The receipt, storage, and withholding from use of components pending sampling, identification, and testing prior to release by the ~~((materials approval))~~ quality control unit for manufacturing or packaging.

(c) The holding of rejected components prior to disposition to preclude the possibility of their use in manufacturing or packaging procedures for which they are unsuitable.

(d) The storage of components, containers, packaging materials, and labeling.

(e) Any manufacturing and processing operations performed.

(f) Any packaging or labeling operations.

(g) Storage of finished products.

(h) Control and production-laboratory operations.

(2) Provide adequate lighting, ventilation, and screening and, when necessary for the intended production or control purposes, provide facilities for adequate air-pressure, microbiological, dust humidity, and temperature controls to:

(a) Minimize contamination of products by extraneous adulterants, including cross-contamination of one product by dust or particles of ingredients arising from the manufacture, storage, or handling of another product.

(b) Minimize dissemination of micro-organisms from one area to another.

(c) Provide suitable storage conditions for drug components, in-process materials, and finished drugs in conformance with stability information as derived under WAC 360-46-100.

(3) Provide adequate locker facilities and hot and cold water washing facilities, including soap or detergent, air drier or single service towels, and clean toilet facilities near working areas.

(4) Provide an adequate supply of potable water under continuous positive pressure in a plumbing system free of defects that could cause or contribute to contamination of any drug. Drains shall be of adequate size and, where connected directly to a sewer, shall be equipped with traps to prevent back-siphonage.

(5) Provide suitable housing and space for the care of all laboratory animals.

(6) Provide for safe and sanitary disposal of sewage, trash, and other refuse within and from the buildings and immediate premises.

(7) Be maintained in a clean, orderly, and sanitary condition. There shall be written procedures assigning responsibility for sanitation and describing the cleaning schedule and methods.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-050 EQUIPMENT. Equipment used for the manufacture, processing, packing, labeling, holding, testing, or control of drugs shall be maintained in a clean and orderly manner and shall be of suitable design, size, construction, and location to facilitate cleaning, maintenance, and operation for its intended purpose. The equipment shall:

(1) Be so constructed that all surfaces that come into contact with a drug component, in-process material, or drug product shall not be reactive, additive, or absorptive so as to alter the safety, identity, strength, quality, or purity of the drug ~~((or its components))~~ product beyond the official or other established requirements.

(2) Be so constructed that any substances required for operation of the equipment, such as lubricants or coolants, do not contact drug products so as to alter the safety, identity, strength, quality, or purity of the drug or its components beyond the official or other established requirements.

(3) Be constructed and installed to facilitate adjustment, disassembly cleaning and maintenance to assure the reliability of control procedures, uniformity of production and exclusion from the drugs of contaminants from previous and current operations that might affect the safety, identity, strength, quality, or purity of the drug or its components beyond the official or other established requirements.

(4) Be of suitable type, size and accuracy for any testing, measuring, mixing, weighing, or other processing or storage operations.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-060 PRODUCTION AND CONTROL PROCEDURES. Production and control procedures shall include all reasonable precautions, including the following, to assure that the drugs produced have the safety, identity, strength, quality, and purity they purport to possess:

(1) Each significant step in the process, such as the selection, weighing, and measuring of components, the addition of ingredients during the process, weighing and measuring during various stages of the processing, and the determination of the finished yield, shall be performed by a competent and responsible individual and checked by a second competent and responsible individual; or if such steps in the processing are controlled by precision automatic, mechanical, or electronic equipment, their proper performance is adequately checked by one or more competent individuals. The written record of the significant steps in the process shall be identified by the individual performing these tests and by the individual charged with checking these steps. Such identifications shall be recorded immediately following the completion of such steps.

(2) All containers, lines, and equipment used during the production of a batch of a drug shall be properly identified at all times to accurately and completely indicate their contents, including batch number, and, when necessary, the stage of processing of the batch.

(3) To minimize contamination and prevent mixups, equipment, utensils, and containers shall be thoroughly and appropriately cleaned and properly stored and have previous batch identification removed or obliterated between batches or at suitable intervals in continuous production operations.

(4) Appropriate (~~precautions shall be taken to minimize microbiological and other contamination in the production of drugs purporting to be sterile or which by virtue of their intended use should be free from objectionable microorganisms~~)

written procedures, designed to prevent objectionable microorganisms in drug products not requiring to be sterile, shall be established and followed.

(5) Appropriate written procedures, designed to prevent microbiological contamination of drug products purporting to be sterile, shall be established and followed. Such procedures shall include validation of any sterilization process.

(6) Appropriate procedures shall be established to minimize the hazard of cross-contamination of any drugs while being manufactured or stored.

~~((6))~~ (7) To assure the uniformity and integrity of products, there shall be adequate in-process controls, such as checking the weights and disintegration times of tablets, the adequacy of mixing, the ~~((homogeneity))~~ homogeneity of suspensions, and the clarity of solutions. In-process sampling shall be done at appropriate intervals using suitable equipment.

~~((7))~~ (8) Representative samples of all dosage form drugs shall be tested to determine their conformance with the specifications for the product before distribution.

~~((8))~~ (9) Procedures shall be instituted whereby review and approval of all production and control records, including packaging and labeling, shall be made prior to the release or distribution of a batch. A thorough investigation of any unexplained discrepancy or the failure of a batch to meet any of its specifications shall be undertaken whether or not the batch has already been distributed. This investigation shall be undertaken by a competent and responsible individual and shall extend to other batches of the same drug and other drugs that may have been associated with the specific failure. A written record of the investigation shall be made and shall include the conclusions and followup.

~~((9))~~ (10) Returned goods shall be identified as such and held. If the conditions under which returned goods have been held, stored, or

shipped prior to or during their return, or the condition of the product, its container, carton, or labeling as a result of storage or shipping, cast doubt on the safety, identity, strength, quality, or purity of the drug product, the returned goods shall be destroyed or subjected to adequate examination or testing to assure that the material meets all appropriate standards or specifications before being returned to stock for warehouse distribution or repacking. If the product is neither destroyed nor returned to stock, it may be reprocessed provided the final product meets all its standards and specifications. Records of returned goods shall be maintained and shall indicate the quantity returned, date, and actual disposition of the product. If the reason for returned goods implicates associated batches, an appropriate investigation shall be made in accordance with the requirements of ~~((paragraph (8)))~~ subsection (9) of this section.

~~((10))~~ (11) Filters used in the manufacture, processing, or packaging of components of drug products for parenteral injection in humans shall not release fibers into such products. No asbestos-containing or other fiber-releasing filter may be used in the manufacture, processing, or packaging of such products. Filtration, as needed, shall be through a non-fiber-releasing filter. ~~((For the purpose of this regulation a non-fiber-releasing filter is defined as a non-asbestos filter that, after any appropriate pretreatment, such as washing or flushing, will not continue to release fibers into the drug product or component that is being filtered. A fiber is defined as any particle with length at least three times greater than its width.))~~

(12) Appropriate procedures shall be established to destroy beyond recognition and retrievability any and all components or drug products that are to be discarded or destroyed for any reason.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-070 COMPONENTS. All components and other materials used in the manufacture, processing, and packaging of drug products, and materials necessary for building and equipment maintenance, upon receipt shall be stored and handled in a safe, sanitary, and orderly manner. Adequate measures shall be taken to prevent mixups and cross-contamination affecting drugs and drug products. Components shall be withheld from use until they have been identified, sampled, and tested for conformance with established specifications and are released by a ~~((materials approval))~~ quality control unit. Control of components shall include the following:

(1) Each container of component shall be examined visually for damage or contamination prior to use, including examination for breakage of seals when indicated.

(2) An adequate number of samples shall be taken from a representative number of component containers from each lot and shall be subjected to one or more tests to establish the specific identity.

(3) Sample containers shall be identified so that the following information can be determined: Name of the material sampled, the lot number, the container from which the sample was taken, and the name of the person who collected the sample.

(4) Containers from which samples have been taken shall be marked to show that samples have been removed from them.

(5) Representative samples of components liable to contamination with filth, insect infestation, or other extraneous contaminants shall be appropriately examined.

~~((4))~~ (6) Representative samples of all components intended for use as active ingredients shall be tested to determine their strength in order to assure conformance with appropriate specifications.

~~((5))~~ (7) Representative samples of components liable to microbiological contamination shall be subjected to microbiological tests prior to use. Such components shall not contain ~~((microorganisms))~~ microorganisms that are objectionable in view of their intended use.

~~((6))~~ (8) Approved components shall be appropriately identified and retested as necessary to assure that they conform to appropriate specifications of identity, strength, quality, and purity at time of use. This requires the following:

(a) Approved components shall be handled and stored to guard against contaminating or being contaminated by other drugs or components.

(b) Approved components shall be rotated in such a manner that the oldest stock is used first.

(c) Rejected components shall be identified and held to preclude their use in manufacturing or processing procedures for which they are unsuitable.

~~((7))~~ (9) Appropriate records shall be maintained, including the following:

(a) The identity and quantity of the component, the name of the supplier, the supplier's lot number, and the date of receipt.

(b) Examinations and tests performed and rejected components and their disposition.

(c) An individual inventory and record for each component used in each batch of drug manufactured or processed.

~~((#))~~ (10) An appropriately identified reserve sample of all active ingredients consisting of at least twice the quantity necessary for all required tests, except those for sterility and determination of the presence of pyrogens, shall be retained for at least two years after distribution of the last drug lot incorporating the component has been completed or one year after the expiration date of this last drug lot, whichever is longer.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-090 LABORATORY CONTROLS. Laboratory controls shall include the establishment of scientifically sound and appropriate written specifications, standards, and test procedures to assure that components, in-processed drugs, and finished products conform to appropriate standards of identity, strength, quality and purity. Laboratory controls shall include:

(1) The establishment of master records containing appropriate specifications for the acceptance of each lot of drug components, product containers, and their components used in drug production and packaging and a description of the sampling and testing procedures used for them. Said samples shall be representative and adequately identified. Such records shall also provide for appropriate retesting of drug components, product containers, and their components subject to deterioration.

(2) A reserve sample of all active ingredients as required by WAC 360-46-070(2).

(3) The establishment of master records, when needed, containing specifications and a description of sampling and testing procedures for in-process drug preparations. Such samples shall be adequately representative and properly identified.

(4) The establishment of master records containing a description of sampling procedures and appropriate specifications for finished drug products. Such samples shall be adequately representative and properly identified.

(5) Adequate provisions for checking the identity and strength of drug products for all active ingredients and for assuring:

(a) Sterility of drugs purported to be sterile and freedom from objectionable micro-organisms for those drugs which should be so by virtue of their intended use.

(b) The absence of pyrogens for those drugs purporting to be pyrogen-free.

(c) Minimal contamination of ~~((ophthalmic))~~ ophthalmic ointments by foreign particles and harsh or abrasive substances.

(d) That the drug release pattern of sustained release products is tested by laboratory methods to assure conformance to the release specifications.

(6) Adequate provision for auditing the reliability, accuracy, precision, and performance of laboratory test procedures and laboratory instruments used.

(7) A properly identified reserve sample of the finished product (stored in the same immediate container-closure system in which the drug is marketed) consisting of at least twice the quantity necessary to perform all the required tests, except those for sterility and determination of the absence of pyrogens, and stored under conditions consistent with product labeling shall be retained for at least two years after the drug distribution has been completed or one year after the drug's expiration date, whichever is longer.

(8) Provision for retaining complete records of all laboratory data relating to each batch or lot of drug to which they apply. Such records shall be retained for at least two years after distribution has been completed or one year after the drug's expiration date, whichever is longer.

(9) Provision that animals shall be maintained and controlled in a manner that assures suitability for their intended use. They shall be identified and appropriate records maintained to determine the history of use.

(10) Provision that firms which manufacture nonpenicillin products (including certifiable antibiotic products) on the same premises or use the same equipment as that used for manufacturing penicillin products, or that operate under any circumstances that may reasonably be regarded as conducive to contamination of other drugs by penicillin, shall test such nonpenicillin products to determine whether any have

become cross-contaminated by penicillin. Such products shall not be marketed if intended for use in ~~((man))~~ humans and the product is contaminated with an amount of penicillin equivalent to 0.5 unit or more of penicillin G per maximum single dose recommended in the labeling of a drug intended for parenteral administration, or an amount of penicillin equivalent to 0.5 unit or more of penicillin G per maximum single dose recommended in the labeling of a drug intended for oral use.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-100 STABILITY. There shall be written procedures for assurance of the stability of finished drug products. This stability shall be:

(1) Determined by reliable, meaningful, and specific test methods.

(2) Determined on products in the same container-closure system in which they are marketed.

(3) Determined on any dry drug product that is to be reconstituted at the time of dispensing (as directed in its labeling), as well as on the reconstituted product.

(4) Recorded and maintained in such manner that the stability data may be utilized in establishing product expiration dates.

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-120 PACKAGING AND LABELING. Packaging and labeling operations shall be adequately controlled: To assure that only those drug products that have met the standards and specifications established in their master production and control records shall be distributed; to prevent mixups between drugs during filling, packaging, and labeling operations; to assure that correct labels and labeling are employed for the drug; and to identify the finished product with a lot or control number that permits determination of the history of the manufacture and control of the batch. An hour, day, or shift code is appropriate as a lot or control number for drug products manufactured or processed in continuous production equipment. Packaging and labeling operations shall:

(1) Be separated (physically or spatially) from operations on other drugs in a manner adequate to avoid mixups and minimize cross-contamination. Two or more packaging or labeling operations having drugs, containers, or labeling similar in appearance shall not be in process simultaneously on adjacent or nearby lines unless these operations are separated either physically or spatially.

(2) Provide for an inspection of the facilities prior to use to assure that all drugs and previously used packaging and labeling materials have been removed.

(3) Include the following labeling controls:

(a) The holding of labels and package labeling upon receipt pending review and proofing against an approved final copy by a competent and responsible individual to assure that they are accurate regarding identity, content, and conformity with the approved copy before release to inventory.

(b) The maintenance and storage of each type of label and package labeling representing different products, strength, dosage forms, or quantity of contents in such a manner as to prevent mixups and provide proper identification.

(c) A suitable system for assuring that only current labels and package labeling are retained and that stocks of obsolete labels and package labeling are destroyed.

(d) Restriction of access to labels and package labeling to authorized personnel.

(e) Avoidance of gang printing of cut labels, cartons, or inserts when the labels, cartons, or inserts are for different products or different strengths of the same products or are of the same size and have identical or similar format and/or color schemes. If gang printing is employed, packaging and labeling operations shall provide for added control procedures. These added controls should consider sheet layout, stacking, cutting, and handling during and after printing.

(4) Provide strict control of the package labeling issued for use with the drug. Such issue shall be carefully checked by a competent and responsible person for identity and conformity to the labeling specified in the batch production record. Said record shall identify the labeling and the quantities issued and used and shall reasonably reconcile any discrepancy between the quantity of drug finished and the quantities of labeling issued. All excess package labeling bearing lot or control numbers shall be destroyed. In event of any significant unexplained discrepancy, an investigation should be carried out according to WAC 360-46-060~~((#))~~ (9).

(5) Provide for adequate examination or laboratory testing of representative samples of finished products after packaging and labeling to safeguard against any errors in the finishing operations and to prevent distribution of any batch until all specified tests have been met.

(6) Provide for compliance with the Poison Prevention Packaging Act, (16 CFR Part 1700).

(7) Provide for compliance with WAC 360-46-080(2).

AMENDATORY SECTION (Amending Order 133, filed 8/4/77)

WAC 360-46-130 MASTER PRODUCTION AND CONTROL RECORDS—BATCH PRODUCTION AND CONTROL RECORDS. (1) To assure uniformity from batch to batch, a master production and control record for each drug product and each batch size of drug product shall be prepared, dated, and signed or initialed by a competent and responsible individual and shall be independently checked, reconciled, dated, and signed or initialed by a second competent and responsible individual. The master production and control record shall include:

(a) The name of the product, description of the dosage form, and a specimen or copy of each label and all other labeling associated with the retail or bulk unit, including copies of such labeling signed or initialed and dated by the person or persons responsible for approval of such labeling.

(b) The name and weight or measure of each active ingredient per dosage unit or per unit of weight or measure of the finished drug and a statement of the total weight or measure of any dosage unit.

(c) A complete list of ingredients designated by names or codes sufficiently specific to indicate any special quality characteristic; and accurate statement of the weight or measure of each ingredient regardless of whether it appears in the finished product, except that reasonable variations may be permitted in the amount of components necessary in the preparation in dosage form provided that provisions for such variations are included in the master production and control record; an appropriate statement concerning any calculated excess of an ingredient; an appropriate statement of theoretical weight or measure at various stages of processing; and a statement of the theoretical yield.

(d) A description of the containers, closures, and packaging and finishing materials.

(e) Manufacturing and control instructions, procedures, specifications, special notations, and precautions to be followed.

(2) The batch production and control record shall be prepared for each batch of drug produced and shall include complete information relating to the production and control of each batch. These records shall be retained for at least two years after the batch distribution is complete or at least one year after the batch expiration date, whichever is longer. These records shall identify the specific labeling and lot or control numbers used on the batch and shall be readily available during such retention period. The batch record shall include:

(a) An accurate reproduction of the appropriate master formula record checked, dated, and signed or initialed by a competent and responsible individual.

(b) A record of each significant step in the manufacturing, processing, packaging, labeling testing, and controlling of the batch, including: Dates; individual major equipment and lines employed; specific identification of each batch of components used; weights and measures of components and products used in the course of processing; in-process and laboratory control results; and identifications of the individual(s) actively performing and the individual(s) directly supervising or checking each significant step in the operation.

(c) A batch number that identifies all the production and control documents relating to the history of the batch and all lot or control numbers associated with the batch.

(d) A record of any investigation made according to WAC 360-46-060((#)) (9).

NEW SECTION

WAC 360-46-160 VARIANCE AND PROCEDURE. The board recognizes that conditions may exist under which certain good manufacturing practice criteria would not have a practical application or would not be necessary for public safety. Licensees may request that the board issue a variance from specific requirements of WAC 360-46-040 through 360-46-150. The request must be in writing and must explain why the criteria should not apply and how the public's safety would be protected. Issuance of a variance shall be based on the information supplied by the manufacturer requesting the variance, as well

as any other information available as a result of any investigation by the board and/or any other relevant information available. After due consideration of all the information, the board may issue or deny the requested variance. Any variance granted shall be limited to the particular case described in the request and shall be posted at the manufacturing location during the time it is in effect. Variances will be reviewed at least every three years. Variances shall be subject to withdrawal or modification at any time if the board finds the variance has resulted in actual or potential harm to the public.

WSR 88-16-071

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 2, 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 the certification of radiologic technologists;

that the agency will at 1:30 p.m., Tuesday, September 13, 1988, in the Exam Center, First Floor, 1300 Quince Street, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on a date following the hearing.

The authority under which these rules are proposed is RCW 18.84.040.

The specific statute these rules are intended to implement is chapter 18.64 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 13, 1988.

Dated: August 1, 1988

By: Robert Van Schoorl

Assistant Director

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To establish the standards and procedures for certification of radiologic technologists, including education, training and conduct requirements for certification and to define alternative methods of training and to set renewal requirements and to establish fees.

Statutory Authority: RCW 18.84.040.

Summary of Rules: WAC 308-183-090 Definitions—Alternative training radiologic technologists; 308-183-100 Diagnostic radiologic technologist—Alternative training; 308-183-110 Therapeutic radiologic technologist—Alternative training; 308-183-120 Nuclear medicine technologist—Alternative training; 308-183-130 Approved schools; 308-183-140 Certification designation; 308-183-150 Certification renewal registration date; 308-183-160 Reinstatement fee assessment; 308-183-170 Contrast media administration guidelines; and 308-183-180 Fees—Radiologic technologists.

Reason Proposed: To implement chapter 18.64 RCW.

Responsible Departmental Personnel: In addition to the Department of Licensing, the following personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Robert Van

Schoorl, Assistant Director, 1300 Quince S.E., Olympia, WA 98504, 234-2241 scan, 753-2241 comm.

Proponents: The director of the Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal law or federal or state court requirements.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as the term is defined by RCW 43.31.920.

NEW SECTION

WAC 308-183-090 DEFINITIONS—ALTERNATIVE TRAINING RADIOLOGIC TECHNOLOGISTS. (1) Definitions. For the purposes of certifying radiologic technologists by alternative training methods the following definitions shall apply:

(a) "One contact hour" per week over an eleven-week period equals "one credit hour";

(b) "One credit hour" shall be granted for ten contact hours of seminar education;

(c) "One contact hour" is considered to be fifty minutes lecture time or one hundred minutes laboratory time;

(d) "One clinical year" is considered to be 1900 contact hours.

"Immediate supervision" means the radiologist or nuclear medicine physician is in audible or visual range of the patient and the person treating the patient.

"Direct supervision" means the supervisory clinical evaluator is on the premises, is quickly and easily available.

"Indirect supervision" means the supervising radiologist or nuclear medicine physician is on site no less than half-time.

"Allied health care profession" means an occupation for which programs are accredited by the American Medical Association Committee on Allied Health Education and Accreditation, Sixteenth Edition of the Allied Health Education Directory, 1988.

"Formal education" shall be obtained in postsecondary vocational/technical schools and institutions, community or junior colleges, and senior colleges and universities accredited by regional accrediting associations or by other recognized accrediting agencies or programs approved by the Committee on Allied Health Education and Accreditation of the American Medical Association.

(2) Clinical practice experience shall be supervised and verified by the approved clinical evaluators who must be:

(a) A certified radiologic technologist designated in the specialty area the individual is requesting certification who provides direct supervision; and

(b) A radiologist for those individuals requesting certification in practice of diagnostic radiologic technology or therapeutic radiologic technology; or for those individuals requesting certification as a nuclear medicine technologist, a physician specialist in nuclear medicine who provides indirect supervision. The physician supervisor shall routinely critique the films and evaluate the quality of the trainees' work.

NEW SECTION

WAC 308-183-100 DIAGNOSTIC RADIOLOGIC TECHNOLOGIST—ALTERNATIVE TRAINING. An individual must possess the following alternative training qualifications to be certified as a diagnostic radiologic technologist.

(1) Satisfactorily pass an examination approved or administered by the director; and

(2) Have obtained a high school diploma or GED equivalent, a minimum of four clinical years supervised practice experience in radiography, and completed the course content areas outlined in subsection (3) of this section; or have obtained an associate or higher degree in an allied health care profession or meets the requirements for certification as a therapeutic radiologic technologist or nuclear medicine technologist, have obtained a minimum of three clinical years supervised practice experience in radiography, and completed course content areas outlined in subsection (3) of this section.

(3) The following course content areas of training may be obtained directly by supervised clinical practice experience: Introduction to radiography, medical ethics and law, medical terminology, methods of patient care, radiographic procedures, radiographic film processing, evaluation of radiographs, radiographic pathology, introduction to quality assurance, and introduction to computer literacy. Clinical

practice experience must be verified by the approved clinical evaluators.

The following course content areas of training must be obtained through formal education: Anatomy and physiology – 150 contact hours; principles of radiographic exposure – 45 contact hours; imaging equipment – 40 contact hours; radiation physics, principles of radiation protection, and principles of radiation biology – 40 contact hours.

NEW SECTION

WAC 308-183-110 THERAPEUTIC RADIOLOGIC TECHNOLOGIST—ALTERNATIVE TRAINING. An individual must possess the following alternative training qualifications to be certified as a therapeutic radiologic technologist.

(1) Satisfactorily pass an examination approved or administered by the director; and

(2) Have obtained a baccalaureate or associate degree in one of the physical, biological sciences, or allied health care professions, or meets the requirements for certification as a diagnostic radiologic technologist or nuclear medicine technologist; have obtained a minimum of five clinical years supervised practice experience in therapeutic radiologic technology; and completed course content areas outlined in WAC 308-183-100(3).

(3) The following course content areas of training may be obtained by supervised clinical practice experience: Orientation to radiation therapy technology, medical ethics and law, methods of patient care, computer applications, and medical terminology. At least fifty percent of the clinical practice experience must have been in operating a linear accelerator. Clinical practice experience must be verified by the approved clinical evaluators.

The following course content areas of training must be obtained through formal education: Human structure and function – 150 contact hours; oncologic pathology – 22 contact hours; radiation oncology – 22 contact hours; radiobiology, radiation protection, and radiographic imaging – 73 contact hours; mathematics (college level algebra or above) – 55 contact hours; radiation physics – 66 contact hours; radiation oncology technique – 77 contact hours; clinical dosimetry – 150 contact hours; quality assurance – 12 contact hours; and hyperthermia – 4 contact hours.

NEW SECTION

WAC 308-183-120 NUCLEAR MEDICINE TECHNOLOGIST—ALTERNATIVE TRAINING. An individual must possess the following alternative training qualifications to be certified as a nuclear medicine technologist.

(1) Satisfactorily pass an examination approved or administered by the director; and

(2) Have obtained a baccalaureate or associate degree in one of the physical, biological sciences, allied health care professions, or meets the requirements for certification as a diagnostic radiologic technologist or a therapeutic radiologic technologist; have obtained a minimum of four clinical years supervised practice experience in nuclear medicine technology; and completed course content areas outlined in WAC 308-183-100(3).

(3) The following course content areas of training may be obtained by supervised clinical practice experience: Methods of patient care, computer applications, department organization and function, nuclear medicine in-vivo and in-vitro procedures, and radionuclide therapy. Clinical practice experience must be verified by the approved clinical evaluators.

The following course content areas of training must be obtained through formal education: Radiation safety and protection – 10 contact hours; radiation biology – 10 contact hours; nuclear medicine physics and radiation physics – 80 contact hours; nuclear medicine instrumentation – 22 contact hours; statistics – 10 contact hours; radionuclide chemistry and radiopharmacology – 22 contact hours.

NEW SECTION

WAC 308-183-130 APPROVED SCHOOLS. Approved schools and standards of instruction for diagnostic radiologic technologist, therapeutic radiologic technologist, and nuclear medicine technologist are those recognized as radiography, radiation therapy technology, and nuclear medicine technology educational programs that have obtained accreditation from the Committee on Allied Health Education and Accreditation of the American Medical Association as recognized in

the publication Allied Health Education Directory, Sixteenth Edition, published by the American Medical Association, 1988.

NEW SECTION

WAC 308-183-140 CERTIFICATION DESIGNATION. A certificate shall be designated in a particular field of radiologic technology by:

(1) The educational program completed; diagnostic radiologic technologist - radiography program; therapeutic radiologic technologist - radiation therapy technology program; and nuclear medicine technologist - nuclear medicine technology program; or

(2) By meeting the alternative training requirements established in WAC 308-183-100, 308-183-110, or 308-183-120.

NEW SECTION

WAC 308-183-150 CERTIFICATION RENEWAL REGISTRATION DATE. (1) Individuals receiving initial certification will be issued a certificate to expire on their next birth date.

(2) Certifications shall be renewed upon a biennial basis on or before the individual's birth date. Certifications not renewed on or before the individual's biennial birth date shall expire immediately. Any representation engaged in after a certification has expired shall be deemed unauthorized representation.

NEW SECTION

WAC 308-183-160 REINSTATEMENT FEE ASSESSMENT. A certificate which has lapsed for three years may be reinstated by paying a reinstatement fee and demonstrating competence by the standards established by the director. A single reinstatement fee shall be assessed for the lapsed certification period.

NEW SECTION

WAC 308-183-170 CONTRAST MEDIA ADMINISTRATION GUIDELINES. A certified radiologic diagnostic technologist may administer radiopaque diagnostic agents under the direction and immediate supervision of a radiologist if the following guidelines are met:

(1) The radiologic technologist has had the prerequisite training and thorough knowledge of the particular procedure to be performed;

(2) Appropriate facilities are available for coping with any complication of the procedure as well as for emergency treatment of severe reactions to the contrast agent itself, including the ready availability of appropriate resuscitative drugs, equipment, and personnel; and

(3) After parenteral administration of a radiopaque agent, competent personnel and emergency facilities shall be available for at least thirty minutes in case of a delayed reaction.

NEW SECTION

WAC 308-183-180 FEES—RADIOLOGIC TECHNOLOGISTS. The figures below are the fees to be charged radiologic technologists to cover the costs of the program.

Application	\$ 50.00
Duplicate License	15.00
Verification/Certification	25.00
Renewal	50.00
Late Renewal Penalty	25.00

**WSR 88-16-072
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed August 2, 1988]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to telecommunications

companies, WAC 480-120-028, Cause No. U-87-963-R.

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 80.01.040 and 80.04.160.

The specific statute these rules are intended to implement is RCW 80.36.300(3).

This notice is connected to and continues the matter in Notice Nos. WSR 88-13-031 and 88-16-037 filed with the code reviser's office on June 8, 1988, and July 29, 1988.

Dated: August 2, 1988
By: Paul Curl
Acting Secretary

**WSR 88-16-073
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed August 2, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to information delivery services and blocking of residential lines to block access to such services, WAC 480-120-089, Cause No. U-88-1798-R.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 17, 1988.

The authority under which these rules are proposed is RCW 80.01.040 and chapter 123, Laws of 1988.

The specific statute these rules are intended to implement is chapter 123, Laws of 1988.

This notice is connected to and continues the matter in Notice Nos. WSR 88-13-098 and 88-16-036 filed with the code reviser's office on June 21, 1988, and July 29, 1988.

Dated: August 2, 1988
By: Paul Curl
Acting Secretary

**WSR 88-16-074
ADOPTED RULES
DEPARTMENT OF FISHERIES
[Order 88-69—Filed August 2, 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 88-13-005 filed with the code reviser on June 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 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 [July] 29, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-20-060 COMMERCIAL FISHING LICENSE TRANSFER—NOTARIZATION. Any person making application to transfer a commercial fishing license or charter boat angler permit must have the signature of the transferor notarized, and without notarization the department will not transfer a license or angler permit, except the department may transfer the license or angler permit of a decedent without notarization but with appropriate legal certification supporting the transfer.

WSR 88-16-075

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 88-70—Filed August 2, 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 sockeye 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 August 1, 1988.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-57A-18000A WASHINGTON SHIP CANAL, LAKE (INCLUDING LAKE UNION). Notwithstanding the provisions of WAC 220-57A-180 effective immediately until further notice, Bag Limit A -

West of University Bridge, to a line perpendicular to the north wingwall located 400 feet east of the eastern end of the north wingwall of the Chittenden Locks. Waters between the University Bridge and the concrete abutment ends east of the Montlake Bridge and waters between the line 400 feet east of eastern end of the north wingwall of the Chittenden Locks and the railroad bridge west of the locks are closed to salmon angling at all times.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-32-05100D COLUMBIA RIVER ABOVE BONNEVILLE (88-40)

WAC 220-47-900 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (88-54)

WAC 220-47-901 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (88-55)

WSR 88-16-076

ADOPTED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Order 7-88—Filed August 2, 1988]

I, Ernest F. LaPalm, deputy commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to security of personal identification number, WAC 192-18-012.

This action is taken pursuant to Notice No. WSR 88-13-072 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 under the general rule-making authority of the Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

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

APPROVED AND ADOPTED August 2, 1988.

By Ernest F. LaPalm
Deputy Commissioner

NEW SECTION

WAC 192-18-012 SECURITY OF PERSONAL IDENTIFICATION NUMBER (PIN). No employee of the employment security department shall request, access, or attempt to access the personal identification number (PIN), issued in conjunction with the electronic benefit distribution system, of any person who files for or claims unemployment insurance benefits. An employee must immediately report such situations to his or her supervisor and advise the claimant to change his or her PIN code in the following cases:

(1) If an employee inadvertently hears or has knowledge of a claimant's PIN; or

(2) If an employee is aware of another employment security department employee who has knowledge, directly or indirectly, of a claimant's PIN. Violation of this section shall subject the offending employee to immediate dismissal or other disciplinary action.

WSR 88-16-077

ADOPTED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Order 8-88—Filed August 2, 1988]

I, Ernest F. LaPalm, deputy commissioner of the Employment Security Department, do promulgate and adopt at Olympia, Washington, the annexed rules relating to employer request for benefit charge relief, WAC 192-12-019.

This action is taken pursuant to Notice No. WSR 88-13-127 filed with the code reviser on June 22, 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 Employment Security Department as authorized in RCW 50.12.010 and 50.12.040.

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

APPROVED AND ADOPTED August 2, 1988.

By Ernest F. LaPalm
Deputy Commissioner

AMENDATORY SECTION (Amending Order 5-85, filed 10/10/85)

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

The commissioner accordingly prescribes:

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

(a) Employee illness or disability;

(b) Illness or death of member(s) of employee's immediate family;

(c) Employee's leaving to accept work with another employer;

(d) Incarceration of employee;

(e) Marital or domestic responsibilities of the employee;

(f) Employee's pursuit of additional education; or

(g) Personal dissatisfaction with wages or hours known at time of hire.

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

(a) Substantial involuntary deterioration of the work factors;

(b) Work location (distance and difficulty of travel);

(c) Safety of work site, equipment/machine safety;

(d) Employee skills no longer required for job performance; or

(e) Such other work related factors as the commissioner may deem pertinent.

(3) Effective June 8, 1988, requests for relief of charging will be considered for reasons directly attributable to a catastrophic occurrence such as fire, flood, or other natural disaster causing closure or severe curtailment of operations at the employer's plant, building, work site, or other facility. Benefits paid as an indirect result of a catastrophic loss are not included in this provision.

~~((3))~~ (4) The employer requests for benefit charging relief must be in writing and must be received or post-marked within 30 days of mailing of the notification of the initial determination (the initial "Notice to base year employer" EMS 166), except for good cause shown. Benefit charging relief is only available with respect to notices of initial determination (the initial "Notice to base year employer" EMS 166) mailed July 1, 1985, or later; except requests for relief of charging that are effective for weeks of unemployment insurance benefits beginning on or after June 5, 1988, that result from catastrophic occurrences.

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

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

~~((4))~~ (5) Timeliness. If, upon receipt of the employer's written request, the department requires additional information, the employer shall provide the requested information within 10 working days from the date of mailing of the request by the department. Failure to respond within 10 working days will result in a denial of benefit charging relief for the employer unless good cause for the untimely response is shown.

~~((5))~~ (6) Burden of proof. It shall be the responsibility of the employer to provide all pertinent facts to the satisfaction of the department to allow a determination of noncharging relief or good cause for failure to respond in a timely manner.

~~((6))~~(7) Any denial of a request for noncharging relief shall be in writing and will be the basis of appeal pursuant to RCW 50.32.050.

WSR 88-16-078
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2659—Filed August 2, 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.

This action is taken pursuant to Notice No. WSR 88-13-106 filed with the code reviser on June 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 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 August 2, 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 88-16-079
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2660—Filed August 2, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to depreciation base, amending WAC 388-96-559.

This action is taken pursuant to Notice No. WSR 88-13-078 filed with the code reviser on June 16, 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 74.46.800 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 74.46 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 August 2, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2372, filed 5/7/86, effective 7/1/86)

WAC 388-96-559 DEPRECIATION BASE. (1) Effective January 1, 1985, the total depreciation base shall be the lowest of:

(a) The contractor's appraisal, if any((;));

(b) The department's appraisal obtained through the department of general administration of the state of Washington, if any((;)); or

(c) The historical purchase cost of the contractor, or lessor if the assets are leased by the contractor, in acquiring ownership of the asset in an arm's-length transaction, and preparing the asset for use, less goodwill, and less accumulated depreciation incurred during periods the assets have been used in or as a facility by ~~((the))~~ any contractor((;)). Such accumulated depreciation is to be measured in accordance with subsection ~~((4))~~ (5) of this section and WAC 388-96-561, 388-96-565, and 388-96-567. ~~((If the department challenges the historical cost of an asset or if the contractor cannot or will not provide the historical cost of a leased asset, the department will have the fair market value of the asset at the time of purchase established by appraisal through the department of general administration of the state of Washington. The contractor may allocate or reallocate values among land, building, improvements, and equipment in accordance with the department's appraisal. For leased assets, the department may examine documentation in its files to determine the lessor's acquisition date at the time of the last arm's-length transaction. If the department is unable to determine the lessor's acquisition date by review of its records, the department may use the construction date of the facility, as found in the state fire marshal's records, as the lessor's acquisition date of leased assets in determining fair market value. When the appraisals are conducted, the depreciation base of the asset will not exceed the fair market value of the asset.))~~ Estimated salvage value shall be deducted from historical cost where the straight-line or sum-of-the-years digits method of depreciation is used.

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

by chapter 74.46 RCW, the department shall, in determining the total depreciation base of a real or personal asset owned or leased by the contractor, deduct depreciation relating to all periods subsequent to the more recent of:

(a) The date such asset was first used in the medical care program; or

(b) The most recent date such asset was acquired in an arm's-length purchase transaction which the department is required to recognize for Medicaid cost reimbursement purposes.

No depreciation shall be deducted for periods such asset was not used in the medical care program or was not used to provide nursing care.

(3) ~~((Effective July 1, 1982, in all cases subsection (1) of this section shall be applied with the phrase "in an arm's-length transaction" replacing the phrase "from an unrelated organization."))~~ The department may have the fair market value of the asset at the time of purchase established by appraisal through the department of general administration of the state of Washington if:

(a) The department challenges the historical cost of an asset; or

(b) The contractor cannot or will not provide the historical cost of a leased asset and the department is unable to determine such historical cost from its own records or from any other source.

The contractor may allocate or reallocate values among land, building, improvements, and equipment in accordance with the department's appraisal.

If an appraisal is conducted, the depreciation base of the asset will not exceed the fair market value of the asset. An appraisal conducted by or through the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious.

(4) For leased assets, the department may examine documentation in its files or otherwise obtainable from any source to determine:

(a) The lessor's purchase acquisition date; or

(b) The lessor's historical cost at the time of the last arm's-length purchase transaction.

If the department is unable to determine the lessor's acquisition date by review of its records or other records, the department, in determining fair market value as of such date, may use the construction date of the facility, as found in the state fire marshal's records or other records, as the lessor's purchase acquisition date of leased assets.

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

~~((5))~~ (6) If a contractor cannot or will not provide the lessor's purchase acquisition cost of assets leased by the contractor and the department is unable to determine historical purchase cost from another source, the appraised asset value of land, building, or equipment, determined by or through the department of general administration shall be adjusted, if necessary, by the department using the Marshall and Swift Valuation Guide to reflect the value at the lessor's acquisition date. If an

appraisal has been prepared for leased assets and the assets subsequently sell in the first arm's-length transaction since January 1, 1980, pursuant to subsection ~~((7))~~ (8) of this section, the Marshall and Swift Valuation Guide will be used to adjust, if necessary, the asset value determined by the appraisal to the sale date. If the assets are located in a city for which the Marshall and Swift Valuation Guide publishes a specific index, or if the assets are located in a county containing that city, the city-specific index shall be used to adjust the appraised value of the asset. If the assets are located in a city or county for which a specific index is not calculated, the Western District Index calculated by Marshall and Swift shall be used.

~~((6))~~ (7) If depreciable assets are acquired by purchase which were used in the ~~((Medicaid))~~ medical care program on or after January 1, 1980, the depreciation base of such assets shall not exceed the net book value existing at the time of such acquisition or which would have existed had the assets continued in use under the previous Medicaid contract with the department; except that depreciation shall not be accumulated for periods during which such assets were not used in the medical care program or were not in use in or as a nursing care facility.

~~((7))~~ (8)(a) Subsection ~~((6))~~ (7) of this section shall not apply to the most recent arm's-length purchase acquisition if it occurs at least ten years after the previous arm's-length transfer of ownership nor shall subsection ~~((6))~~ (7) of this section apply to the first arm's-length purchase acquisition of assets occurring on or after January 1, 1980, for facilities participating in the Medicaid program prior to January 1, 1980. The depreciation base for such acquisitions shall not exceed the lesser of the fair market value as of the date of purchase of the assets determined by an appraisal conducted by or through the department of general administration ~~((and))~~ or the owner's acquisition cost of each asset, land, building, or equipment. An appraisal conducted by or through the department of general administration shall be final unless the appraisal is shown to be arbitrary and capricious. Should a contractor request a revaluation of an asset, the contractor must document ten years have passed since the most recent arm's-length transfer of ownership. As mandated by Section 2314 of the Deficit Reduction Act of 1984 (P.L. 98-369) and pursuant to RCW 74.46.840, this subsection is inoperative for any transfer of ownership of any asset occurring on or after July 18, 1984, leaving subsection ~~((6))~~ (7) of this section to apply without exception to acquisitions occurring on or after July 18, 1984, except as provided in subsections (8)(b) and (9) of this section.

~~((8))~~ (b) Subsection (8)(a) shall apply, however, to transfers of ownership of assets:

(i) Occurring prior to January 1, 1985, if the costs of such assets have never been reimbursed under Medicaid cost reimbursement on an owner-operated basis or as a related party lease; or

(ii) Pursuant to written purchase and sale agreements dated prior to August 1, 1984, which are documented and submitted to the department prior to January 1, 1988.

(9)(a) In the case of assets leased by the same contractor since January 1, 1980, in an arm's-length lease, and purchased by the lessee/contractor, the lessee/contractor shall have the option to have the:

(i) Provisions of subsection (8) of this section apply to the purchase; or

(ii) Reimbursement for property and return on investment continue to be calculated pursuant to the provisions contained in RCW 74.46.530 (1)(e) and (f) and WAC 388-96-754(5). Reimbursement shall be based upon provisions of the lease in existence on the date of the purchase.

(b) The lessee/contractor may select the option in subsection (9)(a)(ii) of this section only if the purchase date meets one of the following criteria:

(i) The purchase date is after the lessor has declared bankruptcy or has defaulted in any loan or mortgage held against the leased property;

(ii) The purchase date is within one year of the lease expiration or renewal date contained in the lease;

(iii) The purchase date is after a rate setting for the facility in which the reimbursement rate set, pursuant to this chapter and pursuant to chapter 74.46 RCW, no longer is equal to or greater than the actual cost of the lease; or

(iv) The purchase date is within one year of any purchase option in existence on January 1, 1988.

(10) For purposes of establishing the property and return on investment component rates, the value of leased equipment, if unknown by the contractor, may be estimated by the department using previous department of general administration appraisals as a data base. The estimated value may be adjusted using the Marshall and Swift Valuation Guide to reflect the value of the asset at the lessor's purchase acquisition date.

WSR 88-16-080
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2661—Filed August 2, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Changes—Prospective budgeting and changes—Retrospective budgeting, amending WAC 388-49-610 and 388-49-620.

This action is taken pursuant to Notice No. WSR 88-12-092 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 pursuant to RCW 74.04.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 2, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-610 CHANGES—PROSPECTIVE BUDGETING. (1) The department shall act on changes occurring in the first beginning month ((or)), changes for households ((consisting solely of migrants or elderly or disabled individuals without earned income and affecting)) described in WAC 388-49-520(1), and changes in the income described in WAC 388-49-520(2) which affect benefit increases as follows:

(a) If the change is verified within ten days after the change is reported, budget the change for the next allotment((-)); or

(b) If the change is not verified within ten days after the change is reported, budget the change for the next allotment after the verification is received.

(2) The department shall act on changes affecting a benefit decrease ((with the next allotment after the)) following adverse action ((period ends)) notice rules in WAC 388-49-600 unless the household requests:

(a) A fair hearing((-); and

(b) Continuation of benefits.

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-620 CHANGES—RETROSPECTIVE BUDGETING. Changes ((from)) in a budget month for households under retrospective budgeting shall be effective in the corresponding ((payment)) issuance month except((:

(+)) that the addition or deletion of a household member and his or her income shall be ((effective as provided in WAC 388-49-610, and

(2) Changes in public assistance grants and supplemental security income occurring in the payment month shall be effective in the payment month)) considered prospectively.

WSR 88-16-081
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2662—Filed August 2, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamp assistance, amending chapter 388-49 WAC.

This action is taken pursuant to Notice No. WSR 88-12-030 filed with the code reviser on May 25, 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 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 2, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2618, filed 4/6/88)

WAC 388-49-020 DEFINITIONS. (1) "Administrative disqualification hearing" means a formal hearing to determine whether or not an individual committed an intentional program violation.

(2) "Administrative error overissuance" means any overissuance caused solely by department action or failure to act when the household properly and accurately reported all the household's circumstances to the department.

(3) "Administrative law judge" means an employee of the office of administrative hearings empowered to conduct contested case hearings.

(4) "Aid to families with dependent children (AFDC) program" means the federally funded public assistance program for dependent children and their families authorized under Title IV-A of the Social Security Act.

(5) "Allotment" means the total value of coupons a household is certified to receive during a calendar month.

(6) "Application process" means the filing and completion of an application form, interview or interviews, and verification of certain information.

(7) "Authorized representative" means an adult non-household member sufficiently aware of household circumstances designated in writing by the head of the household, spouse, or other responsible household member to act on behalf of the household.

(8) "Beginning months" means the first month the household is eligible for benefits, and the month thereafter. The first beginning month cannot follow a month in which a household was certified eligible to receive benefits.

(9) "Benefit level" means the total value of food stamps a household is entitled to receive based on household income and circumstances.

(10) "Boarder" means an individual, except a person described in WAC 388-49-190 (2)(a), (b), (c), or (d), who is:

(a) Residing with the household; and

(b) Paying reasonable compensation to the household for lodging and meals.

(11) "Budget month" means the first month of the monthly reporting cycle; the month for which the household reports their circumstances.

(12) "Certification period" means definite period of time within which the household has been determined eligible to receive food stamps.

(13) "Child" means someone under eighteen years of age and under parental control.

(14) "Collateral contact" means contact with someone outside of the household to confirm the household's circumstances.

(15) "Commercial boarding home" means ~~((a-ti-censed))~~ an enterprise offering meals and lodging for compensation with the intent of making a profit.

(16) "Dependent care deduction" means ~~((payment made to a nonhousehold))~~ costs incurred by a household member for care ~~((of a child or other dependent))~~ provided by a nonhousehold member when the care is necessary for a household member ((is seeking)) to seek, ((accepting)) accept, or ((continuing)) continue employment, or ((attending)) attend training or education ((teaching)) preparatory to employment.

(17) "Destitute household" means a household with migrant or seasonal workers with little or no income at the time of application in need of immediate food assistance.

(18) "Disabled person" means a person who meets one of the following criteria:

(a) Receives supplemental Security Income (SSI) under Title XVI of the Social Security Act;

(b) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

(c) Is a veteran with service-connected disability rated or paid as a total under Title 38 of the United States Code (USC), or considered in need of regular aid and attendance, or permanently housebound under such title;

(d) Is a surviving spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or a surviving child of a veteran and considered to be permanently incapable of self-support under Title 38 of the USC; or

(e) A surviving spouse or child of a veteran and entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC and has a disability considered permanent under section 221(i) of the Social Security Act.

(19) "Documentary evidence" means written confirmation of a household's circumstances.

(20) "Documentation" means the process of recording the source, date, and content of verifying information.

(21) "Elderly person" means a person sixty years of age or older.

(22) "Eligible food" means, for a homeless food stamp household, meals prepared for and served by an authorized homeless meal provider.

(23) "Entitlement" means the food stamp benefit a household received including a disqualified household member.

(24) "Equity value" means fair market value less encumbrances.

(25) ~~(("Excluded household member" means a member who is excluded from the food stamp household because of:~~

(a) ~~Disqualification for intentional program violation;~~

~~(b) Failure to apply for or provide a Social Security number;~~

~~(c) Failure to comply with work registration or employment and training program services requirements; or~~

~~(d) Status as an ineligible alien.~~

~~(26)) "Expedited services" means quick provision of food stamps within five calendar days to an eligible household~~((s with little or no income and resources or))~~ which:~~

~~(a) Has liquid resources of one hundred dollars or less; and~~

~~(b) Has gross monthly income under one hundred fifty dollars; or~~

~~(c) Has combined gross income and liquid resources which are less than the household's current monthly rent or mortgage and actual utility costs; or~~

~~(d) Includes all members who are homeless individuals; or~~

~~(e) Includes destitute migrant or seasonal farm workers ~~((having immediate need for food assistance)).~~~~

~~((27)) (26) "Fair hearing" means a hearing conducted by the office of administrative hearings at the client's request to decide whether action taken or intended action by the department is correct.~~

~~((28)) (27) "Fair market value" means the value at which a prudent person might sell the property if the person was not forced to sell.~~

~~((29)) (28) "Food coupon" means food stamps and the two terms are interchangeable.~~

~~((30)) (29) "Food coupon authorization (FCA) card" means the document issued by the local or state office to authorize the allotment the household is eligible to receive.~~

~~((31)) (30) "Food stamp monthly reporting cycle" means the budget month, the process month, and the payment month.~~

~~((32)) (31) "Gross income eligibility standards" means one hundred thirty percent of the federal poverty level for the forty-eight contiguous states.~~

~~((33)) (32) "Group living arrangement" means a public or private nonprofit residential setting serving no more than sixteen residents certified by the appropriate state agency under section 1616(e) of the Social Security Act.~~

~~((34)) (33) "Head of household" means:~~

~~(a) The person designated by the household to be named on the case file, identification card, and FCA card;~~

~~(b) For employment services or the voluntary quit provision, the household member who is the principal wage earner with the greatest source of earned income in the two months prior to the month of violation, including members not required to register, provided:~~

~~(i) The employment involves at least twenty hours per week; and~~

~~(ii) The person is not living with a parent or a person fulfilling that role who is:~~

~~(A) Registered for work,~~

~~(B) Exempt from work registration because of registration in a Title IV-A or IV-C work program of the Social Security Act, as amended, or the receipt of unemployment compensation, or~~

(C) Employed or self-employed and working a minimum of thirty hours per week, or receiving weekly earnings equal to the federal minimum wage multiplied by thirty hours.

~~((35)) (34) "Home visit" means a personal contact at the person's residence by a department employee. The home visit shall be scheduled in advance with the household.~~

~~((36)) (35) "Homeless food stamp household" means an eligible food stamp household having no fixed mailing address or not residing in a permanent dwelling.~~

~~((37)) (36) "Homeless meal provider" means a public or private nonprofit establishment (e.g., soup kitchen, temporary shelter, mission, or other charitable organizations) feeding homeless persons, approved by division of income assistance (DIA) and authorized by FNS.~~

~~((38)) (37) "Household" means the basic client unit in the food stamp program.~~

~~((39)) (38) "Household disaster" means when food purchased with food stamps are destroyed by a natural disaster, such as flood, fire, etc.~~

~~((40)) (39) "Identification card" means the document identifying the bearer as eligible to receive and use food stamps.~~

~~((41)) (40) "Inadvertent household error overissuance" means any overissuance caused by misunderstanding or unintended error on the part of the household.~~

~~(41) "Ineligible household member" means a member who is excluded from the food stamp household because of:~~

~~(a) Disqualification for intentional program violation;~~

~~(b) Failure to apply for or provide a Social Security number;~~

~~(c) Failure to comply with work registration requirements;~~

~~(d) Status as an ineligible alien; or~~

~~(e) Status as an ineligible student.~~

(42) "Institution" means any place of residence (private or public) providing maintenance and meals for two or more persons.

(43) "Institution of higher education" means any institution normally requiring a high school diploma or equivalency certificate for enrollment. This includes any two-year or four-year college. Also included is any course in a trade or vocational school that normally requires a high school diploma or equivalency for admission to the course.

(44) "Intentional program violation," after August 8, 1983, means intentionally:

(a) Making a false or misleading statement;

(b) Misrepresenting, concealing, or withholding facts; or

(c) Committing any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

Intentional program violation which ended prior to August 8, 1983, consists of any action by an individual or individuals to knowingly, willfully, and with deceitful intent:

- (a) Make a false statement to the department, either orally or in writing, to obtain benefits to which the household is not entitled;
- (b) Conceal information to obtain benefits to which the household is not entitled;
- (c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;
- (d) Use coupons to buy expensive or conspicuous non-food items;
- (e) Use or possess improperly obtained coupons or authorization cards; and
- (f) Trade or sell coupons or authorization cards.
- (45) "Intentional program violation overissuance" means any overissuance caused by an intentional program violation.
- (46) "Live-in attendant" means an individual residing with a household to provide medical, housekeeping, child care, or other similar personal services.
- (47) "Lump sum" means money received in the form of a nonrecurring payment including, but not limited to:
- Income tax refunds,
 - Rebates,
 - Retroactive payments, and
 - Insurance settlements.
- (48) "Mandatory fees" means those fees charged to all students within a certain curriculum. Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.
- (49) "Migrant farmworker" means an individual working in seasonal agricultural employment and who is required to be absent overnight from his or her permanent place of residence.
- (50) "Net income eligibility standard" means the federal income poverty level for the forty-eight contiguous states.
- (51) "Nonhousehold member" means a person who is not considered a member of the food stamp household such as:
- A roomer;
 - A live-in attendant (~~(or ineligible student)~~); ~~(and)~~ or
 - An individual who does not purchase and prepare meals with the food stamp household.
- (52) "Nonstriker" means any person:
- Exempt from work registration the day prior to the strike for reasons other than their employment;
 - Unable to work as a result of other striking employees, e.g., truck driver not working because striking newspaper pressmen not printing output;
 - Not part of the bargaining unit on strike but not wanting to cross picket line due to fear of personal injury or death; or
 - Unable to work because workplace is closed by employer in order to resist demands of employees, e.g., a lockout.
- (53) "Offset" means reduce restored benefits by any overissue (claim) owed by the household to the department.
- (54) "Overissuance" means the amount of coupons issued to a household in excess of the amount eligible to receive.
- (55) "Overpayment" means the same as "overissuance" and shall be the preferred term used in procedures.
- (56) "Payment month" means the third month of the budget cycle; the month in which the food stamp allotment is affected by information reported on the monthly report for the budget month.
- (57) "Period of intended use" means the period for which an FCA or food coupon is intended to be used.
- (58) "Post secondary education" means a school not requiring a high school diploma or equivalency for enrollment. This includes trade school, vocational schools, business colleges, beauty schools, barber schools, etc.
- (59) "Process month" means the second month of the monthly reporting cycle; the month in which the monthly report is to be returned by the household to the local office.
- (60) "Project area" means the county or similar political subdivision designated by the state as the administrative unit for program operations.
- (61) "Prospective budgeting" means the computation of a household's income based on income received or anticipated income the household and department are reasonably certain will be received during the month of issuance.
- (62) "Prospective eligibility" means the determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.
- (63) "Quality control review" means a review of a statistically valid sample of cases to determine the accuracy of budgeting, issuance, denial, withdrawal, and termination actions taken by the department.
- (64) "Quality control review period" means the twelve-month period from October 1 of each calendar year through September 30 of the following calendar year.
- (65) "Recent work history" means receipt of earned income in one of the two months prior to the payment month.
- (66) "Recertification" means approval of continuing benefits based on an application submitted prior to the end of the current certification period.
- (67) "Resident of an institution" means a person who resides in an institution that provides the individual with the majority of meals as part of the institution's normal service.
- (68) "Retrospective budgeting" means the computation of a household's income for a payment month based on actual income received in the corresponding budget month of the monthly reporting cycle.
- (69) "Retrospective eligibility" means the determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.
- (70) "Roomer" means an individual to whom a household furnishes lodging, but not meals, for compensation.
- (71) "Seasonal farmworker" means an individual working in seasonal agricultural employment who is not required to be absent from his or her permanent place of residence overnight.
- (72) "Shelter costs" means:

(a) Rent or mortgage payments plus taxes on a dwelling and property;

(b) Insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated;

(c) Assessments;

(d) Utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, and sewage disposal;

(e) Standard basic telephone allowance;

(f) Initial installation fees for utility services; and

(g) Continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home including interest on such payments.

(73) "Shelter for battered women and children" means a public or private nonprofit residential facility serving battered women and children.

(74) "Sibling" means a natural, adopted, half brother or stepbrother or natural, adopted, half sister or stepsister.

(75) "Sponsor" means a person who executed an affidavit of support or similar agreement on behalf of an alien as a condition of the alien's admission into the United States as a permanent resident.

(76) "Sponsored alien" means an alien lawfully admitted for permanent residence.

(77) "Spouse" means:

(a) Married under applicable state law; or

(b) Living with another person and holding themselves out to the community as husband and wife by representing themselves as such to relatives, friends, neighbors, or trades people.

(78) "Striker" means any person:

(a) Involved in a strike or concerted stoppage of work by employees including stoppage due to expiration of a collective bargaining agreement; or

(b) Involved in any concerted slowdown or other concerted interruption of operations by employees.

(79) "Student" means any person:

(a) Between eighteen and sixty years of age,

(b) Physically and mentally fit for employment, and

(c) Enrolled at least half time in an institution of higher education.

(80) "Thrifty food plan" means the diet required to feed a family of four as determined by the United States Department of Agriculture. The cost of the diet is the basis for all allotments, taking into account the household size adjustments based on a scale.

(81) "Under parental control" means living with the parent or any adult other than the parent. A person is not under parental control when that person is:

(a) Receiving an aid to families with dependent children (AFDC) grant as his or her own payee;

(b) Receiving gross income equal to, or exceeding, the AFDC grant payment standard; or

(c) Married.

(82) "Vehicle" means any device for carrying or conveying persons and objects, including travel by land, water, or air.

(83) "Vendor payment" means money payments not owed or payable directly to a household, but paid to a third party for a household expense, such as:

(a) A payment made in money on behalf of a household whenever another person or organization makes a direct payment to either the household's creditors or a person or organization providing a service to the household; or

(b) Rent or mortgage payments, made to landlords or mortgagees by the department of housing and urban development or by state or local housing authorities.

(84) "Verification" means the use of documentation or third-party information to establish the accuracy of statements on the application. Sources of verification shall be documentary evidence, collateral contacts, or a home visit.

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.

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-190 HOUSEHOLD CONCEPT. (1) The department shall consider the following as households:

(a) A person who lives alone;

(b) A person who lives with others and who purchases and prepares meals separate and apart from the others;

(c) A group of persons who live together and purchase and prepare meals together; ((or))

(d) A permanently disabled(;) and elderly person unable to prepare meals.

(i) The person must be living with others.

(ii) The person's spouse shall be included in the household.

(iii) The income of the other household members, except the spouse, cannot exceed one hundred sixty-five percent of the poverty level.

(e) A person who is the parent of a child under 18 years of age, along with that person's child and spouse, if the person and the person's child are:

(i) Residing with the person's parent or sibling, and

(ii) Purchasing and preparing meals separate from the parent or sibling.

(f) A person who is a parent or sibling living with the person described in WAC 388-49-190 (1)(e) or (h);

(g) A person living with his or her natural, adoptive, or stepchildren, or such children living with parents when one parent is:

(i) Elderly or disabled, and

(ii) Purchasing and preparing meals separate from the child.

(h) A person, living with a sibling, who is:

(i) Elderly or disabled, and

(ii) Purchasing and preparing meals separately.

(2) The department shall not grant separate household status to:

(a) Children under eighteen years of age under parental control of a member of the household;

(b) Parents living with their natural, adoptive, or stepchildren, or such children living with parents unless ((one parent is elderly or disabled)) they qualify as separate households per WAC 388-49-190 (1)(e), (f), or (g);

(c) A spouse of a household member;

(d) Siblings unless ~~((one sibling is: (i) Elderly or disabled, and (ii) Purchasing and preparing separately:))~~ they qualify as separate households per WAC 388-49-190 (1)(e), (f), or (h);

(e) A boarder.

(3) The department shall consider the following persons residing with the household as nonhousehold members who, if otherwise eligible, may qualify as a separate household:

(a) Roomers,

(b) Live-in attendants, or

(c) Persons sharing living quarters with the household who purchase food and prepare meals separately from the household ~~((and~~

~~(d) Ineligible students))~~.

(4) The department shall consider the following persons residing with the household as ~~((an excluded))~~ ineligible household members:

(a) ~~((A person))~~ Persons disqualified for intentional program violation;

(b) ~~((A person sanctioned as part of a))~~ Persons disqualified ~~((workfare household))~~ because of noncompliance with work registration requirements;

(c) ~~((A person))~~ Persons who ~~((is an))~~ are ineligible aliens; ~~((and))~~

(d) ~~((A person who is))~~ Persons disqualified for failure to ~~((secure))~~ apply for or provide a Social Security number; or

(e) Persons who are ineligible students.

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-260 NONHOUSEHOLD AND ~~((EXCLUDED))~~ INELIGIBLE HOUSEHOLD MEMBERS. (1) For nonhousehold members, the department shall ~~((consider the following person as a nonhousehold member and not part of the food household))~~:

(a) ~~((Nonhousehold members are))~~ Consider separate household eligibility for those persons ~~((who, if otherwise eligible, qualify as a separate household and are:~~

(i) Roomers,

(ii) Live-in attendants,

(iii) ~~Others not customarily purchasing and preparing meals with the household, or~~

~~(iv) Ineligible students:))~~ defined in WAC 388-49-190(3);

(b) ~~((Do))~~ Not consider ~~((a))~~ nonhousehold ~~((eligible))~~ members when determining:

(i) Household size,

(ii) Income eligibility, or

(iii) Benefit level~~((:))~~; and

(c) Consider the income and resources of ~~((a))~~ nonhousehold members ~~((as described in))~~ available to the household per WAC 388-49-410 and 388-49-485.

(2) For ineligible household members, the department shall ~~((consider the following person as an excluded household member))~~:

(a) ~~((A person disqualified for intentional program violation;))~~ Not authorize food stamps for those persons defined in WAC 388-49-190(4);

(b) ~~((A person sanctioned for workfare;~~

~~((c) A person who is an ineligible alien; and (d) A person who is disqualified for failure to apply for or provide a Social Security number.~~

~~((3) The department shall))~~ Not consider ~~((excluded))~~ ineligible household members ~~((im))~~ when determining income eligibility or ~~((allotment))~~ benefit levels~~((:))~~ of the household; and

~~((4))~~ (c) Consider the income and resources of ~~((excluded))~~ ineligible household members ~~((shall be considered as described in))~~ per WAC ~~((388-49-490 and))~~ 388-49-410, 388-49-420, and 388-49-480.

AMENDATORY SECTION (Amending Order 2619, filed 4/6/88)

WAC 388-49-410 RESOURCES—EXEMPT. (1) The department shall exempt the following resources:

(a) An occupied home and surrounding property not separated by intervening property owned by others;

(b) An unoccupied home and surrounding property if:
(i) The household intends to return to the home~~((:))~~;
and

(ii) The house is unoccupied due to:

(A) Employment~~((:))~~;

(B) Training for future employment~~((:))~~;

(C) Illness~~((:))~~; or

(D) Uninhabitability due to casualty or natural disaster.

(c) A piece of land where the household is building or intends to build a permanent home, if the household does not own another home. The land must not be separated by intervening property owned by others;

(d) Personal effects;

(e) Household goods;

(f) One burial plot per household member;

(g) Cash value of:

(i) Life insurance policies~~((:))~~; and

(ii) Pension funds.

(h) Vehicles as provided ~~((im))~~ under WAC 388-49-430;

(i) That portion of real or personal property directly related to the maintenance or use of a vehicle excluded under WAC 388-49-430 (1)(a), (b), and (f);

(j) Property annually producing income consistent with its fair market value, even if only used on a seasonal basis;

(k) Rental homes used by household for vacation purposes during the year if the property annually produces income consistent with its fair market value;

(l) Property essential to the employment or self-employment of a household member;

(m) Resources held separately by nonhousehold members, a person disqualified for noncompliance with work registration requirements, or an ineligible student;

(n) Indian lands:

(i) Held jointly with the tribe~~((:))~~; or

(ii) Sold only with the approval of the Bureau of Indian Affairs.

(o) Resources prorated as income for self-employed persons or eligible students. These ~~((monies))~~ funds, if commingled in an account with nonexcluded funds, shall retain their exclusion for the period of time they are prorated as income;

(p) Cash value of resources not accessible to the household;

(q) Funds in a trust and the income produced by that trust, to the extent they are not available;

(r) Resources excluded by express provision of federal law from consideration in the food stamp program;

(s) Installment contracts or agreements for the sale of land or other property when it is producing income consistent with its fair market value;

(t) Value of the property sold under an installment contract;

(u) The value of property held for security if the purchase price is consistent with fair market value;

(v) Real or personal property when:

(i) Secured by a lien as a result of obtaining a business loan; and

(ii) The security or lien agreement prohibits the household from selling the asset or assets.

(w) Governmental payments designated for restoration of a home damaged in a disaster. The household must be subject to legal sanction if the funds are not used as intended;

(x) Energy assistance payments or allowances made under federal, state, or local laws; and

(y) Resources of persons residing in shelters for battered women and children if:

(i) The resources are jointly owned with members of the former household(;-); and

(ii) Access to the resources depends on the agreement of the joint owner.

(2) Exempt ((~~monies~~)) funds commingled in an account with nonexempt funds shall continue to be exempt for up to six months from the date they are commingled.

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-420 RESOURCES—NONEXEMPT. (1) The department shall consider the following resources nonexempt:

(a) Liquid resources(;-);

(b) Real and personal property not exempted by WAC 388-49-410(;-); and

(c) Money secured in the form of a lump sum.

(2) The value of a nonexempt resource, except for licensed vehicles as specified in WAC 388-49-430, shall be its equity value.

(3) Exempt ((~~monies~~)) funds having been commingled in an account with nonexempt funds for more than six months.

(4) The department shall consider resources owned jointly by separate households available in their entirety to each household, unless it can be verified the resource is inaccessible to one of the households.

(5) The department shall consider resources of ((~~excluded~~)) ineligible aliens and persons disqualified for failure to meet Social Security number requirements or intentional program violation as available to the remaining household members.

(6) The department shall consider resources, reduced by one thousand five hundred dollars, of an alien sponsor and spouse, if living together, available to the alien

household for three years following the alien's admission to the United States for permanent residence.

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-480 INCOME—((~~EXCLUDED~~)) INELIGIBLE HOUSEHOLD MEMBERS. (1) The department shall determine eligibility and benefit level for households containing a person ((~~excluded because of~~)) disqualified for intentional program violation ((or failure to comply with workfare requirements)) as follows:

(a) The entire income of the ((~~excluded~~)) disqualified person shall be considered available to the remaining household members; and

(b) The entire household's allowable earned income, standard deduction, medical, dependent care, and excess shelter deduction shall be considered in their entirety; and

(c) The household's coupon allotment shall not be increased as a result of the exclusion of one or more persons.

(2) The department shall determine eligibility and benefit level for households containing a person ((~~excluded~~)) ineligible because of ((~~ineligible~~)) alien status or disqualification for refusal to obtain or provide a Social Security number as follows:

(a) A pro rata share of the income of the ((~~excluded~~)) ineligible person shall be counted as income to the remaining household members;

(b) The twenty percent earned income deduction shall apply to the ((~~excluded~~)) ineligible person's earned income attributed to the household; and

(c) The portion of the household's allowable shelter and dependent care expense which is paid by or billed to the ((~~excluded~~)) ineligible member shall be divided evenly among all members of the household, providing the ((~~excluded~~)) ineligible member has income.

(3) An ((~~excluded~~)) ineligible or disqualified person shall not be included when determining the household's size for purposes of:

(a) Assigning a benefit level; and

(b) Comparing the household's monthly income to the income eligibility standards.

(4) The department shall not consider the income of ineligible students or persons disqualified for failure to meet work registration requirements as available to the household with whom they reside.

WSR 88-16-082

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2663—Filed August 2, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamp assistance, amending chapter 388-49 WAC.

This action is taken pursuant to Notice No. WSR 88-12-091 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 pursuant to RCW 74.04.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 2, 1988.

By Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-49-515 ELIGIBILITY DETERMINATIONS. The department shall:

- (1) Determine eligibility prospectively for each issuance month for all households;
- (2) Budget income for eligible households prospectively or retrospectively according to WAC 388-49-520, 388-49-530, or 388-49-535 after eligibility has been determined for each month; and
- (3) Provide appropriate notice to the household as described in WAC 388-49-600.

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-520 PROSPECTIVE INCOME ((ELIGIBILITY)) BUDGETING. (1) The department shall ~~((determine eligibility))~~ budget income prospectively for:

- (a) Migrant households ~~((during the certification period))~~; and
- (b) Households in which all adult members are elderly or disabled and have no earned income ~~((; and))~~.

(2) The department shall budget the following income prospectively:

- (a) Monthly student financial aid, except for work study;
- (b) Public assistance; and
- (c) Income from a new household member for the first two months of participation when:

- (i) The household ~~((gains and))~~ timely reports ~~((a))~~ the new member; and
- (ii) The new member has not received benefits within the last calendar month.

~~((2))~~ (3) The department shall ((determine eligibility)) consider income exclusions and deductions prospectively when budgeting income prospectively ((in the beginning months and retrospectively thereafter for all households except those described in subsections (1)(a) and (b) of this section)).

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-530 RETROSPECTIVE INCOME BUDGETING. The department shall:

~~(1) ((Budget income prospectively during the certification period for migrant households and households in which all adult members are elderly or disabled and have no earned income.~~

~~(2) Budget public assistance and supplemental security income (SSI) income prospectively during the certification period.~~

~~(3) Budget monthly student financial aid for Title IV (except federal work study) and other federal and non-federal (except state work study) prospectively over the period of intended use.~~

~~(4) Budget student work study retrospectively.~~

~~(5) Consider student financial aid available to the household when actually received.~~

~~(6)) Budget income retrospectively in months other than beginning months for:~~

~~(a) All households except those described in ((subsection (1) of this ((section,)) WAC 388-49-520(1); and~~

~~(b) ((All)) Types of income ((except those)) described in ((subsection (2) and (3) of this section)) WAC 388-49-520(2).~~

~~((7) For prospective budgeting:~~

~~(a) Count income already received and income which can be reasonably anticipated to be received by the household during the month of application;~~

~~(b) Count only the income which can be reasonably anticipated to be received during the second beginning month;~~

~~(c) Annualize self-employment income which is received other than monthly; and~~

~~(d) Average contractual income except for migrant households.~~

~~(8) For retrospective budgeting:~~

~~(a) Use the household composition as of the last day of the report month;~~

~~(b)) (2) Consider income exclusions and deductions retrospectively when budgeting income retrospectively.~~

~~(3) Use the household composition as of the last day of the budget month unless a member leaves or enters the household during the process month. See WAC 388-49-610 for rules when deleting or adding a member.~~

~~(4) Disregard income received in a beginning month ((for one month)) if the income was:~~

~~((i)) (a) From a source no longer providing income to the household; and~~

~~((ii)) (b) Included in the household's prospective budget.~~

~~((e)) (5) Disregard income received from a discontinued source by a nonassistance household member if that member:~~

~~((i)) (a) Applies for and begins to receive a public assistance grant(;); and~~

~~((ii)) (b) Reported the discontinued income at least ten days prior to the start of the payment month.~~

~~((d) Use self-employment income from the corresponding budget month; and~~

~~(c) Count any additional or corrective AFDC payment as an addition to the regular AFDC warrant.~~

~~(9) When a participating household member establishes a new household:~~

~~(a) Remove the member from the prior household; and~~

~~(b) Use the method of income budgeting that was in effect in the prior household.~~

~~(10) Budget income deductions by:~~

~~(a) Anticipating medical expenses, medical reimbursements, dependent care, and shelter costs in the beginning months;~~

~~(b) Using the household's expenses from the corresponding budget month for households under retrospective budgeting; or~~

~~(c) Averaging expenses over the period the expense is intended to cover if the household:~~

~~(i) Has expenses that fluctuate or are billed less often than monthly, and~~

~~(ii) Chooses to have the expenses averaged.))~~

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 388-49-535 SPECIAL CIRCUMSTANCES—INCOME BUDGETING. The department shall:

(1) Budget additional public assistance payments either prospectively or retrospectively, using only the amount authorized for the month the income is received.

(2) Annualize and then prorate the following income to determine eligibility and benefit levels in the beginning months if:

(a) Self-employment income is received other than monthly; and

(b) Income received by contract is in less than one year.

(c) After the first beginning months, the department shall use actual income received in the corresponding budget month.

(3) When a participating household member establishes a new household;

(a) Remove that member from the prior household; and

(b) Use the method of income budgeting that was in effect in the prior household.

(4) Consider either prospectively or retrospectively over the period the expense is intended to cover, expenses that have been averaged if the household:

(a) Has expenses that fluctuate or are billed less often than monthly; and

(b) Chooses to have the expenses averaged.

(5) When adding or deleting a household member, add or delete that person's income, following change of circumstance rules in WAC 388-49-610.

(6) Consider income deductions retrospectively in households having income budgeted both prospectively and retrospectively.

WSR 88-16-083

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2664—Filed August 2, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to boarders, amending WAC 388-49-250.

This action is taken pursuant to Notice No. WSR 88-11-059 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 under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.04.050.

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

APPROVED AND ADOPTED August 2, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-250 BOARDERS. (1) The department defines a boarder as an individual, except a person described in WAC 388-49-190 (2)(a), (b), (c), or (d), who is:

(a) Residing with the household; and

(b) Paying reasonable compensation to the household for lodging and meals.

(2) The department shall not grant separate household status to boarders.

(3) The department shall consider a person paying less than reasonable compensation to be a member of the household that provides meals and lodging.

(4) The department shall include, at the household's request, any boarder paying reasonable compensation ((except:

(a) The spouse of a household member;

(b) Children under parental control of a household member, or

(c) Adult children living with parents unless a parent is elderly or disabled.

(2) The department shall consider a person paying less than reasonable compensation to be a member of the household that provides meals and lodging)).

((3)) (5) Residents of a commercial boarding home are not eligible for food stamps.

WSR 88-16-084
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2665—Filed August 2, 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 and medical provider agreement, amending WAC 388-87-005 and 388-87-007.

This action is taken pursuant to Notice No. WSR 88-13-107 filed with the code reviser on June 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 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 August 2, 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))~~ The following providers ~~((are))~~ shall be eligible for enrollment to provide medical care services:

(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,))~~ according to chapter 70.126 RCW;

(f) An independent (outside) laboratory certified to participate under Title XVIII or determined currently to meet the Medicare requirements for such participation~~((;))~~;

(g) A company or individual ~~((t))~~, not excluded in subsection (3) of this section~~((t))~~, supplying items vital to the provision of medical care services such as ambulance service, oxygen, eyeglasses, other appliances, or approved services, not otherwise covered by this section;

(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))~~ qualified and approved center for the detoxification of acute alcoholic conditions~~((;))~~;

(j) A ~~((certified))~~ qualified and approved 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~~((;))~~; and

(m) An out-of-state provider of services listed in subsection (1)(a) through (k) of this ~~((subsection))~~ section 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:

(a) Sanipractors;

(b) Naturopaths;

(c) Homopathists;

(d) Herbalists;

(e) Masseurs or manipulators;

(f) Christian Science practitioners or theological healers; and

(g) Any other licensed or unlicensed practitioners not otherwise specifically provided for in these rules.

(3) Conditions of eligibility~~((;))~~.

(a) Nothing in this section shall bind the department to enroll all eligible providers capable of delivering covered services. The department shall demonstrate its plan for service delivery creates adequate access to covered services.

(b) When a provider has a restricted professional license or ~~((previously))~~ has been terminated, excluded, or suspended from the Medicare/Medicaid programs, the department shall not authorize provider eligibility ~~((shall be authorized only if))~~ unless the department has determined ~~((that))~~ the violations ~~((that led))~~ leading to the sanction or license restriction are not likely to be repeated. In ~~((making this))~~ its 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))~~ professional or other services not considered during the development of the previous sanction ~~((by Medicare, Medicaid, or state or local licensing authorities)).~~

~~((b))~~ (c) The department shall not reinstate in the medical assistance program, a provider ~~((that has been))~~ suspended from Medicare or suspended ~~((at the direction of))~~ by the department of health and human services (DHHS) until notified by DHHS ~~((notifies the department))~~ that the provider may be reinstated.

~~((c))~~ (d) Nothing in this subsection shall preclude the department from denying ~~((authorization))~~ provider enrollment if, in the opinion of the medical director, division of medical assistance, the provider constitutes a danger to the health and safety of recipients.

AMENDATORY SECTION (Amending Order 2198, filed 1/30/85)

WAC 388-87-007 MEDICAL PROVIDER AGREEMENT. The department shall offer the medical care program ~~((is offered))~~ through the use of ~~((certified))~~ enrolled providers of medical and other covered services. To be ~~((certified))~~ enrolled, a provider ~~((must))~~

shall be licensed, if required, to provide said services, ~~((must))~~ shall meet the conditions of eligibility defined in WAC 388-87-005, and ~~((must))~~ shall sign and submit a standard contract form to the department ~~((stating his/her intention))~~ agreeing to participate in the program according to the terms of this section. This contract form and participation by the provider according to the terms of this section shall constitute the agreement between the department and the provider. ~~((Certified))~~ The department shall issue contract provider numbers to enrolled providers ~~((shall be issued a provider number by the department))~~ which is authorization to participate in the medical care program. Providers who participate in the medical care program ~~((by providing services to recipients of medical assistance and billing the department for such services))~~ are bound by the rules and standards set forth in this section and as issued by the department.

(1) Providers shall keep all records necessary to disclose the extent of services the provider furnishes to recipients of medical assistance.

(2) Providers shall furnish the department with any information it may request regarding payments claimed by the provider for furnishing services to recipients of medical assistance.

(3) The provider shall bill according to instructions issued by the department and accept payment for services according to the schedule of maximum allowances, the drug formulary and other applicable maximum payment levels or schedules. Such payment shall constitute complete remuneration for such services.

(4) The provider shall refund to the recipient any payment received directly from the recipient for services for which the department is responsible for payment. ~~The ((departments))~~ department shall limit its responsibility for payment of services provided in a retroactive period, as defined in WAC 388-80-005, ~~((is limited))~~ to cases in which the cost of the services has not been otherwise paid. ~~((However,))~~ It is appropriate, but not required, that a provider refund to a recipient any payment received in a retroactive period ~~((, if he/she later becomes eligible))~~ of eligibility for Medicaid ~~((on a retroactive basis))~~. Such refund would be for services for which the department would otherwise be responsible for payment. After refunding to the recipient, the provider may bill the department. Upon receipt of a medical coupon that identifies the patient as eligible ~~((on a retroactive basis))~~ retroactively, the provider ~~((may))~~ shall not bill the recipient for any unpaid charges for covered services remaining from the retroactive period.

(5) ~~((Each))~~ Provider billing invoices submitted to the department ~~((by a provider))~~ shall contain the following language and verification: "I hereby certify under penalty of perjury, that the material furnished and service rendered is a correct charge against the state of Washington; the claim is just and due; that no part of the same has been paid and I am authorized to sign for the payee; and that all goods furnished and/or services rendered have been provided without discrimination on the grounds of race, creed, color, sex, religion, national origin, marital status, or the presence of any sensory, mental or physical handicap."

(6) Providers shall render all services without discrimination on the grounds of race, creed, color, sex, religion, national origin, ~~((creed,))~~ marital status, or the presence of any sensory, mental or physical handicap.

(7) The department ~~((may))~~ shall give a thirty-day written notice of action to suspend or withdraw the provider's number and contract authorization to participate in the medical care program ~~((upon thirty days written notice to the provider))~~. The thirty-day notice shall not be required if:

(a) A provider is convicted of a criminal offense related to participation in the Medicare/Medicaid program ~~((, if his/her));~~ or

(b) The provider's license is suspended or revoked ~~((, if));~~ or

(c) Federal funding is revoked ~~((,));~~ or ~~((if))~~

(d) By investigation, the department can document a violation of law or contract; or

(e) In the opinion of the medical director, division of medical assistance, the quality of care provided is such that the health and safety of recipients is endangered.

(8) Providers shall render all services according to the applicable sections of the Revised Code of Washington, the Washington Administrative Code, federal regulations and program instructions issued by the department.

(9) Nothing in this section shall preclude the department and any provider or provider group or association from jointly negotiating or entering into another form of written agreement for provision of medical care services to eligible recipients. If such a contract involves the payment of Title XIX funds, the contract shall satisfy all requirements of the standard form contract as modified by any applicable federal waivers.

(10) The provider must meet the disclosure of ownership requirements of WAC 388-87-008.

WSR 88-16-085
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2666—Filed August 2, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to citizenship and alien status, amending WAC 388-49-310.

This action is taken pursuant to Notice No. WSR 88-13-027 filed with the code reviser on June 7, 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 Department of Social and Health Services as authorized in RCW 74.04.050.

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

APPROVED AND ADOPTED August 2, 1988.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2575, filed 12/31/87)

WAC 388-49-310 CITIZENSHIP AND ALIEN STATUS. (1) Except for subsection (2) of this section, persons participating in the food stamp program shall be residents of the United States and either:

- (a) A United States citizen; or
 - (b) An alien lawfully admitted for permanent residence; or
 - (c) An alien who:
 - (i) Entered the United States prior to (~~June 30, 1948~~) January 1, 1972, or some later date as required by law; and
 - (ii) Has continuously maintained residency in the United States since then; and
 - (iii) Is not ineligible for citizenship but is considered to be lawfully admitted for permanent residence as a result of an exercise of discretion by the attorney general pursuant to section 249 of the Immigration and Nationality Act.
 - (d) An alien who qualified for entry after March 17, 1980, because of persecution or fear of persecution on account of race, religion, or political opinion pursuant to sections 203 (a)(7), 207, and 208 of the Immigration and Nationality Act((-));
 - (e) An alien who qualifies for conditional entry prior to March 18, 1980, pursuant to former section 203 (a)(7) of the Immigration and Nationality Act((-));
 - (f) An alien granted asylum through an exercise of discretion by the attorney general pursuant to section 208 of the Immigration and Nationality Act((-));
 - (g) An alien lawfully present in the United States as a result of:
 - (i) An exercise of discretion by the attorney general for emergent reasons or reasons deemed strictly in the public interest pursuant to section 212 (d)(5) of the Immigration and Nationality Act; or
 - (ii) A grant of parole by the attorney general.
 - (h) An alien living within the United States for whom the attorney general has withheld deportation pursuant to section 243 of the Immigration and Nationality Act because of the judgment of the attorney general that the alien would otherwise be subject to persecution on account of race, religion, or political opinion((-));
 - (i) An alien having temporary resident status as a special agricultural worker under section 210 of the Immigration and Nationality Act.
- (2) Aliens legalized under section 245A of the Immigration and Nationality Act are ineligible for five years after attaining temporary resident status except for those who:
- (a) Attain permanent resident status, and
 - (b) Receive Supplemental Security Income.
- (3) The household shall provide verification when:
- (a) Citizenship is questionable, or
 - (b) One or more of its members are aliens.

(i) The department shall not contact the immigration and naturalization service to obtain information without the alien's written consent.

(ii) The department shall give the household failing to provide verification the option of:

- (A) Withdrawing the application, or
 - (B) Participating without the alien member.
- (4) An applicant shall be ineligible until:
- (a) Questionable citizenship is verified, or
 - (b) Lawful alien status is verified.
- (5) The department shall accept a statement under a penalty of perjury signed by a United States citizen that the applicant is a United States citizen when:
- (a) The applicant cannot produce acceptable citizenship verification((-)); and
 - (b) The household can reasonably explain why the verification is not available.
- (6) The department shall notify immigration and naturalization services when any household member is ineligible because that person is present in the United States in violation of the Immigration and Nationality Act.
- (7) Lawfully admitted aliens who are ineligible include:
- (a) Alien visitors,
 - (b) Tourists,
 - (c) Diplomats, or
 - (d) Students with temporary status.

WSR 88-16-086

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2667—Filed August 2, 1988]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to hospitals, amending chapter 248-18 WAC.

This action is taken pursuant to Notice No. WSR 88-12-032 filed with the code reviser on May 25, 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 Department of Social and Health Services as authorized in RCW 70.41.030.

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 August 2, 1988.

By Leslie F. James, Director
Administrative Services

Reviser's note: The material contained in this filing will appear in the 88-17 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 88-16-087
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
 [Memorandum—August 3, 1988]

There will be a special Forest Practices Board meeting held on September 21, 1988, at 2 p.m. The meeting will be held in Hearing Room E of the House Office Building, Olympia, Washington.

WSR 88-16-088
PROPOSED RULES
THE EVERGREEN STATE COLLEGE
 [Filed August 3, 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 relating to campus parking regulations:

- Rep WAC 174-116-045 Parking permits—Housing residents.
- Amd WAC 174-116-020 Authority.
- Amd WAC 174-116-040 Parking permits—General information.
- Amd WAC 174-116-043 Parking permits—Issuance and display.
- Amd WAC 174-116-119 Fines;

that the institution will at 1:45 p.m., Tuesday, September 20, 1988, in The Evergreen State College Board Room, Library 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 September 19, 1988.

Dated: August 3, 1988
 By: Shawn Newman
 College Legal Counsel

STATEMENT OF PURPOSE

- Title: Campus parking regulations.
- Description of Purpose: To provide regulations for parking on campus to include related fees and enforcement procedures.
- Statutory Authority: RCW 28B.40.120.
- Specific Statute Rule is Intended to Implement: RCW 28B.10.560.
- Summary of Rule: Campus parking regulations.
- Reasons Supporting Proposed Action: To include housing residents in the parking policy.
- Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ken Jacob, Director of Facilities, The Evergreen State College, Olympia, WA 98505, TA-00, phone (206) 866-6000 ext. 6120.
- Person or Organization Proposing Rule, and Whether Public, Private or Governmental: The Evergreen State College, public.

AMENDATORY SECTION (Amending Order 87-2, Resolution No. 87-13, filed 6/24/87)

WAC 174-116-020 AUTHORITY. (1) The Evergreen State College through its board of trustees is authorized to establish traffic and parking regulations as stated in RCW 28B.10.560. The board of trustees reserves the right to add, delete or modify portions of these regulations including the appended fee and fine and penalty schedules in accordance with its regulations and applicable laws. Administration and enforcement of these parking regulations will be delegated to the security and parking offices.

(2) The Evergreen State College parking office is authorized to issue annual, quarterly, daily, car-pool, ((housing)) and special permits to park upon the campus. Special permits are issued pursuant to the provisions of these regulations. All outstanding campus parking violations must be satisfactorily settled before a special permit will be issued or renewed.

(3) The authority and powers conferred upon the security chief and director of facilities by these regulations shall be subject to delegation by him/her to subordinates.

AMENDATORY SECTION (Amending Order 87-2, Resolution No. 87-13, filed 6/24/87)

WAC 174-116-040 PARKING PERMITS—GENERAL INFORMATION. (1) Parking permits are issued by the parking office following application and the payment of the appropriate fees. All privately-owned motor vehicles parked or left standing unattended on college property are required to display a currently valid Evergreen parking permit during the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday.

(2) Fees for parking permits are as follows:

	Automobile	Motorcycle
Quarterly	22.00	11.00
<u>Quarterly-mod</u>		
resident	22.00	11.00
Annual	54.00	27.00
<u>Annual-mod</u>		
resident	54.00	27.00
Daily	.75	.75

AMENDATORY SECTION (Amending Order 87-2, Resolution No. 87-13, filed 6/24/87)

WAC 174-116-043 PARKING PERMITS—ISSUANCE AND DISPLAY. (1) All parking permits must be positioned so that they are clearly visible and readable from the outside of the vehicle.

(2) Car pool permits may be purchased by faculty, staff and students. One transferable permit will be issued by the parking office for each car pool. This permit is transferable only among the registered members of the car pool. The permit must be displayed on the dashboard or in the left corner in front of the driver.

(3) Annual and quarterly parking permits must be affixed to the vehicle's rear window with the following exceptions:

(a) On convertibles and trucks they may be affixed in the lower left corner of the front windshield.

(b) On station wagons and cars with heated rear windows, permits may be affixed in the left rear side window.

(c) Motorcycle permits must be affixed to the left front fork.

(4) Daily parking permits shall be placed on the dash board with date stamp facing up, so as to be clearly visible from the exterior of the vehicle.

(5) A parking permit application is required to be on file for each vehicle displaying a permit. Ownership of permits is not transferable except when approved by the parking office. If the vehicle is sold, and for any reason a replacement permit is requested, the old permit must be removed and presented to the parking office to be eligible for a replacement or a refund.

(6) Faculty, staff and students who do not live in campus housing may be issued a duplicate car permit for another vehicle either personally owned, family owned, or owned by their employer. Proof of ownership or authorization from the owner for all vehicles must be presented. However, two vehicles bearing the same numbered permit may not be parked on campus at the same time unless one also displays a valid daily permit.

(7) Vehicles displaying a valid permit may be parked in any campus lot with the exception of the modular housing lot. Only mod resident

permits are valid for that lot. Mod residents, upon proof of residency, may purchase these decals, honored in all lots on campus.

(8) Any permit holder may obtain a temporary permit at the parking booth without charge for another vehicle when the vehicle for which a permit was purchased is unavailable due to repair or for another valid reason.

AMENDATORY SECTION (Amending Order 87-2, Resolution No. 87-13, filed 6/24/87)

WAC 174-116-119 FINES. (1) Payment.

(a) Persons cited for violation of these regulations may respond by paying a fine within ten days of the date of notice of infraction. However, persons cited for "no valid permit" or for "overtime parking" which are designated as five dollar fines, may pay a reduced fine of two dollars, if the citation is attached to the two dollar payment and deposited in the parking booth drop box on the same day the citation is issued. Such payment shall constitute a waiver of the right to request a review as described in WAC 174-116-121.

(b) All fines, excepting reduced fines, are payable to The Evergreen State College cashier. Fines may be paid in person or by mail by sending the notice of infraction and amount of fine to The Evergreen State College cashier. The cashier will not discuss the appropriateness of the fine with the payor.

(2) Unpaid.

If any fine remains unpaid after ninety days from the date of the notice of infraction, the account will be referred to the controller for collection and the following actions may be taken by The Evergreen State College:

(a) All services on campus may be withheld including academic registration for the following quarter.

(b) Transcripts may be withheld for any persons having outstanding unpaid fines.

(c) Unless payment of the fine has been made, the amount of the fine may be deleted from an employee's paycheck after notice from the controller.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 174-116-045 PARKING PERMITS—HOUSING RESIDENTS.

WSR 88-16-089

PROPOSED RULES

PARKS AND RECREATION COMMISSION

[Filed August 3, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning:

New	WAC 352-32-095	Squak Mountain State Park—Prohibited uses.
Amd	WAC 352-32-251	Limited income senior citizen, disability and veterans disability passes.
Amd	WAC 352-32-252	Off-season senior citizen pass—Fee;

that the agency will at 9:00 a.m., Friday, September 16, 1988, in the Nendels Inn, 714 Lakeway Drive, Bellingham, 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 43.51.040, 43.51.055 and 43.51.060.

The specific statute these rules are intended to implement is RCW 43.51.040, 43.51.055 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 13, 1988.

Dated: July 28, 1988

By: Mike Reed

Executive Assistant

STATEMENT OF PURPOSE

Title: WAC 352-32-095 Squak Mountain State Park—Prohibited uses; 352-32-251 Limited income senior citizen, disability and veteran disability passes; and 352-32-252 Off-season senior citizen pass—Fee.

Description of Purpose: To prohibit uses of vehicles, bicycles or horses within Squak Mountain State Park; and to extend fee exemptions associated with passes to [for] use of moorage facilities.

Statutory Authority: RCW 43.51.040, 43.51.055 and 43.51.060.

Summary of Rule: Prohibits use of vehicles, bicycles and horses at Squak Mountain State Park; and provides that holders of limited income senior citizen passes, disability passes, veteran disability passes, and off-season senior citizen passes are entitled to specified fee reductions or exemptions for use of moorage facilities, similar to existing exemptions or reductions for use of camping facilities by pass holders.

Reasons Supporting Proposed Action: Restrictions in the deed by which Squak Mountain State Park was conveyed to the state prohibit the use of vehicles and horses; and clarification has been needed as to the applicability of fee exemptions associated with park passes to moorage facilities.

Agency Personnel Responsible for Drafting: Mike Reed, Executive Assistant, 7150 Cleanwater Lane, Olympia, WA 98504; Implementation and Enforcement: Lynn Genasci, Assistant Director, Operations, 7150 Cleanwater Lane, Olympia, WA 98504.

Proposing: Washington State Parks and Recreation Commission.

Agency Comments: [No information supplied by agency.]

Federal Law/Court Action: [No information supplied by agency.]

NEW SECTION

WAC 352-32-095 SQUAK MOUNTAIN STATE PARK—NATURAL AREA—PROHIBITED USES. Outside of designated parking areas, human foot traffic only shall be allowed within Squak Mountain State Park—Natural area. All other means of transportation, including, but not limited to, horses or any mechanized vehicles such as motor vehicles, bicycles, or similar vehicles are specifically excluded.

AMENDATORY SECTION (Amending Order 71, filed 11/22/83)

WAC 352-32-251 LIMITED INCOME SENIOR CITIZEN, DISABILITY, AND VETERAN DISABILITY PASSES. (1)(a) Persons who are senior citizens, meet the eligibility requirements of RCW 43.51.055, and have been residents of Washington state for at least one year shall, upon application to the commission, receive an annual limited income senior citizen pass at no charge which entitles the holder and the holder's camping unit to free admission to any state park administered facility and to a fifty percent reduction in any campsite fees or moorage fees levied by the commission.

(b) Applications for limited income senior citizen passes shall be accepted only after November 30 for the following year.

(2) Persons who are permanently disabled, legally blind, or profoundly deaf, meet the eligibility requirements of RCW 43.51.055, and have been residents of Washington state for at least one year shall, upon application to the commission, receive a five year disability pass at no charge and other disabled persons who meet the eligibility requirements of RCW 43.51.055 and have been residents of Washington state for at least one year shall, upon application to the commission, receive a one year disability pass which entitles the holder and the holder's camping unit to free admission to any state park administered facility and to a fifty percent reduction in any campsite fees or moorage fees levied by the commission.

(3) Persons who are veterans, meet the eligibility requirements of RCW 43.51.055, and have been residents of Washington state for at least one year shall, upon application to the commission, receive a lifetime veteran disability pass at no charge which entitles the holder and the holder's camping unit to free admission to any state park administered facility and to free use of any state park campsite or moorage facility.

(4) Applications for limited income senior citizen, disability, and veteran disability passes shall be made on forms prescribed by the commission.

(5) For pass holders who travel by car or recreational vehicle a camping unit shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping unit of a holder at one campsite or portion of a designated group camping or emergency area when in the judgment of a ranger the constructed facilities so warrant and the total number of guests of the holder do not exceed seven.

(6) For pass holders who travel by a mode of transportation other than car or recreational vehicle a camping unit shall include the pass holder and up to five guests who travel with the holder and use one campsite or portion of a designated group camping or emergency area.

(7) If the conditions of a pass holder change during the time period when a pass is valid such that a pass holder no longer meets the eligibility requirements of RCW 43.51.055 and WAC 352-32-251, then a pass holder shall return a pass to the commission.

AMENDATORY SECTION (Amending Order 88, filed 3/22/85, effective 5/15/85)

WAC 352-32-252 OFF SEASON SENIOR CITIZEN PASS—FEE. (1) Persons who are senior citizens, are at least sixty-two years of age, and have been residents of Washington state for at least one year shall, upon application to the commission, receive an off-season senior citizen pass which entitles the holder and the holder's camping unit to thirty nights of camping at any camping areas made available by the commission, as well as use of agency mooring facilities, at no cost beyond the charges provided for in subsection (3) of this section, between the day following the Labor Day legal holiday and April 30. Each such pass shall be valid only during one off-season period and may be renewed after being used for thirty nights of camping.

(2) Applications for off-season senior citizen passes shall be made on forms prescribed by the commission and shall be accepted only after August 15 for the following off-season period.

(3) The fee for each off-season senior citizen pass and renewal shall be \$15.00. A surcharge equal to the fee for an electrical hookup established in WAC 352-32-250 shall be assessed for each night an off-season senior citizen pass holder uses a campsite with an electrical hookup.

(4) For pass holders who travel by car or recreational vehicle a camping unit shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping unit of a holder at one campsite or portion of a designated group camping or emergency area when in the judgment of a ranger the constructed facilities so warrant and the total number of guests of the holder do not exceed seven.

(5) For pass holders who travel by a mode of transportation other than car or recreational vehicle a camping unit shall include the pass holder and up to five guests who travel with the holder and use one campsite or portion of a designated group camping or emergency area.

(6) If a pass holder changes residency to a place outside Washington state during the time period when a pass is valid, the pass holder shall return the pass to the commission.

WSR 88-16-090

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 3, 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 proposed rules are intended to clarify certain aspects of public work law (chapters 39.04 and 39.12 RCW) and the existing WACs. WAC 296-127-010 provides additional definitions of terms including public work and residential construction; WAC 296-127-011 establishes dates for determining and publishing prevailing wage rates, clarifies awarding agencies responsibility about including prevailing rates in contract documents and fixes the prevailing rates which are in effect on the date when a contract is awarded; WAC 296-127-013 authorizes the industrial statistician to promulgate scope of work descriptions; WAC 296-127-014 limits usual benefits to health and welfare, pension, vacation, apprentice training fund and paid holidays; WAC 296-127-015 defines the circumstances under which supervisors are entitled to receive prevailing rates of pay; WAC 296-127-016 defines the circumstances under which workers employed in the production and delivery of sand, gravel, crushed rock, concrete mix, asphalt and other similar material are entitled to receive prevailing wages; WAC 296-127-019 describes the methods used by the industrial statistician to establish prevailing wages; WAC 296-127-023 defines building service maintenance contracts contain a clause requiring the contractor to pay the most recent annual increases in the prevailing wage rates after the first year of the contract; WAC 296-127-025 stipulates that projects where both Washington state and federal public works law apply the Washington state prevailing wage rates, if higher than the federal rates, must be paid; WAC 296-127-026 lists exemption from the prevailing wage requirements for sole owners and their spouses, partnerships, some corporation officers and employees of public agencies; WAC 296-127-040 establishes \$25.00 as the fee for approval of statement of intent to pay prevailing wages forms for contracts over \$2,500.00; and WAC 296-127-045 establishes \$25.00 as the fee for the approval of affidavits of prevailing wages paid forms for contracts over \$2,500.00;

that the agency will at 9:00 a.m., Tuesday, September 13, 1988, in Office Building 2, Auditorium OB2, 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 October 10, 1988.

The authority under which these rules are proposed is chapters 39.04 and 39.12 RCW and RCW 43.22.270.

The specific statute these rules are intended to implement is chapters 39.04 and 39.12 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 13, 1988.

Dated: August 3, 1988

By: Joseph A. Dear
Director

STATEMENT OF PURPOSE

Title and Number of Rule Chapters: WAC 296-127-010 Definitions; 296-127-011 Time for determining prevailing wage; 296-127-013 Scope of work definitions; 296-127-014 Usual benefits; 296-127-015 Applicability of prevailing wages for supervisors; 296-127-016 Workers employed in the production and delivery of specified materials; 296-127-019 Survey methodology; 296-127-023 Building service maintenance; 296-127-025 Applicability of joint federal-state standards; 296-127-026 Exemptions from the prevailing wage requirements; 296-127-040 Approval fee for statements of intent to pay prevailing wages; and 296-127-045 Approval fee for affidavits of prevailing wages paid.

Statutory Authority: Chapters 39.04 and 39.12 RCW and RCW 43.22.270.

Specific Statutes that Rules are Intended to Implement: Chapters 39.04 and 39.12 RCW, Laws of 1988.

Summary of the Rules: WAC 296-127-010 provides additional definitions of terms used in these chapters, including the terms public work and residential construction; WAC 296-127-011 establishes the first day of February and the first day of August of each year as the only dates for publishing prevailing wage rates. Makes it mandatory for public agencies to include a schedule of the applicable published prevailing wage rates in their contract documents and for contractors to do the same in their contracts with each one of their subcontractors. Fixes the prevailing wage rates for construction contracts which are in effect on the date when a contract is awarded as the prevailing wage rates for the duration of those contracts; WAC 296-127-013 authorizes the industrial statistician to promulgate scope of work descriptions which may be revised only on the first day of February and the first day of August of each year; WAC 296-127-014 limits usual benefits to health and welfare, pension, vacation, apprentice training fund and paid holidays; WAC 296-127-015 defines the circumstances under which supervisors are entitled to receive the prevailing journeyman rate of pay for the type of work they perform; WAC 296-127-016 defines the circumstances under which workers employed in the production and delivery of sand, gravel, crushed rock, concrete mix, asphalt and other similar materials are entitled to receive prevailing wages; WAC 296-127-019 describes the methods used by the industrial statistician to establish prevailing wages; WAC 296-127-023 defines building service maintenance and requires that public service maintenance contracts contain a clause requiring contractors to pay the most recent annual increases in the prevailing wage rates after the first year of the contract; WAC 296-127-025 stipulates that on projects where the Washington state and the federal public works laws apply, the Washington state prevailing wages must be paid when they are higher than the federal prevailing wages;

WAC 296-127-026 exemptions from the prevailing wage requirements for sole owners and their spouses, partnerships, some corporation officers and employees of public agencies; WAC 296-127-040 establishes \$25.00 as the fee for the approval of statement of intent to pay prevailing wages forms for contracts in excess of \$2,500.00; and WAC 296-127-045 establishes \$25.00 as the fee for the approval of affidavit of prevailing wages paid forms for contracts in excess of \$2,500.00.

Reasons Supporting the Proposed Rule: The legislature has given the Department of Labor and Industries the responsibility to enforce Washington state public work law (chapters 39.04 and 39.12 RCW). The proposed rules are intended to help continue implementing those laws and to clarify certain aspects of the current rules.

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 19.58 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 296-127-010 through 296-127-045 the findings of the agency are as follows: The legislature has given the department the responsibility to enforce Washington state public work law (chapters 39.04 and 39.12 RCW) and has made known that it is expectant of the department to adopt both new and clarifying rules; the rules are primarily of a procedural nature which will allow all affected parties to have better knowledge of statute obligations; and WAC 296-127-040 and 296-127-045 both raise filing fees for forms from \$12.50 to \$25.00 which are charged on contracts over \$2,500.00. The fees are charged to awarding agencies; therefore, there is not significant adverse impact on small business.

AMENDATORY SECTION (Amending Order 85-28, filed 1/17/86)

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

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

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

(4) "Assistant director" means the assistant director of the employment standards, apprenticeship, and crime victims (ESAC) division or his or her duly authorized deputy or representative.

(5) "Contractor" includes subcontractor.

(6) The term "public work" shall include all construction, alteration, enlargement, improvement, repair, and demolition to which any agency of the state of Washington or any agency of a county, city, town, or any other political subdivision, or a public district, is a party, whether such work is executed by contract, purchase order, or any other legal agreement, provided the contracting agency owns the asset which is constructed, altered, enlarged, improved, repaired, or demolished. The public entity which is the source of the funding shall have no bearing on the term public work.

Public work shall also include facilities of new construction which are caused by state agencies to be built by a private party through a contract to rent, lease, or purchase at least eighty percent of such facility for occupation by a state agency as required by chapter 43.19 RCW.

Public work shall also include maintenance when performed by contract. The term contract shall mean a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid. However, a contract which is awarded from a small works roster need not be advertised.

(7) "Residential construction" means construction, alteration, repair, improvement, or maintenance of single family dwellings, duplexes, apartments, condominiums, and other residential structures not to exceed four stories in height, including basement, when used solely as permanent residences. It does not include the utilities construction (water and sewer lines), or work on streets, or work on other structures (e.g., for recreation and business.)

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

WAC 296-127-011 TIME FOR DETERMINING PREVAILING WAGE. ((The department will use the date bids are due as the effective date for determining prevailing wages provided the contract is awarded within 60 days after bids are due. If the contract is not awarded within 60 days after bids are due, the department will determine the prevailing wage on the date the contract is awarded. If the contract is not awarded pursuant to bids, the department will determine the prevailing wage on the date the contract is awarded:)) (1) Prevailing wage rates for all contracts will be determined by the department and published only on the first day of February and the first day of August of each year. Awarding agencies must include a schedule of the applicable published prevailing wage rates in the contract documents for each contract. Contractors must include a schedule of the applicable published prevailing wage rates in their contracts with each one of their subcontractors.

(2) For all contracts, except building service maintenance contracts, the prevailing wage rates which are in effect on the date when the bids by the prime contractors are required to be submitted to the contract awarding public agency are the prevailing wage rates which must be paid for the duration of the contract. If the contract is not awarded within six months of this date, the prevailing wage rates which are in effect on the date when the contract is awarded are the prevailing wage rates which must be paid for the duration of the contract.

(3) If an agreement for public works is not awarded pursuant to bids, the prevailing wages which are in effect on the date when the agreement is executed are the prevailing wages which must be paid for the duration of the agreement.

NEW SECTION

WAC 296-127-013 SCOPE OF WORK DEFINITIONS. In order for the industrial statistician to determine applicable prevailing wage rates, scope of work definitions are needed for each trade and occupation.

(1) The industrial statistician may promulgate scope of work descriptions, using authoritative sources available to the department, such as, but not limited to:

(a) Washington state apprenticeship and training council approved apprenticeship standards;

(b) Collective bargaining agreements;

(c) Dictionary of occupational titles;

(d) Experts from organized labor, licensed contractors, and contractors' associations.

(2) Scope of work definitions may be revised only on the first day of February and the first day of August each year. Scope of work definitions may be obtained from the department on request.

NEW SECTION

WAC 296-127-014 USUAL BENEFITS. "Usual benefits" are limited to the following:

(1)(a) Health and welfare payments. This is group medical insurance, which may include dental, vision, and life insurance. (State or federal statutorily mandated insurance programs providing protection against industrial accidents, occupational illnesses, and all related mandatory forms of protection, shall not qualify as health and welfare insurance.)

(b) Pension contributions made into pension plans for which the Internal Revenue Service has issued a letter of acceptance or approval.

(c) Vacation payments made either directly to the employees or into a vacation fund, provided these benefits are paid to the employees.

(d) Apprentice training fund. Payments made to training programs approved or recognized by the Washington state apprenticeship and training council.

(e) Paid holidays. Payments made to employees for specified holidays.

(2) Any fringe benefits required by other local, state, or federal laws do not qualify as "usual benefits."

NEW SECTION

WAC 296-127-015 APPLICABILITY OF PREVAILING WAGES FOR SUPERVISORS. Determinations as to whether individuals are workers, laborers, or mechanics are based on the duties actually performed by the individuals, rather than the title of the occupations.

(1) Supervisors (e.g., foremen, general foremen, superintendents, etc.) are entitled to the prevailing rate of wage if they perform manual or physical labor for more than twenty percent of their hours worked on a public works project during any given week. Supervisors who qualify, are entitled to the journeyman rate of pay for the type of work they performed, for all hours spent performing that manual labor.

(2) If supervisors subject to the journeyman prevailing wage rate are paid a salary, the compensation (salary divided by number of hours worked) must be equal to or greater than the prevailing wage rate for the type of work performed.

NEW SECTION

WAC 296-127-016 COVERAGE AND EXEMPTIONS OF WORKERS INVOLVED IN THE PRODUCTION AND DELIVERY OF MATERIALS PREDOMINANTLY USED IN ROAD CONSTRUCTION. The materials covered under this section are sand, gravel, crushed rock, concrete mix, asphalt, or other similar materials.

(1) Workers who are employed by public works contractors or subcontractors are subject to the provisions of chapter 39.12 RCW when:

(a) They are engaged in the production of the above listed materials for a public works project in a sand or gravel pit, rock quarry, concrete mixing plant, or other similar facility; or

(b) They are engaged in the transportation of the above listed materials for use on the public works project, whether or not they perform any work on the project site.

(2) Workers are subject to the provisions of chapter 39.12 RCW, regardless of who their employer is, when:

(a) They deliver any of the above materials to public works construction sites and perform any spreading, leveling, rolling, or otherwise participate in any incorporation of the materials into the project; or

(b) They wait at or near the public works project site to participate in the incorporation of the materials into the project; or

(c) They remove any materials from a public works construction site pursuant to contract requirements or specifications (e.g., excavated materials, materials from demolished structures, cleanup materials, etc.); or

(d) They work in a material production facility (e.g., batch plant, borrow pit, rock quarry, etc.) which is established near a public works construction site for the specific, but not exclusive, purpose of supplying materials for the project.

(3) Workers are not subject to the prevailing wage requirements of chapter 39.12 RCW when: They are employed by a common or contract carrier trucking company principally or exclusively engaged in the hauling or delivery of such products, and the employee's duties do not include spreading, leveling, rolling, or otherwise participating in the incorporation of the delivered materials into the project.

NEW SECTION

WAC 296-127-019 SURVEY METHODOLOGY. (1) The industrial statistician will use two methods to establish or update prevailing wage rates. They will be:

- (a) Data collected by wage surveys; and/or
- (b) Wage increases stipulated in collective bargaining agreements for those trades or occupations where a recent wage survey has established that those wage rates prevail.

When wage surveys are conducted, the method will be as follows:

(2) The department will determine the identity of employers to be surveyed for a specific trade or occupation by mailing classification questionnaires to all active licensed or Washington state department of transportation and United States Department of Labor prequalified contractors.

(3) Wage survey forms will then be mailed to:

- (a) Those contractors who have indicated on the questionnaire that they employ one or more of the trades being surveyed; and
- (b) To union locals representing the trades being surveyed.

(4) The data from the survey forms will only be used by the department if submitted on behalf of individual contractors identified by contractor registration number.

(5)(a) If the majority of hours worked by any trade or occupation in the largest city in a county is paid at one specific wage rate, that rate is established as the prevailing wage rate.

(b) If no single wage rate is paid to the majority of workers in the same trade or occupation, the average wage rate is established as the prevailing wage rate, based on a weighted average.

(6) Any of the above parties who submit false information under this section, shall, after a determination to that effect has been issued by the director after a hearing under chapter 34.04 RCW, forfeit as a civil penalty the sum of five hundred dollars.

NEW SECTION

WAC 296-127-023 BUILDING SERVICE MAINTENANCE. The "public building service maintenance contracts" referred to in RCW 39.12.020 shall mean janitorial service contracts and cover only work performed by janitors, waxers, shampooers, and window cleaners.

Any building service maintenance contract of more than one year duration, must include wage increase language recognizing the potential for future variance in applicable prevailing wage(s) and specifying that the wages which a contractor shall pay its employees must be altered annually to recognize and follow the most recently promulgated increases in prevailing wages each year after the first year of the contract period. The cost of the increases in the wages due employees shall be borne by the contract awarding agency.

NEW SECTION

WAC 296-127-025 APPLICABILITY OF JOINT FEDERAL-STATE STANDARDS. When a public works project is subject to the provisions of the Washington state public works law, chapter 39.12 RCW, and the Federal Davis-Bacon and related acts, the contractor and every subcontractor on that project must pay at least the Washington state prevailing wage rates, if they are higher than the federal prevailing wage rates for the project.

NEW SECTION

WAC 296-127-026 EXEMPTIONS FOR SOLE OWNERS AND THEIR SPOUSES, PARTNERSHIPS, CORPORATIONS, AND EMPLOYEES OF PUBLIC AGENCIES. The prevailing wage requirements of chapter 39.12 RCW do not apply to:

- (1) Sole owners and their spouses.
- (2) Any partner who owns at least thirty percent of a partnership.
- (3) The president, vice-president and treasurer of a corporation if each one owns at least thirty percent of the corporation.
- (4) Workers regularly employed on monthly or per diem salary by the state or any political subdivision created by its laws.

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

WAC 296-127-040 STATEMENT OF INTENT TO PAY PREVAILING WAGES. (1) All statements of intent to pay prevailing wages for contracts in excess of two thousand five hundred dollars submitted to the industrial statistician of the department shall be accompanied by a fee of ~~((2.50))~~ twenty-five dollars for each statement. All statements of intent to pay prevailing wages for contracts of two thousand five hundred dollars or less submitted to the department shall be accompanied by a fee of twelve dollars fifty cents for each statement. Fees shall be made payable to the department of labor and industries.

(2) Any agency, division, or department of the state of Washington which through agreement with the department certifies statements of intent for its own contracts shall provide to the industrial statistician each month the number of statements of intent certified and quarterly shall send a fee of ~~((10.00))~~ ten dollars for each statement of intent to pay prevailing wages it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.

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

WAC 296-127-045 AFFIDAVIT OF WAGES PAID. (1) All affidavits of wages paid for contracts in excess of two thousand five hundred dollars submitted to the industrial statistician of the department shall be accompanied by a fee of ~~((2.50))~~ twenty-five dollars for each affidavit of wages paid. All affidavits of wages paid for contracts of two thousand five hundred dollars or less submitted to the industrial statistician of the department shall be accompanied by a fee of twelve dollars fifty cents for each affidavit. All fees shall be made payable to the department of labor and industries.

(2) Any agency, division, or department of the state of Washington which through agreement with the department certifies affidavits of wages paid for its own contracts shall provide to the industrial statistician each month the number of affidavit of wages paid it has certified and quarterly shall send a fee of ~~((10.00))~~ ten dollars for each affidavit of wages paid it has certified. This fee shall be sent to the industrial statistician and be made payable to the department of labor and industries.

WSR 88-16-091

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 3, 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 WAC 296-18A-440, 296-18A-460, 296-18A-465 and 296-18A-480, to change language for purpose of reflecting shift in responsibility and reorganization within Vocational Rehabilitation Services; and WAC 296-16-010 to specify the period of time an injured worker can be certified as a preferred worker and to clarify the employer's time frame for submission of the intent to hire form;

that the agency will at 1:30 p.m., Friday, September 9, 1988, in the General Administration Building, 1st Floor, Large 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 October 10, 1988.

The authority under which these rules are proposed is chapter 34.04 RCW.

The specific statute these rules are intended to implement is RCW 51.16.120(3) and 51.32.095.

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

Dated: August 3, 1988
By: Joseph A. Dear
Director

STATEMENT OF PURPOSE

Title and Number of Rule Chapter: WAC 296-16-010, Employer—Worker reemployment incentives; and chapter 296-18A WAC, Rehabilitation review.

Statutory Authority: Chapter 43.04 [34.04] RCW.

Specific Statutes that Rules are Intended to Implement: RCW 51.16.010 and 51.32.095.

Summary of the Rule: WAC 296-16-010, describes the preferred worker certification criteria and premium waivers for new employers hiring preferred workers; and chapter 296-18A WAC, describes the vocational rehabilitation program.

Reasons Supporting the Proposed Rule: The requested additions to WAC 296-16-010 are intended to clarify the period of time an injured worker can be certified as a preferred worker, the purpose of the intent to hire form (the employers' notification of the intention to hire a preferred worker) and the employers time frame for submission of the intent to hire form. These additions will improve the departments ability to effectively and efficiently administer the preferred worker program; and the requested changes to chapter 296-18A WAC reflect a reassignment of specific responsibilities from the Office of Rehabilitation Services to the Vocational Rehabilitation Services section. This redistribution of responsibility is predicated on an internal reorganization of Vocational Rehabilitation Services within the department.

Agency Person Responsible for Drafting, Implementation and Enforcement of the Rules: Chuck Holmquist, Assistant Director of Vocational Rehabilitation Services, General Administration Building, Mailstop HC-311, Olympia, Washington 98504, phone (206) 586-2187.

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 Impact Statement: The requested rule amendments do not have an economic impact on more than twenty percent of all industries or on ten percent of any one industry.

AMENDATORY SECTION (Amending Order 85-12, filed 6/11/85)

WAC 296-16-010 PREMIUM WAIVED FOR EMPLOYMENT OF PREFERRED WORKER. In order to implement the provisions of RCW 51.16.120(3) by way of encouraging employment of injured workers who are not reemployed by the employer at the time of injury, the following provisions are adopted:

Any employer who employs a "preferred worker" as defined in these rules shall be excused from the payment of industrial insurance premiums and/or accident costs under the circumstances and conditions herein provided:

(1) A "preferred worker" may be classified as such by the department when the supervisor or his or her designee shall determine, in his or her discretion, that such person has sustained an industrial injury or occupational disease under our state Industrial Insurance Act which prevents the worker from returning to work with the former employer and that such injury or occupational disease is substantially impairing the likelihood of such worker's reemployment with other employers for a period not to exceed thirty-six calendar months.

(2) Any state fund employer, other than the employer at the time of injury or exposure, who employs a "preferred worker" shall be excused, during the period of employment of such worker but not to exceed thirty-six calendar months, from the payment of any accident fund premiums and medical aid premiums which would otherwise be due based upon such employment.

(3) In the event that a further injury or occupational disease is sustained by a reemployed "preferred worker" during the first thirty-six months subsequent to the hiring of such "preferred worker," while in the employ of the accepting employer, such employer, whether insured by the state fund or self-insured, shall not be charged with the costs of any such claim which would otherwise be charged to or paid by such employer. Such costs shall be charged against the second injury fund.

The provisions of subsections (2) and (3) of this section shall apply only if the ~~((department acknowledges the application of such rules in writing))~~ intent to hire form is completed and received by the department within sixty days from the first day of employment. Receipt of the intent to hire form authorizes the department to assign the appropriate risk classification to the employers' account.

AMENDATORY SECTION (Amending Order 85-20, filed 8/13/85)

WAC 296-18A-440 REPORTS. The following reports are required from the vocational rehabilitation provider for state fund referrals.

(1) Contact report. Contact with the injured worker shall be reported to the department within twenty-one calendar days of the date the referral was sent to the provider. Notification of contact shall be on a department provided form.

(2) Progress reports. A progress report ~~((will be made upon request from the referral source on))~~ shall be submitted each sixty days unless otherwise authorized by the claim manager. Progress reports will follow a department approved format. The referral source is to be notified immediately of factors affecting plan completion or changes of status or changes in plan costs.

(3) Closing report. Upon completion of the formal program, a closing report to the referral source shall be submitted by the vocational rehabilitation provider. That report shall contain at least the following:

(a) Assessment of the injured worker's employability status at the time of completion of vocational services;

(b) Whether or not the injured worker has returned to work;

(c) Any remaining barriers to the injured worker becoming employable at gainful employment.

AMENDATORY SECTION (Amending Order 87-13, filed 5/6/87)

WAC 296-18A-460 PERFORMANCE CRITERIA. (1) Vocational rehabilitation providers offering services under RCW 51.32.095 for state fund referrals shall be selected by the department, at the department's sole discretion, based upon providers' performance according to the following criteria.

(2) There shall be objective evaluation by the department's ~~((office of rehabilitation services))~~ vocational rehabilitation services section, which shall address:

(a) Cost to medical aid fund including fees paid to vocational providers or other providers at the request of the vocational rehabilitation counselor;

(b) Cost to accident fund including time loss compensation, loss of earning power payments, and "training" costs pursuant to RCW 51.32.095(3), paid during the time vocational rehabilitation services are provided;

(c) Cost to second injury fund due to approved job site modifications;

(d) Length of services provided, from time of referral to date of issuance of closing report;

(e) Ratio of referrals to completed plans;

(f) The outcome of the claim at the time of closure of vocational rehabilitation services which identifies the injured worker as (i) employable; (ii) returned to work; or (iii) other.

(3) The ~~((office of rehabilitation services))~~ vocational rehabilitation services section shall also weigh the various objective criteria listed above by addressing the following subjective criteria:

(a) The ability of the vocational rehabilitation provider and counselor to comply with the rules contained in chapter 296-18A WAC and the law as contained in RCW 51.32.095;

(b) The adequacy of the vocational rehabilitation provider's facilities shall also be considered.

(4) The ~~((office of rehabilitation services))~~ vocational rehabilitation services section shall solicit proposals, on forms provided by the ~~((office of rehabilitation services))~~ vocational rehabilitation services section, from all providers on the department's provider list and shall utilize these in contracting with providers for referrals.

(5) Audits. In order to ensure compliance with the above listed criteria, every vocational rehabilitation provider used by the department shall be subject to an audit of their facilities and files. Audits may be conducted upon petition or upon the department's own initiative. Audits may be for cause or at random and may consist of, but not be limited to, an on-site evaluation of each provider's facilities, files and records, including the accuracy of the records and the accuracy of billing for services. The vocational rehabilitation provider shall receive written notice at least forty-eight hours in advance of such audit.

The audit of vocational rehabilitation providers at locations outside the state of Washington shall be at the expense of the provider and the expense incurred in making such audit shall be paid by the provider.

Such expenses shall be calculated at the usual and normal per diem and travel expense rates established by law and in effect at the time the expenses are incurred.

AMENDATORY SECTION (Amending Order 87-14, filed 5/6/87)

WAC 296-18A-465 REQUEST FOR PROPOSAL. In order to select providers for referrals and adequately evaluate performance, the ~~((office of rehabilitation services))~~ vocational rehabilitation services section shall solicit proposals from providers on the department's provider list through a request for proposal process. Contracts will be awarded after evaluation of proposals.

AMENDATORY SECTION (Amending Order 87-09, filed 3/20/87)

WAC 296-18A-480 RESPONSIBILITIES. All parties will have the following responsibilities in assisting the injured worker to become employable at gainful employment:

(1) The attending physician shall maintain open communication with the injured worker's assigned vocational rehabilitation counselor and the referral source. The attending physician shall respond to any requests for information in a timely fashion and will do all that is possible to expedite the vocational rehabilitation process, including making an estimate of physical capacities or restrictions. The attending physician may review the vocational plan, and if the attending physician feels that the injured worker is not physically capable of carrying out the plan, or the plan is unnecessary, based on current medical findings, shall notify the referral source immediately of this opinion with the reasons for such opinion.

(2) The claims unit within the department shall:

(a) Notify the employer of the referral to a vocational rehabilitation provider;

(b) Send the employer a copy of the closing report; and

(c) Give written notice to an injured worker if a complaint of non-cooperation has been made.

(3) The employer shall assist the vocational rehabilitation counselor in any way necessary to collect data regarding the former gainful employment of the injured worker. Further, the employer will assist the vocational rehabilitation counselor and attending physician to determine whether or not a modified job could be made available for employment of the injured worker.

(4) The injured worker shall cooperate with all reasonable requests from all responsible individuals in determining disability, developing and implementing the rehabilitation process. Should the injured worker fail to be cooperative, the sanctions as set out in RCW 51.32.110 shall be applied.

(5) In assisting the injured worker to become employable at gainful employment, the provider is to follow the priorities as set out in RCW 51.32.095. Vocational rehabilitation providers actually assisting the injured worker shall have the burden of showing that they meet the qualifications to be a vocational rehabilitation counselor as set out in these rules. The vocational rehabilitation provider shall comply with all the rules in chapter 296-18A WAC and Title 51 RCW, whether the

injured worker is referred by the department or a self-insurer under the following criteria:

(a) Develop a formal program to assist the eligible injured worker to become employable at gainful employment;

(b) Maintain accurate records that will be periodically reviewed by ~~((the office of rehabilitation services))~~ department staff;

(c) Notify the referral source of noncooperative behavior on the part of the injured worker; and

(d) Keep all parties informed of the progress and development of the formal program.

WSR 88-16-092

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 3, 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 chapter 296-62 WAC, General occupational health standards, which is being amended to adopt federal program changes to WAC 296-62-300 through 296-62-3190, Hazardous waste operations and emergency response, is being adopted identical to the OSHA proposed final rule published in Federal Register Vol. 52, No. 153, dated August 10, 1987; WAC 296-62-07523 through 296-62-07533, Benzene, is being adopted at-least-as-effective-as the OSHA final rule published in Federal Register Vol. 52, No. 176, dated September 11, 1987; and WAC 296-62-07540 through 296-62-07550, Formaldehyde, is being adopted at-least-as-effective-as the OSHA final rule published in Federal Register Vol. 52, No. 233, dated December 4, 1987, and Federal Register Vol. 53, No. 41, dated March 2, 1988:

New	WAC 296-62-07523	Benzene.
New	WAC 296-62-07525	Appendix A—Substance safety data sheet—Benzene.
New	WAC 296-62-07527	Appendix B—Substance technical guidelines—Benzene.
New	WAC 296-62-07529	Appendix C—Medical surveillance guidelines for benzene.
New	WAC 296-62-07531	Appendix D—Sampling and analytical methods for benzene monitoring and measurement procedures.
New	WAC 296-62-07533	Appendix E—Qualitative and quantitative fit testing procedures.
New	WAC 296-62-300	Scope, application, and definitions.
New	WAC 296-62-3010	General requirements.
New	WAC 296-62-3020	Site characterization and analysis.
New	WAC 296-62-3030	Site control.
New	WAC 296-62-3040	Training.
New	WAC 296-62-3050	Medical surveillance.
New	WAC 296-62-3060	Engineering controls, work practices, and personal protective equipment for employee protection.
New	WAC 296-62-3070	Monitoring.
New	WAC 296-62-3080	Informational programs.
New	WAC 296-62-3090	Handling drums and containers.
New	WAC 296-62-3100	Decontamination.
New	WAC 296-62-3110	Emergency response.
New	WAC 296-62-3120	Illumination.
New	WAC 296-62-3130	Sanitation at temporary workplaces.
New	WAC 296-62-3140	Certain operations conducted under the Resource Conservation and Recovery Act of 1976 (RCRA).
New	WAC 296-62-3150	Start-up dates.
New	WAC 296-62-3152	Appendices to Part B.

New	WAC 296-62-3160	Appendix A—Personal protective equipment test methods.
New	WAC 296-62-3170	Appendix B—General description and discussion of the levels of protection and protective gear.
New	WAC 296-62-3180	Appendix C—Compliance guidelines.
New	WAC 296-62-3190	Appendix D—References to appendix.
New	WAC 296-62-07540	Formaldehyde.
New	WAC 296-62-07542	Appendix A—Substance technical guideline for formalin.
New	WAC 296-62-07544	Appendix B—Sampling strategy and analytical methods for formaldehyde.
New	WAC 296-62-07546	Appendix C—Medical formaldehyde.
New	WAC 296-62-07548	Appendix D—Nonmandatory medical disease questionnaire.
New	WAC 296-62-07550	Appendix E—Qualitative and quantitative fit testing procedures;

that the agency will at 9:30 a.m., Tuesday, September 6, 1988, in the Auditorium, General Administration Building, West Capital Campus, 11th Avenue and Columbia Street, 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 October 6, 1988.

The authority under which these rules are proposed is chapters 34.04 and 49.17 RCW and chapter 1-12 WAC.

The specific statute these rules are intended to implement is RCW 49.17.040, 49.17.050 and 49.17.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before 5:00 p.m., Tuesday, September 6, 1988.

Written or oral submissions may also contain data, views and arguments concerning the effect of the proposed rules or amendments or rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the formal decision for adoption or in response to written comments received before the deadline.

The agency may need to change the date for public hearing or adoption on short notice. To ascertain that the public hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and proposed rules should be addressed to:

G. David Hutchins, Assistant Director
Division of Industrial Safety and Health
Post Office Box 207
Olympia, Washington 98504
(206) 753-6500

Dated: August 3, 1988

By: Joseph A. Dear
Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): See above.

Statutory Authority: Chapters 49.17 and 34.04 RCW and chapter 1-12 WAC.

Specific Statutes that Rules are Intended to Implement: RCW 49.17.040, 49.17.050 and 49.17.060.

Summary of Rule(s): See above.

Description of the Purpose of the Rule(s): To ensure a healthful and safe workplace for all employees in the state of Washington.

Reasons for Supporting the Proposed Rule(s): To ensure a safe and healthful working environment for Washington state workers.

Agency Personnel Responsible for Drafting: Ray Wax, Safety Regulations Program Supervisor, Department of Labor and Industries, Division of Industrial Safety and Health, 805 Plum Street Southeast, Olympia, WA 98504, phone (206) 753-6381; Implementation and Enforcement: G. David Hutchins, Assistant Director, Department of Labor and Industries, Division of Industrial Safety and Health, 805 Plum Street Southeast, Olympia, WA 98504, phone (206) 753-6500.

Name of Person or Organization, Whether Private, Public or Governmental Proposing the Rule(s): Washington State Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): Three individual statements are shown below.

SMALL BUSINESS ECONOMIC IMPACT STATEMENT

The adoption of agency rules often results in some economic impact. The Washington Regulatory Fairness Act, chapter 19.85 RCW, was enacted by the legislature in 1982 to reduce the imposition of proportionately higher economic impact on small businesses in comparison with large businesses. The act defines a small business as an employer with 50 or less employees. The act requires that when proposed agency rules will have economic impact on more than 20 percent of all industries or more than 10 percent of the businesses in one industry, the proposed rules shall be reviewed to determine if disproportionate cost influence exists between large and small business. Following a positive determination that disproportionate cost impact exists, the agency is required to reduce the economic impact on small business where possible within the guidelines provided in chapter 19.85 RCW.

GENERAL OCCUPATIONAL HEALTH STANDARDS,
CHAPTER 296-62 WAC, PROPOSED NEW SECTIONS WAC
296-62-07523, 296-62-07525, 296-62-07527, 296-62-07529, 296-
62-07531 and 296-62-07533 BENZENE

With respect to the proposed chapter 296-62 WAC, General occupational health standards; WAC 296-62-07523, 296-62-07525, 296-62-07527, 296-62-07529, 296-62-07531 and 296-62-07533, Benzene; the findings of the agency are as follows:

The proposed amendments to the rules will apply to all occupational exposures to benzene in workplaces under the jurisdiction of the Department of Labor and Industries in the state of Washington. It will not apply to the storage, transportation, distribution, dispensing, sale or use of gasoline, motor fuels, or other fuels containing benzene subsequent to its final discharge from bulk wholesale storage facilities; except that operations where gasoline or motor fuels are dispensed for more than four hours per day in an indoor location are covered by WAC 296-62-07523 through 296-62-07533.

The Federal Occupational Safety and Health Administration (OSHA) has adopted their final benzene rules as published in the September 11, 1987, Federal Register (52 FR 34562). They have mandated that WISHA standards be amended to be equal to or at-least-as-effective-as the federal rules and have extended our compliance date to August 1, 1988, for adoption.

OSHA has determined that none of the seven industry sectors and solvent users would experience a significant adverse economic impact because of the standard. The full text of their summary of regulatory impact is found in Federal Register Vol. 52, No. 176, dated September 11, 1987, beginning on page 34508.

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which exempts small businesses from benzene compliance regulations.

GENERAL OCCUPATIONAL HEALTH STANDARDS,
CHAPTER 296-62 WAC, PROPOSED NEW SECTIONS WAC
296-62-07540, 296-62-07542, 296-62-07544, 296-62-07546, 296-
62-07548 and 296-62-07550 FORMALDEHYDE

With respect to the proposed chapter 296-62 WAC, General occupational health standards; WAC 296-62-07540 through 296-62-07550, Formaldehyde; the findings of the agency are as follows:

The proposed amendments to the rules will apply to all employers having workplaces under the jurisdiction of the Department of Labor and Industries in the state of Washington with occupational exposures to formaldehyde.

The Federal Occupational Safety and Health Administration (OSHA) has adopted their final formaldehyde rules as published in 52 FR 46291 and 53 FR 6628. They have mandated that WISHA standards be amended to be equal to or at-least-as-effective-as the federal rules and have extended our compliance date to August 1, 1988, for adoption.

OSHA concluded in their impact study that, as a result of the adoption of the standard, there will be no significant impact on the general quality of the human environment outside the workplace, and that the expected impacts of the standard on small entities in each affected industry will be insignificant. Details of these costs are explained in the Federal Register Vol. 52, No. 233, dated December 4, 1987, regulatory analysis section.

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which exempts small businesses from formaldehyde compliance regulations.

GENERAL OCCUPATIONAL HEALTH STANDARDS,
CHAPTER 296-62 WAC, PROPOSED NEW SECTIONS WAC
296-62-300 THROUGH 296-62-3190 HAZARDOUS WASTE
OPERATIONS AND EMERGENCY RESPONSE

With respect to the proposed chapter 296-62 WAC, General occupational health standards; WAC 296-62-300 through 296-62-3190, Hazardous waste operations and emergency response.

The proposed amendments to the rules potentially influence any and all employers of hazardous waste operations and during emergency response to hazardous substance incidents in workplaces under the jurisdiction of

the Department of Labor and Industries in the state of Washington.

The Federal Occupational Safety and Health Administration (OSHA) has adopted their interim final hazardous waste and emergency response rules as published in the December 19, 1986, Federal Register (51 FR 45654) and hazardous waste operations and emergency response; corrections as published in the May 4, 1987, Federal Register (52 FR 16241). They have mandated that WISHA standards be amended to be equal to or at-least-as-effective-as the federal rule and have extended our compliance date to July 1, 1988, for adoption.

The Federal Occupational Safety and Health Administration (OSHA) has conducted a Full Regulatory Impact Analysis (RIA): See Federal Register Vol. 51, No. 244 dated December 19, 1986, page 45662. The environmental and economical impacts to be expected as a result of this standard will be the same as those explained by OSHA in Federal Register Vol. 52, No. 153, dated August 10, 1987, on page 29634. It is expected that most of the incremental costs of compliance will be paid by the federal government or the private firm responsible for the hazardous waste cleanup, and OSHA has calculated that it is economically feasible for every affected industry or group to comply with the standard.

Chapter 49.17 RCW does not provide the agency with any authority to adopt an administrative program which exempts small businesses from compliance with the hazardous waste operations and emergency response.

NEW SECTION

WAC 296-62-07523 BENZENE. (1) Scope and application.

(a) This section applies to all occupational exposures to benzene. Chemical Abstracts Service Registry No. 71-43-2, except as provided in (b) and (c) of this subsection.

(b) This section does not apply to:

(i) The storage, transportation, distribution, dispensing, sale or use of gasoline, motor fuels, or other fuels containing benzene subsequent to its final discharge from bulk wholesale storage facilities, except that operations where gasoline or motor fuels are dispensed for more than four hours per day in an indoor location are covered by this section.

(ii) Loading and unloading operations at bulk wholesale storage facilities which use vapor control systems for all loading and unloading operations, except for the provisions of WAC 296-62-054 as incorporated into this section and the emergency provisions of subsections (7) and (9)(d) of this section.

(iii) The storage, transportation, distribution, or sale of benzene or liquid mixtures containing more than 0.1 percent benzene in intact containers or in transportation pipelines while sealed in such a manner as to contain benzene vapors or liquid, except for the provisions of WAC 296-62-054 as incorporated into this section and the emergency provisions of subsections (7) and (9)(d) of this section.

(iv) Containers and pipelines carrying mixtures with less than 0.1 percent benzene and natural gas processing plants processing gas with less than 0.1 percent benzene.

(v) Work operations where the only exposure to benzene is from liquid mixtures containing 0.5 percent or less of benzene by volume, or the vapors released from such liquids until September 12, 1988; work operations where the only exposure to benzene is from liquid mixtures containing 0.3 percent or less of benzene by volume or the vapors released from such liquids from September 12, 1988, to September 12, 1989; and work operations where the only exposure to benzene is from liquid mixtures containing 0.1 percent or less of benzene by volume or the vapors released from such liquids after September 12, 1989; except that tire building machine operators using solvents with more than 0.1 percent benzene are covered by subsection (9) of this section.

(vi) Oil and gas drilling, production, and servicing operations.

(vii) Coke oven batteries.

(c) The cleaning and repair of barges and tankers which have contained benzene are excluded from subsection (6) of this section (Methods of compliance), subsection (5)(a) of this section (General), and subsection (5)(f) of this section (Accuracy of monitoring). Engineering and work practice controls shall be used to keep exposures below 10 ppm unless it is proven to be not feasible.

(2) Definitions.

(a) "Action level" means an airborne concentration of benzene of 0.5 ppm calculated as an 8-hour time-weighted average.

(b) "Authorized person" means any person specifically authorized by the employer whose duties require the person to enter a regulated area, or any person entering such an area as a designated representative of employees for the purpose of exercising the right to observe monitoring and measuring procedures under subsection (5) of this section, or any other person authorized by the Washington Industrial Safety and Health Act (WISHA) or regulations issued under WISHA.

(c) "Benzene" (C₆H₆) (CAS Registry No. 71-43-2) means liquefied or gaseous benzene. It includes benzene contained in liquid mixtures and the benzene vapors released by these liquids. It does not include trace amounts of unreacted benzene contained in solid materials.

(d) "Bulk wholesale storage facility" means a bulk terminal or bulk plant where fuel is stored prior to its delivery to wholesale customers.

(e) "Container" means any barrel, bottle, can, cylinder, drum, reaction vessel, storage tank, or the like, but does not include piping systems.

(f) "Day" means any part of a calendar day.

(g) "Director" means the director of the department of labor and industries, or his/her designated representative.

(h) "Emergency" means any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which may or does result in an unexpected significant release of benzene.

(i) "Employee exposure" means exposure to airborne benzene which would occur if the employee were not using respiratory protective equipment.

(j) "Regulated area" means any area where airborne concentrations of benzene exceed or can reasonably be expected to exceed, the permissible exposure limits, either the 8-hour time-weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for fifteen minutes.

(k) "Vapor control system" means any equipment used for containing the total vapors displaced during the loading of gasoline, motor fuel, or other fuel tank trucks and the displacing of these vapors through a vapor processing system or balancing the vapor with the storage tank. This equipment also includes systems containing the vapors displaced from the storage tank during the unloading of the tank truck which balance the vapors back to the tank truck.

(3) Permissible exposure limits (PELs).

(a) Time-weighted average limit (TWA). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of one part of benzene per million parts of air (1 ppm) as an 8-hour time-weighted average.

(b) Short-term exposure limit (STEL). The employer shall assure that no employee is exposed to an airborne concentration of benzene in excess of 5 ppm as averaged over any fifteen minute period.

(4) Regulated areas.

(a) The employer shall establish a regulated area wherever the airborne concentration of benzene exceeds or can reasonably be expected to exceed the permissible exposure limits, either the 8-hour time-weighted average exposure of 1 ppm or the short-term exposure limit of 5 ppm for fifteen minutes.

(b) Access to regulated areas shall be limited to authorized persons.

(c) Regulated areas shall be determined from the rest of the workplace in a manner that minimizes the number of employees exposed to benzene within the regulated area.

(5) Exposure monitoring.

(a) General.

(i) Determinations of employee exposure shall be made from breathing zone air samples that are representative of each employee's average exposure to airborne benzene.

(ii) Representative 8-hour TWA employee exposures shall be determined on the basis of one sample or samples representing the full shift exposure for each job classification in each work area.

(iii) Determinations of compliance with the STEL shall be made from fifteen minute employee breathing zone samples measured at operations where there is reason to believe exposures are high, such as where tanks are opened, filled, unloaded, or gauged; where containers

or process equipment are opened and where benzene is used for cleaning or as a solvent in an uncontrolled situation. The employer may use objective data, such as measurements from brief period measuring devices, to determine where STEL monitoring is needed.

(iv) Except for initial monitoring as required under (b) of this subsection, where the employer can document that one shift will consistently have higher employee exposures for an operation, the employer shall only be required to determine representative employee exposure for that operation during the shift on which the highest exposure is expected.

(b) Initial monitoring.

(i) Each employer who has a place of employment covered under subsection (1)(a) of this section shall monitor each of these workplaces and work operations to determine accurately the airborne concentrations of benzene to which employees may be exposed.

(ii) The initial monitoring required under (b)(i) of this subsection shall be completed by sixty days after the effective date of this standard or within thirty days of the introduction of benzene into the workplace. Where the employer has monitored within one year prior to the effective date of this standard and the monitoring satisfies all other requirements of this section, the employer may rely on such earlier monitoring results to satisfy the requirements of (b)(i) of this subsection.

(c) Periodic monitoring and monitoring frequency.

(i) If the monitoring required by (b)(i) of this subsection reveals employee exposure at or above the action level but at or below the TWA, the employer shall repeat such monitoring for each such employee at least every year.

(ii) If the monitoring required by (b)(i) of this subsection reveals employee exposure above the TWA, the employer shall repeat such monitoring for each such employee at least every six months.

(iii) The employer may alter the monitoring schedule from every six months to annually for any employee for whom two consecutive measurements taken at least seven days apart indicate that the employee exposure has decreased to the TWA or below, but is at or above the action level.

(iv) Monitoring for the STEL shall be repeated as necessary to evaluate exposures of employees subject to short term exposures.

(d) Termination of monitoring.

(i) If the initial monitoring required by (b)(i) of this subsection reveals employee exposure to be below the action level the employer may discontinue the monitoring for that employee, except as otherwise required by (e) of this subsection.

(ii) If the periodic monitoring required by (c) of this subsection reveals that employee exposures, as indicated by at least two consecutive measurements taken at least seven days apart, are below the action level the employer may discontinue the monitoring for that employee, except as otherwise required by (e) of this subsection.

(e) Additional monitoring.

(i) The employer shall institute the exposure monitoring required under (b) and (c) of this subsection when there has been a change in the production, process, control equipment, personnel, or work practices which may result in new or additional exposures to benzene, or when the employer has any reason to suspect a change which may result in new or additional exposures.

(ii) Whenever spills, leaks, ruptures, or other breakdowns occur that may lead to employee exposure, the employer shall monitor (using area or personal sampling) after the cleanup of the spill or repair of the leak, rupture or other breakdown to ensure that exposures have returned to the level that existed prior to the incident.

(f) Accuracy of monitoring. Monitoring shall be accurate, to a confidence level of ninety-five percent, to within plus or minus twenty-five percent for airborne concentrations of benzene.

(g) Employee notification of monitoring results.

(i) The employer shall, within fifteen working days after the receipt of the results of any monitoring performed under this standard, notify each employee of these results in writing either individually or by posting of results in an appropriate location that is accessible to affected employees.

(ii) Whenever the PELs are exceeded, the written notification required by (g)(i) of this subsection shall contain the corrective action being taken by the employer to reduce the employee exposure to or below the PEL, or shall refer to a document available to the employee which states the corrective actions to be taken.

(6) Methods of compliance.

(a) Engineering controls and work practices.

(i) The employer shall institute engineering controls and work practices to reduce and maintain employee exposure to benzene at or below the permissible exposure limits, except to the extent that the employer can establish that these controls are not feasible or where the provisions of (a)(iii) of this subsection or subsection (7)(a) of this section apply.

(ii) Wherever the feasible engineering controls and work practices which can be instituted are not sufficient to reduce employee exposure to or below the PELs, the employer shall use them to reduce employee exposure to the lowest levels achievable by these controls and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (7) of this section.

(iii) Where the employer can document that benzene is used in a workplace less than a total of thirty days per year, the employer shall use engineering controls, work practice controls or respiratory protection or any combination of these controls to reduce employee exposure to benzene to or below the PELs, except that employers shall use engineering and work practice controls, if feasible, to reduce exposure to or below 10 ppm as an 8-hour TWA.

(b) Compliance program.

(i) When any exposures are over the PEL, the employer shall establish and implement a written program to reduce employee exposure to or below the PEL primarily by means of engineering and work practice controls, as required by (a) of this subsection.

(ii) The written program shall include a schedule for development and implementation of the engineering and work practice controls. These plans shall be reviewed and revised as appropriate based on the most recent exposure monitoring data, to reflect the current status of the program.

(iii) Written compliance programs shall be furnished upon request for examination and copying to the director, affected employees, and designated employee representatives.

(7) Respiratory protection.

(a) General. The employer shall provide respirators, and assure that they are used, where required by this section. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement feasible engineering and work practice controls;

(ii) In work operations for which the employer establishes that compliance with either the TWA or STEL through the use of engineering and work practice controls is not feasible, such as some maintenance and repair activities, vessel cleaning, or other operations where engineering and work practice controls are infeasible because exposures are intermittent in nature and limited in duration;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient or are not required under subsection (6)(a)(iii) of this section to reduce exposure to or below the PELs; and

(iv) In emergencies.

(b) Respirator selection.

(i) Where respirators are required or allowed under this section, the employer shall select and provide, at no cost to the employee, the appropriate respirator as specified in Table 1 of this section, and shall assure that the employee uses the respirator provided.

(ii) The employer shall select respirators from among those jointly approved by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health under the provisions of 30 CFR Part 11. Negative pressure respirators shall have filter elements approved by MSHA/NIOSH for organic vapors or benzene.

(iii) Any employee who cannot wear a negative pressure respirator shall be given the option of wearing a respirator with less breathing resistance such as a powered air-purifying respirator or supplied air respirator.

(c) Respirator program. The employer shall institute a respiratory protection program in accordance with Part E, Respiratory protection, WAC 296-62-071 through 296-62-07121.

(d) Respirator use.

(i) Where air-purifying respirators are used, the employer shall replace the air purifying element at the expiration of service life or at the beginning of each shift in which they will be used, whichever comes first.

(ii) If an air purifying element becomes available with an end of useful life indicator for benzene approved by MSHA/NIOSH, the element may be used until such time as the indicator shows no further useful life.

(iii) The employer shall permit employees who wear respirators to leave the regulated area to wash their faces and respirator facepieces

as necessary in order to prevent skin irritation associated with respirator use or to change the filter elements of air-purifying respirators whenever they detect a change in breathing resistance or chemical vapor breakthrough.

(e) Respirator fit testing.

(i) The employer shall perform, and certify the results of, either quantitative or qualitative fit tests at the time of initial fitting and at least annually thereafter for each employee wearing a negative pressure respirator. The test shall be used to select a respirator facepiece which exhibits minimum leakage and provides the required protection as prescribed in Table 1 of this section. The employer shall provide and assure that the employee wears a respirator demonstrated by the fit test to provide the required protection.

(ii) The employer shall follow the test protocols outlined in Appendix E of this standard for whichever type of fit testing the employer chooses.

TABLE 1. - RESPIRATORY PROTECTION FOR BENZENE

Airborne concentration of benzene or condition of use	Respirator type
(a) Less than or equal to 10 ppm.	(1) Half-mask air-purifying respirator with organic vapor cartridge.
(b) Less than or equal to 50 ppm.	(1) Full facepiece respirator with organic vapor cartridges. (1) Full facepiece gas mask with chin style canister. ¹
(c) Less than or equal to 100 ppm.	(1) Full facepiece powered air-purifying respirator with organic vapor canister. ¹
(d) Less than or equal to 1,000 ppm.	(1) Supplied air respirator with full facepiece in positive-pressure mode.
(e) Greater than 1,000 ppm or unknown concentration.	(1) Self-contained breathing apparatus with full facepiece in positive-pressure mode. (2) Full facepiece positive-pressure supplied-air respirator with auxiliary self-contained air supply.
(f) Escape.....	(1) Any organic vapor gas mask; or (2) Any self-contained breathing apparatus with full facepiece.
(g) Firefighting.....	(1) Full facepiece self-contained breathing apparatus in positive pressure mode.

¹ Canisters must have a minimum service life of four (4) hours when tested at 150 ppm benzene, at a flow rate of 64 LPM, 25° C, and 85% relative humidity for non-powered air purifying respirators. The flow rate shall be 115 LPM and 170 LPM respectively for tight fitting and loose fitting powered air-purifying respirators.

(8) Protective clothing and equipment. Personal protective clothing and equipment shall be worn where appropriate to prevent eye contact and limit dermal exposure to liquid benzene. Protective clothing and equipment shall be provided by the employer at no cost to the employee and the employer shall assure its use where appropriate. Eye and face protection shall meet the requirements of WAC 296-24-07801.

(9) Medical surveillance.

(a) General.

(i) The employer shall make available a medical surveillance program for employees who are or may be exposed to benzene at or above the action level thirty or more days per year; for employees who are or may be exposed to benzene at or above the PELs ten or more days per year; for employees who have been exposed to more than 10 ppm of benzene for thirty or more days in a year prior to the effective date of the standard when employed by their current employer; and for employees involved in the tire building operations called tire building machine operators, who use solvents containing greater than 0.1 percent benzene.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician and that all laboratory tests are conducted by an accredited laboratory.

(iii) The employer shall assure that persons other than licensed physicians who administer the pulmonary function testing required by this

section shall complete a training course in spirometry sponsored by an appropriate governmental, academic, or professional institution.

(iv) The employer shall assure that all examinations and procedures are provided without cost to the employee and at a reasonable time and place.

(b) Initial examination.

(i) Within sixty days of the effective date of this standard, or before the time of initial assignment, the employer shall provide each employee covered by (a)(i) of this subsection with a medical examination including the following elements:

(A) A detailed occupational history which includes:

(I) Past work exposure to benzene or any other hematological toxins;

(II) A family history of blood dyscrasias including hematological neoplasms;

(III) A history of blood dyscrasias including genetic hemoglobin abnormalities, bleeding abnormalities, abnormal function of formed blood elements;

(IV) A history of renal or liver dysfunction;

(V) A history of medicinal drugs routinely taken;

(VI) A history of previous exposure to ionizing radiation; and

(VII) Exposure to marrow toxins outside of the current work situation.

(B) A complete physical examination.

(C) Laboratory tests. A complete blood count including a leukocyte count with differential, a quantitative thrombocyte count, hematocrit, hemoglobin, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC). The results of these tests shall be reviewed by the examining physician.

(D) Additional tests as necessary in the opinion of the examining physician, based on alterations to the components of the blood or other signs which may be related to benzene exposure.

(E) For all workers required to wear respirators for at least thirty days a year, the physical examination shall pay special attention to the cardiopulmonary system and shall include a pulmonary function test.

(ii) No initial medical examination is required to satisfy the requirements of (b)(i) of this subsection if adequate records show that the employee has been examined in accordance with the procedures of (b)(i) of this subsection within the twelve months prior to the effective date of this standard.

(c) Periodic examinations.

(i) The employer shall provide each employee covered under (a)(i) of this subsection with a medical examination annually following the previous examination. These periodic examinations shall include at least the following elements:

(A) A brief history regarding any new exposure to potential marrow toxins, changes in medicinal drug use, and the appearance of physical signs relating to blood disorders;

(B) A complete blood count including a leukocyte count with differential, quantitative thrombocyte count, hemoglobin, hematocrit, erythrocyte count and erythrocyte indices (MCV, MCH, MCHC); and

(C) Appropriate additional tests as necessary, in the opinion of the examining physician, in consequence of alterations in the components of the blood or other signs which may be related to benzene exposure.

(ii) Where the employee develops signs and symptoms commonly associated with toxic exposure to benzene, the employer shall provide the employee with an additional medical examination which shall include those elements considered appropriate by the examining physician.

(iii) For persons required to use respirators for at least thirty days a year, a pulmonary function test shall be performed every three years. A specific evaluation of the cardiopulmonary system shall be made at the time of the pulmonary function test.

(d) Emergency examinations.

(i) In addition to the surveillance required by (a)(i) of this subsection, if an employee is exposed to benzene in an emergency situation, the employer shall have the employee provide a urine sample at the end of the employee's shift and have a urinary phenol test performed on the sample within seventy-two hours. The urine specific gravity shall be corrected to 1.024.

(ii) If the result of the urinary phenol test is below 75 mg phenol/L of urine, no further testing is required.

(iii) If the result of the urinary phenol test is equal to or greater than 75 mg phenol/L of urine, the employer shall provide the employee with a complete blood count including an erythrocyte count, leukocyte count with differential and thrombocyte count at monthly intervals for a duration of three months following the emergency exposure.

(iv) If any of the conditions specified in (e)(i) of this subsection exists, then the further requirements of (e) of this subsection shall be met and the employer shall, in addition, provide the employees with periodic examinations if directed by the physician.

(e) Additional examinations and referrals.

(i) Where the results of the complete blood count required for the initial and periodic examinations indicate any of the following abnormal conditions exist, then the blood count shall be repeated within two weeks.

(A) The hemoglobin level or the hematocrit falls below the normal limit (outside the ninety-five percent confidence interval (C.I.)) as determined by the laboratory for the particular geographic area and/or these indices show a persistent downward trend from the individual's preexposure norms; provided these findings cannot be explained by other medical reasons.

(B) The thrombocyte (platelet) count varies more than twenty percent below the employee's most recent values or falls outside the normal limit (ninety-five percent C.I.) as determined by the laboratory.

(C) The leukocyte count is below 4,000 per mm³ or there is an abnormal differential count.

(ii) If the abnormality persists, the examining physician shall refer the employee to a hematologist or an internist for further evaluation unless the physician has good reason to believe such referral is unnecessary. (See Appendix C for examples of conditions where a referral may be unnecessary.)

(iii) The employer shall provide the hematologist or internist with the information required to be provided to the physician under this subsection and the medical record required to be maintained by subsection (11)(b)(ii) of this section.

(iv) The hematologist's or internist's evaluation shall include a determination as to the need for additional tests, and the employer shall assure that these tests are provided.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this regulation and its appendices;

(ii) A description of the affected employee's duties as they relate to the employee's exposure;

(iii) The employee's actual or representative exposure level;

(iv) A description of any personal protective equipment used or to be used; and

(v) Information from previous employment-related medical examinations of the affected employee which is not otherwise available to the examining physician.

(g) Physician's written opinions.

(i) For each examination under this section, the employer shall obtain and provide the employee with a copy of the examining physician's written opinion within fifteen days of the examination. The written opinion shall be limited to the following information:

(A) The occupationally pertinent results of the medical examination and tests;

(B) The physician's opinion concerning whether the employee has any detected medical conditions which would place the employee's health at greater than normal risk of material impairment from exposure to benzene;

(C) The physician's recommended limitations upon the employee's exposure to benzene or upon the employee's use of protective clothing or equipment and respirators.

(D) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions resulting from benzene exposure which require further explanation or treatment.

(ii) The written opinion obtained by the employer shall not reveal specific records, findings, and diagnoses that have no bearing on the employee's ability to work in a benzene-exposed workplace.

(h) Medical removal plan.

(i) When a physician makes a referral to a hematologist/internist as required under (e)(ii) of this subsection, the employee shall be removed from areas where exposures may exceed the action level until such time as the physician makes a determination under (h)(ii) of this subsection.

(ii) Following the examination and evaluation by the hematologist/internist, a decision to remove an employee from areas where benzene exposure is above the action level or to allow the employee to return to areas where benzene exposure is above the action level shall be made by the physician in consultation with the hematologist/internist. This decision shall be communicated in writing to the employer and employee. In the case of removal, the physician shall state the required

probable duration of removal from occupational exposure to benzene above the action level and the requirements for future medical examinations to review the decision.

(iii) For any employee who is removed pursuant to (h)(ii) of this subsection, the employer shall provide a follow-up examination. The physician, in consultation with the hematologist/internist, shall make a decision within six months of the date the employee was removed as to whether the employee shall be returned to the usual job or whether the employee should be removed permanently.

(iv) Whenever an employee is temporarily removed from benzene exposure pursuant to (h)(i) or (ii) of this subsection, the employer shall transfer the employee to a comparable job for which the employee is qualified (or can be trained for in a short period) and where benzene exposures are as low as possible, but in no event higher than the action level. The employer shall maintain the employee's current wage rate, seniority, and other benefits. If there is no such job available, the employer shall provide medical removal protection benefits until such a job becomes available or for six months, whichever comes first.

(v) Whenever an employee is removed permanently from benzene exposure based on a physician's recommendation pursuant to (h)(iii) of this subsection, the employee shall be given the opportunity to transfer to another position which is available or later becomes available for which the employee is qualified (or can be trained for in a short period) and where benzene exposures are as low as possible but in no event higher than the action level. The employer shall assure that such employee suffers no reduction in current wage rate, seniority, or other benefits as a result of the transfer.

(i) Medical removal protection benefits.

(i) The employer shall provide to an employee six months of medical removal protection benefits immediately following each occasion an employee is removed from exposure to benzene because of hematological findings pursuant to (h)(i) and (ii) of this subsection, unless the employee has been transferred to a comparable job where benzene exposures are below the action level.

(ii) For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the current wage rate, seniority, and other benefits of an employee as though the employee had not been removed.

(iii) 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 from employment with another employer made possible by virtue of the employee's removal.

(10) Communication of benzene hazards to employees.

(a) Signs and labels.

(i) The employer shall post signs at entrances to regulated areas. The signs shall bear the following legend:

DANGER
BENZENE
CANCER HAZARD
FLAMMABLE-NO SMOKING
AUTHORIZED PERSONNEL ONLY
RESPIRATOR REQUIRED

(ii) The employer shall ensure that labels or other appropriate forms of warning are provided for containers of benzene within the workplace. There is no requirement to label pipes. The labels shall comply with the requirements of WAC 296-62-05411 and in addition shall include the following legend:

DANGER
CONTAINS BENZENE
CANCER HAZARD

(b) Material safety data sheets.

(i) Employers shall obtain or develop, and shall provide access to their employees, to a material safety data sheet (MSDS) which addresses benzene and complies with WAC 296-62-054.

(ii) Employers who are manufacturers or importers shall:

(A) Comply with subsection (1) of this section; and

(B) Comply with the requirement in WISHA's hazard communication standard, WAC 296-62-054 (Hazard communication purpose), that they deliver to downstream employers an MSDS which addresses benzene.

(c) Information and training.

(i) The employer shall provide employees with information and training at the time of their initial assignment to a work area where

benzene is present. If exposures are above the action level, employees shall be provided with information and training at least annually thereafter.

(ii) The training program shall be in accordance with the requirements of WAC 296-62-05415 (1) and (2), and shall include specific information on benzene for each category of information included in that section.

(iii) In addition to the information required under WAC 296-62-054, the employer shall:

(A) Provide employees with an explanation of the contents of this section, including Appendices A and B, and indicate to them where the standard is available; and

(B) Describe the medical surveillance program required under subsection (9) of this section, and explain the information contained in Appendix C.

(11) Recordkeeping.

(a) Exposure measurements.

(i) The employer shall establish and maintain an accurate record of all measurements required by subsection (5) of this section, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The dates, number, duration, and results of each of the samples taken, including a description of the procedure used to determine representative employee exposures;

(B) A description of the sampling and analytical methods used;

(C) A description of the type of respiratory protective devices worn, if any; and

(D) The name, Social Security number, job classification, and exposure levels of the employee monitored and all other employees whose exposure the measurement is intended to represent.

(iii) The employer shall maintain this record for at least the duration of employment plus thirty years, in accordance with Part B, Access to records, WAC 296-62-052 through 296-62-05223.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance required by subsection (9) of this section, in accordance with WAC 296-62-052.

(ii) This record shall include:

(A) The name and Social Security number of the employee;

(B) The employer's copy of the physician's written opinion on the initial, periodic, and special examinations, including results of medical examinations and all tests, opinions, and recommendations;

(C) Any employee medical complaints related to exposure to benzene;

(D) A copy of the information provided to the physician as required by subsection (9)(f)(ii) through (v) of this section; and

(E) A copy of the employee's medical and work history related to exposure to benzene or any other hematologic toxins.

(iii) The employer shall maintain this record for at least the duration of employment plus thirty years, in accordance with Part B, Access to records, WAC 296-62-052 through 296-62-05223.

(c) Availability.

(i) The employer shall assure that all records required to be maintained by this section shall be made available upon request to the director for examination and copying.

(ii) Employee exposure monitoring records required by this subsection shall be provided upon request for examination and copying to employees, employee representatives, and the director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) Employee medical records required by this subsection shall be provided upon request for examination and copying, to the subject employee, to anyone having the specific written consent of the subject employee, and to the director in accordance with WAC 296-62-052.

(d) Transfer of records.

(i) The employer shall comply with the requirements involving transfer of records set forth in WAC 296-62-05205.

(ii) If the employer ceases to do business and there is no successor employer to receive and retain the records for the prescribed period, the employer shall notify the director, at least three months prior to disposal, and transmit them to the director if required by the director within that period.

(12) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees, or their designated representatives, an opportunity to observe the measuring or monitoring of employee exposure to benzene conducted pursuant to subsection (5) of this section.

(b) Observation procedures. When observation of the measuring or monitoring of employee exposure to benzene requires entry into areas where the use of protective clothing and equipment or respirators is required, the employer shall provide the observer with personal protective clothing and equipment or respirators required to be worn by employees working in the area, assure the use of such clothing and equipment or respirators, and require the observer to comply with all other applicable safety and health procedures.

(13) Dates.

(a) Engineering and work practice controls required by subsection (6)(a) of this section shall be implemented no later than December 10, 1989.

(b) Coke and coal chemical operations may comply with (b)(ii) of this subsection or alternately include within the compliance program required by subsection (6)(b) of this section, a requirement to phase in engineering controls as equipment is repaired and replaced. For coke and coal chemical operations choosing the latter alternative, compliance with the engineering controls requirements of subsection (6)(a) of this section shall be achieved no later than December 10, 1992. Substantial compliance with the engineering control requirements shall be achieved no later than December 10, 1990.

(14) Appendices. The information contained in WAC 296-62-07525, Appendices A, B, C, and D is not intended, by itself, to create any additional obligations not otherwise imposed or to detract from any existing obligations. The protocols on respiratory fit testing in Appendix E are mandatory.

NEW SECTION

WAC 296-62-07525 APPENDIX A SUBSTANCE SAFETY DATA SHEET—BENZENE. (1) Substance identification.

(a) Substance: Benzene.

(b) Permissible exposure: Except as to the use of gasoline, motor fuels, and other fuels subsequent to discharge from bulk terminals and other exemptions specified in WAC 296-62-07523 (1)(b):

(i) Airborne: The maximum time-weighted average (TWA) exposure limit is one part of benzene vapor per million parts of air (1 ppm) for an eight-hour workday and the maximum short-term exposure limit (STEL) is 5 ppm for any fifteen-minute period.

(ii) Dermal: Eye contact shall be prevented and skin contact with liquid benzene shall be limited.

(c) Appearance and odor: Benzene is a clear, colorless liquid with a pleasant, sweet odor. The odor of benzene does not provide adequate warning of its hazard.

(2) Health hazard data.

(a) Ways in which benzene affects your health. Benzene can affect your health if you inhale it, or if it comes in contact with your skin or eyes. Benzene is also harmful if you happen to swallow it.

(b) Effects of overexposure.

(i) Short-term (acute) overexposure: If you are overexposed to high concentrations of benzene, well above the levels where its odor is first recognizable, you may feel breathless, irritable, euphoric, or giddy; you may experience irritation in eyes, nose, and respiratory tract. You may develop a headache, feel dizzy, nauseated, or intoxicated. Severe exposures may lead to convulsions and loss of consciousness.

(ii) Long-term (chronic) exposure. Repeated or prolonged exposure to benzene, even at relatively low concentrations, may result in various blood disorders, ranging from anemia to leukemia, an irreversible, fatal disease. Many blood disorders associated with benzene exposure may occur without symptoms.

(3) Protective clothing and equipment.

(a) Respirators. Respirators are required for those operations in which engineering controls or work practice controls are not feasible to reduce exposure to the permissible level. However, where employers can document that benzene is present in the workplace less than thirty days a year, respirators may be used in lieu of engineering controls. If respirators are worn, they must have joint Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) seal of approval, and cartridge or canisters must be replaced before the end of their service life, or the end of the shift, whichever occurs first. If you experience difficulty breathing while wearing a respirator, you may request a positive pressure respirator from your employer. You must be thoroughly trained to use the assigned respirator, and the training will be provided by your employer.

(b) Protective clothing. You must wear appropriate protective clothing (such as boots, gloves, sleeves, aprons, etc.) over any parts of your body that could be exposed to liquid benzene.

(c) Eye and face protection. You must wear splash-proof safety goggles if it is possible that benzene may get into your eyes. In addition, you must wear a face shield if your face could be splashed with benzene liquid.

(4) Emergency and first aid procedures.

(a) Eye and face exposure. If benzene is splashed in your eyes, wash it out immediately with large amounts of water. If irritation persists or vision appears to be affected see a doctor as soon as possible.

(b) Skin exposure. If benzene is spilled on your clothing or skin, remove the contaminated clothing and wash the exposed skin with large amounts of water and soap immediately. Wash contaminated clothing before you wear it again.

(c) Breathing. If you or any other person breathes in large amounts of benzene, get the exposed person to fresh air at once. Apply artificial respiration if breathing has stopped. Call for medical assistance or a doctor as soon as possible. Never enter any vessel or confined space where the benzene concentration might be high without proper safety equipment and at least one other person present who will stay outside. A life line should be used.

(d) Swallowing. If benzene has been swallowed and the patient is conscious, do not induce vomiting. Call for medical assistance or a doctor immediately.

(5) Medical requirements. If you are exposed to benzene at a concentration at or above 0.5 ppm as an 8-hour time-weighted average, or have been exposed at or above 10 ppm in the past while employed by your current employer, your employer is required to provide a medical examination and history and laboratory tests within sixty days of the effective date of this standard and annually thereafter. These tests shall be provided without cost to you. In addition, if you are accidentally exposed to benzene (either by ingestion, inhalation, or skin/eye contact) under emergency conditions known or suspected to constitute toxic exposure to benzene, your employer is required to make special laboratory tests available to you.

(6) Observation of monitoring. Your employer is required to perform measurements that are representative of your exposure to benzene and you or your designated representative are entitled to observe the monitoring procedure. You are entitled to observe the steps taken in the measurement procedure, and to record the results obtained. When the monitoring procedure is taking place in an area where respirators or personal protective clothing and equipment are required to be worn, you or your representative must also be provided with, and must wear the protective clothing and equipment.

(7) Access to records. You or your representative are entitled to see the records of measurements of your exposure to benzene upon written request to your employer. Your medical examination records can be furnished to yourself, your physician, or designated representative upon request by you to your employer.

(8) Precautions for safe use, handling, and storage. Benzene liquid is highly flammable. It should be stored in tightly closed containers in a cool, well ventilated area. Benzene vapor may form explosive mixtures in air. All sources of ignition must be controlled. Use nonsparking tools when opening or closing benzene containers. Fire extinguishers, where provided, must be readily available. Know where they are located and how to operate them. Smoking is prohibited in areas where benzene is used or stored. Ask your supervisor where benzene is used in your area and for additional plant safety rules.

NEW SECTION

WAC 296-62-07527 APPENDIX B SUBSTANCE TECHNICAL GUIDELINES—BENZENE. (1) Physical and chemical data.

(a) Substance identification.

(i) Synonyms: Benzol, benzole, coal naphtha, cyclohexatriene, phene, phenyl hydride, pyrobenzol. (Benzin, petroleum benzin and Benzine do not contain benzene.)

(ii) Formula: C₆H₆ (CAS Registry Number: 71-43-2).

(b) Physical data.

(i) Boiling point (760 mm Hg): 80.1 C (176 F).

(ii) Specific gravity (water=1): 0.879.

(iii) Vapor density (air=1): 2.7.

(iv) Melting point: 5.5 C (42 F).

(v) Vapor pressure at 20 C (68 F): 75 mm Hg.

(vi) Solubility in water: .06%.

(vii) Evaporation rate (ether=1): 2.8.

(viii) Appearance and odor: Clear, colorless liquid with a distinctive sweet odor.

(2) Fire, explosion, and reactivity hazard data.

(a) Fire.

- (i) Flash point (closed cup): -11 C (12 F).
- (ii) Autoignition temperature: 580 C (1076 F).
- (iii) Flammable limits in Air. % by volume: Lower: 1.3%, Upper: 7.5%.
- (iv) Extinguishing media: Carbon dioxide, dry chemical, or foam.
- (v) Special fire-fighting procedures: Do not use solid stream of water, since stream will scatter and spread fire. Fine water spray can be used to keep fire-exposed containers cool.

(vi) Unusual fire and explosion hazards: Benzene is a flammable liquid. Its vapors can form explosive mixtures. All ignition sources must be controlled when benzene is used, handled, or stored. Where liquid or vapor may be released, such areas shall be considered as hazardous locations. Benzene vapors are heavier than air; thus the vapors may travel along the ground and be ignited by open flames or sparks at locations remote from the site at which benzene is handled.

(vii) Benzene is classified as a I B flammable liquid for the purpose of conforming to the requirements of WAC 296-24-330. A concentration exceeding 3,250 ppm is considered a potential fire explosion hazard. Locations where benzene may be present in quantities sufficient to produce explosive or ignitable mixtures are considered Class I Group D for the purposes of conforming to the requirements of WAC 296-24-95613.

(b) Reactivity.

- (i) Conditions contributing to instability: Heat.
- (ii) Incompatibility: Heat and oxidizing materials.
- (iii) Hazardous decomposition products: Toxic gases and vapors (such as carbon monoxide).

(3) Spill and leak procedures.

(a) Steps to be taken if the material is released or spilled. As much benzene as possible should be absorbed with suitable materials, such as dry sand or earth; benzene remaining must be flushed with large amounts of water. Do not flush benzene into a confined space, such as a sewer, because of explosion danger. Remove all ignition sources. Ventilate enclosed places.

(b) Waste disposal method. Disposal methods must conform to other jurisdictional regulations. If allowed, benzene may be disposed of:

- (i) By absorbing it in dry sand or earth and disposing in a sanitary landfill;
- (ii) If small quantities, by removing it to a safe location from buildings or other combustible sources, pouring it in dry sand or earth and cautiously igniting it; and
- (iii) If large quantities, by atomizing it in a suitable combustion chamber.

(4) Miscellaneous precautions.

- (a) High exposure to benzene can occur when transferring the liquid from one container to another. Such operations should be well ventilated and good work practices must be established to avoid spills.
- (b) Use nonsparking tools to open benzene containers which are effectively grounded and bonded prior to opening and pouring.
- (c) Employers must advise employees of all plant areas and operations where exposure to benzene could occur. Common operations in which high exposures to benzene may be encountered are: The primary production and utilization of benzene, and transfer of benzene.

NEW SECTION

WAC 296-62-07529 APPENDIX C MEDICAL SURVEILLANCE GUIDELINES FOR BENZENE. (1) Route of entry.

Inhalation; skin absorption.

(2) Toxicology. Benzene is primarily an inhalation hazard. Systemic absorption may cause depression of the hematopoietic system, pancytopenia, aplastic anemia, and leukemia. Inhalation of high concentrations can affect central nervous system function. Aspiration of small amounts of liquid benzene immediately causes pulmonary edema and hemorrhage of pulmonary tissue. There is some absorption through the skin. Absorption may be more rapid in the case of abraded skin, and benzene may be more readily absorbed if it is present in a mixture or as a contaminant in solvents which are readily absorbed. The defatting action of benzene may produce primary irritation due to repeated or prolonged contact with the skin. High concentrations are irritating to the eyes and the mucous membranes of the nose, and respiratory tract.

(3) Signs and symptoms. Direct skin contact with benzene may cause erythema. Repeated or prolonged contact may result in drying, scaling dermatitis, or development of secondary skin infections. In addition, there is benzene absorption through the skin. Local effects of benzene vapor or liquid on the eye are slight. Only at very high concentrations is there any smarting sensation in the eye. Inhalation of

high concentrations of benzene may have an initial stimulatory effect on the central nervous system characterized by exhilaration, nervous excitement, and/or giddiness, followed by a period of depression, drowsiness, or fatigue. A sensation of tightness in the chest accompanied by breathlessness may occur and ultimately the victim may lose consciousness. Tremors, convulsions, and death may follow from respiratory paralysis or circulatory collapse in a few minutes to several hours following severe exposures.

The detrimental effect on the blood-forming system of prolonged exposure to small quantities of benzene vapor is of extreme importance. The hematopoietic system is the chief target for benzene's toxic effects which are manifested by alterations in the levels of formed elements in the peripheral blood. These effects have occurred at concentrations of benzene which may not cause irritation of mucous membranes, or any unpleasant sensory effects. Early signs and symptoms of benzene morbidity are varied, often not readily noticed and nonspecific. Subjective complaints of headache, dizziness, and loss of appetite may precede or follow clinical signs. Rapid pulse and low blood pressure, in addition to a physical appearance of anemia, may accompany a subjective complaint of shortness of breath and excessive tiredness. Bleeding from the nose, gums, or mucous membranes, and the development of purpuric spots (small bruises) may occur as the condition progresses. Clinical evidence of leukopenia, anemia, and thrombocytopenia, singly or in combination, has been frequently reported among the first signs.

Bone marrow may appear normal, aplastic, or hyperplastic, and may not, in all situations, correlate with peripheral blood forming tissues. Because of variations in the susceptibility to benzene morbidity, there is no "typical" blood picture. The onset of effects of prolonged benzene exposure may be delayed for many months or years after the actual exposure has ceased and identification or correlation with benzene exposure must be sought out in the occupational history.

(4) Treatment of acute toxic effects. Remove from exposure immediately. Make sure you are adequately protected and do not risk being overcome by fumes. Give oxygen or artificial resuscitation if indicated. Flush eyes, wash skin if contaminated and remove all contaminated clothing. Symptoms of intoxication may persist following severe exposures. Recovery from mild exposures is usually rapid and complete.

(5) Surveillance and preventive considerations.

(a) General. The principal effects of benzene exposure which form the basis for this regulation are pathological changes in the hematopoietic system, reflected by changes in the peripheral blood and manifesting clinically as pancytopenia, aplastic anemia, and leukemia. Consequently, the medical surveillance program is designed to observe, on a regular basis, blood indices for early signs of these effects, and although early signs of leukemia are not usually available, emerging diagnostic technology and innovative regimes make consistent surveillance for leukemia, as well as other hematopoietic effects, essential.

Initial examinations are to be provided within sixty days of the effective date of this standard, or at the time of initial assignment, and periodic examinations annually thereafter.

There are special provisions for medical tests in the event of hematologic abnormalities or for emergency situations.

The blood values which require referral to a hematologist or internist are noted in (b)(i) of this subsection. The standard specifies that blood abnormalities that persist must be referred "unless the physician has good reason to believe such referral is unnecessary" ((b)(i) of this subsection). Examples of conditions that could make a referral unnecessary despite abnormal blood limits are iron or folate deficiency, menorrhagia, or blood loss due to some unrelated medical abnormality.

Symptoms and signs of benzene toxicity can be nonspecific. Only a detailed history and appropriate investigative procedure will enable a physician to rule out or confirm conditions that place the employee at increased risk. To assist the examining physician with regard to which laboratory tests are necessary and when to refer an employee to the specialist, OSHA has established the following guidelines.

(b) Hematology guidelines. A minimum battery of tests is to be performed by strictly standardized methods.

(i) Red cell, white cell, platelet counts, white blood cell differential, hematocrit and red cell indices must be performed by an accredited laboratory. The normal ranges for the red cell and white cell counts are influenced by altitude, race, and sex, and therefore should be determined by the accredited laboratory in the specific area where the tests are performed.

Either a decline from an absolute normal or an individual's baseline to a subnormal value or a rise to a supra-normal value, are indicative of potential toxicity, particularly if all blood parameters decline. The

normal total white blood count is approximately 7,200/mm³ plus or minus 3,000. For cigarette smokers the white count may be higher and the upper range may be 2,000 cells higher than normal for the laboratory. In addition, infection, allergies and some drugs may raise the white cell count. The normal platelet count is approximately 250,000 with a range of 140,000 to 400,000. Counts outside this range should be regarded as possible evidence of benzene toxicity.

Certain abnormalities found through routine screening are of greater significance in the benzene-exposed worker and require prompt consultation with a specialist, namely:

(A) Thrombocytopenia.

(B) A trend of decreasing white cell, red cell, or platelet indices in an individual over time is more worrisome than an isolated abnormal finding at one test time. The importance of trend highlights the need to compare an individual's test results to baseline and/or previous periodic tests.

(C) A constellation or pattern of abnormalities in the different blood indices is of more significance than a single abnormality. A low white count not associated with any abnormalities in other cell indices may be a normal statistical variation, whereas if the low white count is accompanied by decreases in the platelet and/or red cell indices, such a pattern is more likely to be associated with benzene toxicity and merits thorough investigation.

Anemia, leukopenia, macrocytosis or an abnormal differential white blood cell count should alert the physician to further investigate and/or refer the patient if repeat tests confirm the abnormalities. If routine screening detects an abnormality, follow-up tests which may be helpful in establishing the etiology of the abnormality are the peripheral blood smear and the reticulocyte count.

The extreme range of normal for reticulocytes is 0.4 to 2.5 percent of the red cells, the usual range being 0.5 to 1.2 percent of the red cells, but the typical value is in the range of 0.8 to 1.0 percent. A decline in reticulocytes to levels of less than 0.4 percent is to be regarded as possible evidence (unless another specific cause is found) of benzene toxicity requiring accelerated surveillance. An increase in reticulocyte levels to about 2.5 percent may also be consistent with (but is not as characteristic of) benzene toxicity.

(ii) An important diagnostic test is a careful examination of the peripheral blood smear. As with reticulocyte count the smear should be with fresh uncoagulated blood obtained from a needle tip following venipuncture or from a drop of earlobe blood (capillary blood). If necessary, the smear may, under certain limited conditions, be made from a blood sample anticoagulated with EDTA (but never with oxalate or heparin). When the smear is to be prepared from a specimen of venous blood which has been collected by a commercial Vacutainer type tube containing neutral EDTA, the smear should be made as soon as possible after the venesection. A delay of up to twelve hours is permissible between the drawing of the blood specimen into EDTA and the preparation of the smear if the blood is stored at refrigerator (not freezing) temperature.

(iii) The minimum mandatory observations to be made from the smear are:

(A) The differential white blood cell count;

(B) Description of abnormalities in the appearance of red cells; and

(C) Description of any abnormalities in the platelets.

(D) A careful search must be made throughout of every blood smear for immature white cells such as band forms (in more than normal proportion, i.e., over ten percent of the total differential count), any number of metamyelocytes, myelocytes, or myeloblasts. Any nucleate or multinucleated red blood cells should be reported. Large "giant" platelets or fragments of megakaryocytes must be recognized.

An increase in the proportion of band forms among the neutrophilic granulocytes is an abnormality deserving special mention, for it may represent a change which should be considered as an early warning of benzene toxicity in the absence of other causative factors (most commonly infection). Likewise, the appearance of metamyelocytes, in the absence of another probable cause, is to be considered a possible indication of benzene-induced toxicity.

An upward trend in the number of basophils, which normally do not exceed about 2.0 percent of the total white cells, is to be regarded as possible evidence of benzene toxicity. A rise in the eosinophil count is less specific but also may be suspicious of toxicity if it rises above 6.0 percent of the total white count.

The normal range of monocytes is from 2.0 to 8.0 percent of the total white count with an average of about 5.0 percent. About twenty

percent of individuals reported to have mild but persisting abnormalities caused by exposure to benzene show a persistent monocytosis. The findings of a monocyte count which persists at more than ten to twelve percent of the normal white cell count (when the total count is normal) or persistence of an absolute monocyte count in excess of 800/mm³ should be regarded as a possible sign of benzene-induced toxicity.

A less frequent but more serious indication of benzene toxicity is the finding in the peripheral blood of the so-called "pseudo" (or acquired) Pelger-Huet anomaly. In this anomaly many, or sometimes the majority, of the neutrophilic granulocytes possess two round nuclear segments—less often one or three round segments—rather than three normally elongated segments. When this anomaly is not hereditary, it is often but not invariably predictive of subsequent leukemia. However, only about two percent of patients who ultimately develop acute myelogenous leukemia show the acquired Pelger-Huet anomaly. Other tests that can be administered to investigate blood abnormalities are discussed below; however, such procedures should be undertaken by the hematologist.

An uncommon sign, which cannot be detected from the smear, but can be elicited by a "sucrose water test" of peripheral blood, is transient paroxysmal nocturnal hemoglobinuria (PNH), which may first occur insidiously during a period of established aplastic anemia, and may be followed within one to a few years by the appearance of rapidly fatal acute myelogenous leukemia. Clinical detection of PNH, which occurs in only one or two percent of those destined to have acute myelogenous leukemia, may be difficult; if the "sucrose water test" is positive, the somewhat more definitive Ham test, also known as the acid-serum hemolysis test, may provide confirmation.

(E) Individuals documented to have developed acute myelogenous leukemia years after initial exposure to benzene may have progressed through a preliminary phase of hematologic abnormality. In some instances pancytopenia (i.e., a lowering in the counts of all circulating blood cells of bone marrow origin, but not to the extent implied by the term "aplastic anemia") preceded leukemia for many years. Depression of a single blood cell type or platelets may represent a harbinger of aplasia or leukemia. The finding of two or more cytopenias, or pancytopenia in a benzene-exposed individual, must be regarded as highly suspicious of more advanced although still reversible, toxicity. "Pancytopenia" coupled with the appearance of immature cells (myelocytes, myeloblasts, erythroblasts, etc.), with abnormal cells (pseudo Pelger-Huet anomaly, atypical nuclear heterochromatin, etc.), or unexplained elevations of white blood cells must be regarded as evidence of benzene overexposure unless proved otherwise. Many severely aplastic patients manifested the ominous finding of five to ten percent myeloblasts in the marrow, occasional myeloblasts and myelocytes in the blood and twenty to thirty monocytes. It is evident that isolated cytopenias, pancytopenias, and even aplastic anemias induced by benzene may be reversible and complete recovery has been reported on cessation of exposure. However, since any of these abnormalities is serious, the employee must immediately be removed from any possible exposure to benzene vapor. Certain tests may substantiate the employee's prospects for progression or regression. One such test would be an examination of the bone marrow, but the decision to perform a bone marrow aspiration or needle biopsy is made by the hematologist.

The findings of basophilic stippling in circulating red blood cells (usually found in one to five percent of red cells following marrow injury), and detection in the bone marrow of what are termed "ringed sideroblasts" must be taken seriously, as they have been noted in recent years to be premonitory signs of subsequent leukemia.

Recently peroxidase-staining of circulating or marrow neutrophil granulocytes, employing benzidine dihydrochloride, have revealed the disappearance of, or diminution in, peroxidase in a sizable proportion of the granulocytes, and this has been reported as an early sign of leukemia. However, relatively few patients have been studied to date. Granulocyte granules are normally strongly peroxidase positive. A steady decline in leukocyte alkaline phosphatase has also been reported as suggestive of early acute leukemia. Exposure to benzene may cause an early rise in serum iron, often but not always associated with a fall in the reticulocyte count. Thus, serial measurements of serum iron levels may provide a means of determining whether or not there is a trend representing sustained suppression of erythropoiesis.

Measurement of serum iron, determination of peroxidase and of alkaline phosphatase activity in peripheral granulocytes can be performed in most pathology laboratories. Peroxidase and alkaline phosphatase staining are usually undertaken when the index of suspicion for leukemia is high.

NEW SECTION

WAC 296-62-07531 APPENDIX D SAMPLING AND ANALYTICAL METHODS FOR BENZENE MONITORING AND MEASUREMENT PROCEDURES. Measurements taken for the purpose of determining employee exposure to benzene are best taken so that the representative average eight-hour exposure may be determined from a single eight-hour sample or two four-hour samples. Short-time interval samples (or grab samples) may also be used to determine average exposure level if a minimum of five measurements are taken in a random manner over the eight-hour work shift. Random sampling means that any portion of the work shift has the same chance of being sampled as any other. The arithmetic average of all such random samples taken on one work shift is an estimate of an employee's average level of exposure for that work shift. Air samples should be taken in the employee's breathing zone (air that would most nearly represent that inhaled by the employee). Sampling and analysis must be performed with procedures meeting the requirements of the standard.

There are a number of methods available for monitoring employee exposures to benzene. The sampling and analysis may be performed by collection of the benzene vapor on charcoal adsorption tubes, with subsequent chemical analysis by gas chromatography. Sampling and analysis may also be performed by portable direct reading instruments, real-time continuous monitoring systems, passive dosimeters or other suitable methods. The employer has the obligation of selecting a monitoring method which meets the accuracy and precision requirements of the standard under his unique field conditions. The standard requires that the method of monitoring must have an accuracy, to a ninety-five percent confidence level, of not less than plus or minus twenty-five percent for concentrations of benzene greater than or equal to 0.5 ppm.

The WISHA laboratory uses NIOSH Method 1500 for evaluation of benzene air concentrations.

(1) WISHA method HYDCB for air samples.

Analyte: Benzene.

Matrix: Air.

Procedure: Adsorption on charcoal, desorption with carbon disulfide, analysis by GC.

Detection limit: 0.25 ppm.

Recommended air volume and sampling rate: 10L at 0.05 to 0.2 L/min.

(a) Principle of the method.

(i) A known volume of air is drawn through a charcoal tube to trap the organic vapors present.

(ii) The charcoal in the tube is transferred to a small, stoppered vial, and the analyte is desorbed with carbon disulfide.

(iii) An aliquot of the desorbed sample is injected into a gas chromatograph.

(iv) The area of the resulting peak is determined and compared with areas obtained from standards.

(b) Advantages and disadvantages of the method.

(i) The sampling device is small, portable, and involves no liquids. Interferences are minimal, and most of those which do occur can be eliminated by altering chromatographic conditions. The samples are analyzed by means of a quick, instrumental method.

(ii) The amount of sample which can be taken is limited by the number of milligrams that the tube will hold before overloading. When the sample value obtained for the backup section of the charcoal tube exceeds twenty-five percent of that found on the front section, the possibility of sample loss exists.

(c) Apparatus.

(i) A calibrated personal sampling pump whose flow can be determined within ± 5 percent at the recommended flow rate.

(ii) Charcoal tubes: Glass with both ends flame sealed, 7 cm long with a 6-mm O.D. and a 4-mm I.D., containing two sections of 20/40 mesh activated charcoal separated by a 2-mm portion of urethane foam. The activated charcoal is prepared from coconut shells and is obtained commercially. The adsorbing section contains 100 mg of charcoal, the back-up section 50 mg. A 3-mm portion of urethane foam is placed between the outlet end of the tube and the back-up section. A plug of silanized glass wool is placed in front of the adsorbing section. The pressure drop across the tube must be less than one inch of mercury at a flow rate of one liter per minute.

(iii) Gas chromatograph equipped with a flame ionization detector.

(iv) Column (10-ft 1/8-in stainless steel) packed with 80/100 Supelcoport coated with twenty percent SP 2100, 0.1 percent CW 1500.

(v) An electronic integrator or some other suitable method for measuring peak area.

(vi) Two-milliliter sample vials with Teflon-lined caps.

(vii) Microliter syringes: 10-microliter 10-uL syringe, and other convenient sizes for making standards, 1-uL syringe for sample injections.

(viii) Pipets: 1.0 mL delivery pipets.

(ix) Volumetric flasks: Convenient sizes for making standard solutions.

(d) Reagents.

(i) Chromatographic quality carbon disulfide (CS₂). Most commercially available carbon disulfide contains a trace of benzene which must be removed. It can be removed with the following procedure:

Heat under reflux for two to three hours, 500 mL of carbon disulfide, 10 mL concentrated sulfuric acid, and five drops of concentrated nitric acid. The benzene is converted to nitrobenzene. The carbon disulfide layer is removed, dried with anhydrous sodium sulfate, and distilled. The recovered carbon disulfide should be benzene free. (It has recently been determined that benzene can also be removed by passing the carbon disulfide through 13x molecular sieve.)

(ii) Benzene, reagent grade.

(iii) p-Cymene, reagent grade, (internal standard).

(iv) Desorbing reagent. The desorbing reagent is prepared by adding 0.05 mL of p-Cymene per milliliter of carbon disulfide. (The internal standard offers a convenient means correcting analytical response for slight inconsistencies in the size of sample injections. If the external standard technique is preferred, the internal standard can be eliminated.)

(v) Purified GC grade helium, hydrogen, and air.

(e) Procedure.

(i) Cleaning of equipment. All glassware used for the laboratory analysis should be properly cleaned and free of organics which could interfere in the analysis.

(ii) Calibration of personal pumps. Each pump must be calibrated with a representative charcoal tube in the line.

(iii) Collection and shipping of samples.

(A) Immediately before sampling, break the ends of the tube to provide an opening at least one-half the internal diameter of the tube (2 mm).

(B) The smaller section of the charcoal is used as the backup and should be placed nearest the sampling pump.

(C) The charcoal tube should be placed in a vertical position during sampling to minimize channeling through the charcoal.

(D) Air being sampled should not be passed through any hose or tubing before entering the charcoal tube.

(E) A sample size of ten liters is recommended. Sample at a flow rate of approximately 0.05 to 0.2 liters per minute. The flow rate should be known with an accuracy of at least ± 5 percent.

(F) The charcoal tubes should be capped with the supplied plastic caps immediately after sampling.

(G) Submit at least one blank tube (a charcoal tube subjected to the same handling procedures, without having any air drawn through it) with each set of samples. Take necessary shipping and packing precautions to minimize breakage of samples.

(iv) Analysis of samples.

(A) Preparation of samples. In preparation for analysis, each charcoal tube is scored with a file in front of the first section of charcoal and broken open. The glass wool is removed and discarded. The charcoal in the first (larger) section is transferred to a 2-ml vial. The separating section of foam is removed and discarded; the second section is transferred to another capped vial. These two sections are analyzed separately.

(B) Desorption of samples. Prior to analysis, 1.0 mL of desorbing solution is pipetted into each sample container. The desorbing solution consists of 0.05 uL internal standard per mL of carbon disulfide. The sample vials are capped as soon as the solvent is added. Desorption should be done for thirty minutes with occasional shaking.

(C) GC conditions. Typical operating conditions for the gas chromatograph are:

(I) mL/min (60 psig) helium carrier gas flow.

(II) mL/min (40 psig) hydrogen gas flow to detector.

(III) mL/min (40 psig) air flow to detector.

(IV) 250°C injector temperature.

(V) 250°C detector temperature.

(VI) Column temperature variable.

(D) Injection size. 1 μ L.

(D) Measurement of area. The peak areas are measured by an electronic integrator or some other suitable form of area measurement.

(F) An internal standard procedure is used. The integrator is calibrated to report results in ppm for a ten liter air sample after correction for desorption efficiency.

(v) Determination of desorption efficiency.

(A) Importance of determination. The desorption efficiency of a particular compound can vary from one laboratory to another and from one lot of chemical to another. Thus, it is necessary to determine, at least once, the percentage of the specific compound that is removed in the desorption process, provided the same batch of charcoal is used.

(B) Procedure for determining desorption efficiency. The reference portion of the charcoal tube is removed. To the remaining portion, amounts representing 0.5X, 1X, and 2X and (X represents target concentration) based on a 10 L air sample are injected into several tubes at each level. Dilutions of benzene with carbon disulfide are made to allow injection of measurable quantities. These tubes are then allowed to equilibrate at least overnight. Following equilibration they are analyzed following the same procedure as the samples. Desorption efficiency is determined by dividing the amount of benzene found by amount spiked on the tube.

(f) Calibration and standards. A series of standards varying in concentration over the range of interest is prepared and analyzed under the same GC conditions that will be used on the samples. A calibration curve is prepared by plotting concentration (mg/mL) versus peak area.

(g) Calculations. Benzene air concentration can be calculated from the following equation:

$$\text{mg/m}^3 = (A)(B)/(C)(D)$$

Where: A=mg/mL benzene, obtained from the calibration curve

B=desorption volume (1 mL)

C=Liters of air sampled

D=desorption efficiency

The concentration in mg/m³ can be converted to ppm (at 25 and 760 mm) with the following equation:

$$\text{ppm} = (\text{mg/m}^3)(24.46)/(78.11)$$

Where: 24.46=molar volume of an ideal gas

25 C and 760 mm

78.11=molecular weight of benzene

(h) Backup data.

(i) Detection limit-air samples.

The detection limit for the analytical procedure is 2.2 mg with a coefficient of variation of 0.023 at this level. This would be equivalent to an air concentration of 0.25 ppm for a 10 L air sample. This amount provided a chromatographic peak that could be identifiable in the presence of possible interferences. The detection limit data were obtained by making 1 uL injections of a 2.2 mg/mL standard.

Injection	Area Count	
1	655.4	
2	617.5	
3	662.0	$\bar{X} = 640.2$
4	641.1	SD = 14.9
5	636.4	CV = 0.023
6	629.2	

(ii) Pooled coefficient of variation-Air Samples. The pooled coefficient of variation for the analytical procedure was determined by 1 uL replicate injections of analytical standards. The standards were 16.04, 32.08, and 64.16 ug/mL, which are equivalent to 0.5, 1.0, and 2.0 ppm for a 10 L air sample respectively.

Injection	Area Counts		
	0.5 ppm	1.0 ppm	2.0 ppm
1	3996.5	8130.2	16481
2	4059.4	8235.6	16493
3	4052.0	8307.9	16535
4	4027.2	8263.2	16609
5	4046.8	8291.1	16552
6	4137.9	8288.8	16618
\bar{X} =	4053.3	8254.0	16548.3
SD=	47.2	62.5	57.1
CV=	0.0116	0.0076	0.0034
\bar{X} = 0.008.....			

(iii) Storage data-air samples.

Samples were generated at 1.03 ppm benzene at eighty percent relative humidity, 22 C, and 643 mm. All samples were taken for fifty minutes at 0.2 L/min. Six samples were analyzed immediately and the rest of the samples were divided into two groups by fifteen samples each. One group was stored at refrigerated temperature of -25 C, and the other group was stored at ambient temperature (approximately 23 C). These samples were analyzed over a period of fifteen days. The results are tabulated below.

PERCENT RECOVERY

Day Analyzed	Refrigerated			Ambient		
	0	97.4	98.7	98.9	97.4	98.7
1	97.1	100.6	100.9	97.1	100.6	100.9
2	95.8	96.4	95.4	95.4	96.6	96.9
5	93.9	93.7	92.4	92.4	94.3	94.1
9	93.6	95.5	94.6	95.2	95.6	96.6
13	94.3	95.3	93.7	91.0	95.0	94.6
15	96.8	95.8	94.2	92.9	96.3	95.9

(iv) Desorption data.

Samples were prepared by injecting liquid benzene onto the A section of charcoal tubes. Samples were prepared that would be equivalent to 0.5, 1.0, and 2.0 ppm for a 10 L air sample.

PERCENT RECOVERY

Sample	0.5 ppm	1.0 ppm	2.0 ppm
	1	99.4	98.8
2	99.5	98.7	99.7
3	99.2	98.6	99.8
4	99.4	99.1	100.0
5	99.2	99.0	99.7
6	99.8	99.1	99.9
\bar{X} =	99.4	98.9	99.8
SD=	0.22	0.21	0.18
CV=	0.0022	0.0021	0.0018
\bar{X} = 99.4			

(v) Carbon disulfide.

Carbon disulfide from a number of sources was analyzed for benzene contamination. The results are given in the following table. The benzene contaminant can be removed with the procedures given in section 4.1.

SAMPLE	ug Benzene/mL	ppm equivalent (for 10 L air sample)
Aldrich Lot 83017.....	4.20	0.13
Baker Lot 720364.....	1.0f	0.03
Baker Lot 822351.....	1.0f	0.03
Malinkrodt Lot WEMP.....	1.74	0.05
Malinkrodt Lot WHGA.....	5.65	0.18
Treated CS ₂	2.90	0.09

(2) WISHA laboratory method for bulk samples.

Analyte: Benzene.

Matrix: Bulk samples.

Procedure: Bulk samples are analyzed directly by high performance liquid chromatography (HPLC) or by capillary gas chromatography. See laboratory manual for GC procedure.

Detection limits: 0.01% by volume.

(a) Principle of the method.

(i) An aliquot of the bulk sample to be analyzed is injected into a liquid chromatograph or gas chromatograph.

(ii) The peak area for benzene is determined and compared to areas obtained from standards.

(b) Advantages and disadvantages of the method.

(i) The analytical procedure is quick, sensitive, and reproducible.

(ii) Reanalysis of samples is possible.

(iii) Interferences can be circumvented by proper selection of HPLC parameters or GC parameters.

(iv) Samples must be free of any particulates that may clog the capillary tubing in the liquid chromatograph. This may require distilling the sample or clarifying with a clarification kit.

(c) Apparatus.

(i) Liquid chromatograph equipped with a UV detector or capillary gas chromatograph with FID detector.

(ii) HPLC column that will separate benzene from other components in the bulk sample being analyzed. The column used for validation studies was a Waters uBondapack C18, 30 cm x 3.9 mm.

(iii) A clarification kit to remove any particulates in the bulk if necessary.

(iv) A micro-distillation apparatus to distill any samples if necessary.

(v) An electronic integrator or some other suitable method of measuring peak areas.

(vi) Microliter syringes-10 uL syringe and other convenient sizes for making standards. 10 uL syringe for sample injections.

(vii) Volumetric flasks, 5 mL and other convenient sizes for preparing standards and making dilutions.

(d) Reagents.

(i) Benzene, reagent grade.

(ii) HPLC grade water, methyl alcohol, and isopropyl alcohol.

(e) Collection and shipment of samples.

(i) Samples should be transported in glass containers with Teflon-lined caps.

(ii) Samples should not be put in the same container used for air samples.

(f) Analysis of samples.

(i) Sample preparation.

If necessary, the samples are distilled or clarified. Samples are analyzed undiluted. If the benzene concentration is out of the working range, suitable dilutions are made with isopropyl alcohol.

(ii) HPLC conditions.

The typical operating conditions for the high performance liquid chromatograph are:

(A) Mobile phase-Methyl alcohol/water, 50/50.

(B) Analytical wavelength-254 nm.

(C) Injection size-10 µL.

(iii) Measurement of peak area and calibration.

Peak areas are measured by an integrator or other suitable means. The integrator is calibrated to report results % in benzene by volume.

(g) Calculations.

Since the integrator is programmed to report results in % benzene by volume in an undiluted sample, the following equation is used:

$$\% \text{ Benzene by Volume} = A \times B$$

Where: A=% by volume on report

B=Dilution Factor

(B=1 for undiluted sample)

(h) Backup data.

(i) Detection limit-bulk samples.

The detection limit for the analytical procedure for bulk samples is 0.88 ug, with a coefficient of variation of 0.019 at this level. This amount provided a chromatographic peak that could be identifiable in the presence of possible interferences. The detection limit data were obtained by making 10 uL injections of a 0.10% by volume standard.

1	45386	$\bar{x} = 44040.1$ SD = 852.5 CV = 0.019
2	44214	
3	43822	
4	44062	
5	42724	
6	42724	

(ii) Pooled coefficient of variation-bulk samples.

The pooled coefficient of variation for analytical procedure was determined by 50 uL replicate injections of analytical standards. The standards were 0.01, 0.02, 0.04, 0.10, 1.0, and 2.0% benzene by volume.

Injection No.	0.01	0.02	0.04	0.10	1.0	2.0
1	45386	84737	166097	448497	4395380	9339150
2	44241	84300	170832	441299	4590800	9484900
3	43822	83835	164160	443719	4593200	9557580
4	44062	84381	164445	444842	4642350	9677060
5	44006	83012	168398	442564	4646430	9766240
6	42724	81957	173002	443975	4646260	9766240
\bar{x} =	44040.1	83703.6	167872	444149	4585767	9564986
SD=	852.5	1042.2	3589.8	2459.1	96839.3	166233
CV=	0.0194	0.0125	0.0213	0.0055	0.0211	0.0174
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CV=	0.017					

NEW SECTION

WAC 296-62-07533 APPENDIX E QUALITATIVE AND QUANTITATIVE FIT TESTING PROCEDURES. Fit test protocols.

(1) The employer shall include the following provisions in the fit test procedures. These provisions apply to both qualitative fit testing (QLFT) and quantitative fit testing (QNFT).

(a) The test subject shall be allowed to pick the most comfortable respirator from a selection including respirators of various sizes from different manufacturers. The selection shall include at least three sizes of elastomeric facepieces of the type of respirator that is to be tested, i.e., three sizes of half mask; or three sizes of full facepiece; and units from at least two manufacturers.

(b) Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine a comfortable fit. A mirror shall be available to assist the subject in evaluating the fit and positioning the respirator. This instruction may not constitute the subject's formal training on respirator use, as it is only a review.

(c) The test subject shall be informed that he/she is being asked to select the respirator which provides the most comfortable fit. Each respirator represents a different size and shape, and if fitted and used properly, will provide adequate protection.

(d) The test subject shall be instructed to hold each facepiece up to the face and eliminate those which obviously do not give a comfortable fit.

(e) The more comfortable facepieces are noted; the most comfortable mask is donned and worn at least five minutes to assess comfort. Assistance in assessing comfort can be given by discussing the points in (f) of this subsection. If the test subject is not familiar with using a particular respirator, the test subject shall be directed to don the mask several times and to adjust the straps each time to become adept at setting proper tension on the straps.

(f) Assessment of comfort shall include reviewing the following points with the test subject and allowing the test subject adequate time to determine the comfort of the respirator:

(i) Position of the mask on the nose;

(ii) Room for eye protection;

(iii) Room to talk; and

(iv) Position of mask on face and cheeks.

(g) The following criteria shall be used to help determine the adequacy of the respirator fit:

(i) Chin properly placed;

- (ii) Adequate strap tension, not overly tightened;
- (iii) Fit across nose bridge;
- (iv) Respirator of proper size to span distance from nose to chin;
- (v) Tendency of respirator to slip; and
- (vi) Self-observation in mirror to evaluate fit and respirator position.

(h) The test subject shall conduct the negative and positive pressure fit checks as described below or ANSI Z88.2-1980. Before conducting the negative or positive pressure test, the subject shall be told to seat the mask on the face by moving the head from side-to-side and up and down slowly while taking in a few slow deep breaths. Another facepiece shall be selected and retested if the test subject fails the fit check tests.

(i) Positive pressure test. Close off the exhalation valve and exhale gently onto the facepiece. The face fit is considered satisfactory if a slight positive pressure can be built up inside the facepiece without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and then carefully replacing it after the test.

(ii) Negative pressure test. Close off the inlet opening of the canister or cartridge(s) by covering with the palm of the hand(s) or by replacing the filter seal(s), inhale gently so that the facepiece collapses slightly, and hold the breath for ten seconds. If the facepiece remains in its slightly collapsed condition and no inward leakage of air is detected, the tightness of the respirator is considered satisfactory.

(i) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface, such as stubble beard growth, beard, or long sideburns which cross the respirator sealing surface. Any type of apparel which interferes with a satisfactory fit shall be altered or removed.

(j) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respiratory disease or pulmonary medicine to determine whether the test subject can wear a respirator while performing her or his duties.

(k) The test subject shall be given the opportunity to wear the successfully fitted respirator for a period of two weeks. If at any time during this period the respirator becomes uncomfortable, the test subject shall be given the opportunity to select a different facepiece and to be retested.

(l) The employer shall certify that a successful fit test has been administered to the employee. The certification shall include the following information:

- (i) Name of employee;
- (ii) Type, brand, and size of respirator; and
- (iii) Date of test.

Where QNFT is used, the fit factor, strip chart, or other recording of the results of the test, shall be retained with the certification. The certification shall be maintained until the next fit test is administered.

(m) Exercise regimen. Prior to the commencement of the fit test, the test subject shall be given a description of the fit test and the test subject's responsibilities during the test procedure. The description of the process shall include a description of the test exercises that the subject will be performing. The respirator to be tested shall be worn for at least five minutes before the start of the fit test.

(n) Test exercises. The test subject shall perform exercises, in the test environment, in the manner described below:

(i) Normal breathing. In a normal standing position, without talking, the subject shall breathe normally.

(ii) Deep breathing. In a normal standing position, the subject shall breathe slowly and deeply, taking caution so as to not hyperventilate.

(iii) Turning head side to side. Standing in place, the subject shall slowly turn his/her head from side to side between the extreme positions on each side. The head shall be held at each extreme momentarily so the subject can inhale at each side.

(iv) Moving head up and down. Standing in place, the subject shall slowly move his/her head up and down. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).

(v) Talking. The subject shall talk out loud slowly and loud enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from one hundred, or recite a memorized poem or song.

(vi) Grimace. The test subject shall grimace by smiling or frowning.

(vii) Bending over. The test subject shall bend at the waist as if he/she were to touch his/her toes. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT units which prohibit bending at the waist.

(viii) Normal breathing. Same as exercise in (n)(i) of this subsection.

Each test exercise shall be performed for one minute except for the grimace exercise which shall be performed for fifteen seconds.

The test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become uncomfortable, another model of respirator shall be tried.

(2) Qualitative fit test (QLFT) protocols.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator qualitative fit test program.

(ii) The employer shall ensure that persons administering QLFT are able to prepare test solutions, calibrate equipment and perform tests properly, recognize invalid tests, and assure that test equipment is in proper working order.

(iii) The employer shall assure that QLFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Isoamyl acetate protocol.

(i) Odor threshold screening.

The odor threshold screening test, performed without wearing a respirator, is intended to determine if the individual tested can detect the odor of isoamyl acetate.

(A) Three one-liter glass jars with metal lids are required.

(B) Odor free water (e.g., distilled or spring water) at approximately twenty-five degrees C shall be used for the solutions.

(C) The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding 1 cc of pure IAA to 800 cc of odor free water in a one liter jar and shaking for thirty seconds. A new solution shall be prepared at least weekly.

(D) The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated but shall not be connected to the same recirculating ventilation system.

(E) The odor test solution is prepared in a second jar by placing 0.4 cc of the stock solution into 500 cc of odor free water using a clean dropper or pipette. The solution shall be shaken for thirty seconds and allowed to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution shall be used for only one day.

(F) A test blank shall be prepared in a third jar by adding 500 cc of odor free water.

(G) The odor test and test blank jars shall be labeled 1 and 2 for jar identification. Labels shall be placed on the lids so they can be periodically peeled, dried off, and switched to maintain the integrity of the test.

(H) The following instruction shall be typed on a card and placed on the table in front of the two test jars (i.e., 1 and 2): "The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contains a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

(I) The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatigue in the subject.

(J) If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA qualitative fit test shall not be performed.

(K) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.

(ii) Isoamyl acetate fit test.

(A) The fit test chamber shall be similar to a clear fifty-five gallon drum liner suspended inverted over a two-foot diameter frame so that the top of the chamber is about six inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

(B) Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors. The cartridges or masks shall be changed at least weekly.

(C) After selecting, donning, and properly adjusting a respirator, the test subject shall wear it to the fit testing room. This room shall be

separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

(D) A copy of the test exercises and any prepared text from which the subject is to read shall be taped to the inside of the test chamber.

(E) Upon entering the test chamber, the test subject shall be given a six-inch by five-inch piece of paper towel, or other porous, absorbent, single-ply material, folded in half and wetted with 0.75 cc of pure IAA. The test subject shall hand the wet towel on the hook at the top of the chamber.

(F) Allow two minutes for the IAA test concentration to stabilize before starting the fit test exercises. This would be an appropriate time to talk with the test subject; to explain the fit test, the importance of his/her cooperation, and the purpose for the head exercises; or to demonstrate some of the exercises.

(G) If at any time during the test, the subject detects the banana like odor of IAA, the test has failed. The subject shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

(H) If the test has failed, the subject shall return to the selection room and remove the respirator, repeat the odor sensitivity test, select and put on another respirator, return to the test chamber and again begin the procedure described in (b)(ii)(A) through (G) of this subsection. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about five minutes before retesting. Odor sensitivity will usually have returned by this time.

(I) When a respirator is found that passes the test, its efficiency shall be demonstrated for the subject by having the subject break the face seal and take a breath before exiting the chamber.

(J) When the test subject leaves the chamber, the subject shall remove the saturated towel and return it to the person conducting the test. To keep the test area from becoming contaminated, the used towels shall be kept in a self sealing bag so there is no significant IAA concentration build-up in the test chamber during subsequent tests.

(c) Saccharin solution aerosol protocol. The saccharin solution aerosol QLFT protocol is the only currently available, validated test protocol for use with particulate disposable dust respirators not equipped with high-efficiency filters. The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

(i) Taste threshold screening. The saccharin taste threshold screening, performed without wearing a respirator, is intended to determine whether the individual being tested can detect the taste of saccharin.

(A) Threshold screening as well as fit testing subjects shall wear an enclosure about the head and shoulders that is approximately twelve inches in diameter by fourteen inches tall with at least the front portion clear and that allows free movements of the head when a respirator is worn. An enclosure substantially similar to the 3M hood assembly, parts NZ FT 14 and NZ FT 15 combined, is adequate.

(B) The test enclosure shall have a three-quarter inch hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.

(C) The test subject shall don the test enclosure. Throughout the threshold screening test, the test subject shall breathe through his/her wide open mouth with tongue extended.

(D) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer the test conductor shall spray the threshold check solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the fit test solution nebulizer.

(E) The threshold check solution consists of 0.83 grams of sodium saccharin USP in 1 cc of warm water. It can be prepared by putting 1 cc of the fit test solution (see (b)(ii)(E) of this subsection) in 100 cc of distilled water.

(F) To produce the aerosol, the nebulizer bulb is firmly squeezed so that it collapses completely, then released and allowed to fully expand.

(G) Ten squeezes are repeated rapidly and then the test subject is asked whether the saccharin can be tasted.

(H) If the first response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(I) If the second response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(J) The test conductor will take note of the number of squeezes required to solicit a taste response.

(K) If the saccharin is not tasted after thirty squeezes (subitem (J)), the test subject may not perform the saccharin fit test.

(L) If a taste response is elicited, the test subject shall be asked to take note of the taste for reference in the fit test.

(M) Correct use of the nebulizer means that approximately 1 cc of liquid is used at a time in the nebulizer body.

(N) The nebulizer shall be thoroughly rinsed in water, shaken dry, and refilled at least each morning and afternoon or at least every four hours.

(ii) Saccharin solution aerosol fit test procedure.

(A) The test subject may not eat, drink (except plain water), or chew gum for fifteen minutes before the test.

(B) The fit test uses the same enclosure described in (c)(i) of this subsection.

(C) The test subject shall don the enclosure while wearing the respirator selected in (c)(i) of this subsection. The respirator shall be properly adjusted and equipped with a particulate filter(s).

(D) A second DeVilbiss Model 40 Inhalation Medication Nebulizer is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

(E) The fit test solution is prepared by adding eighty-three grams of sodium saccharin to 100 cc of warm water.

(F) As before, the test subject shall breathe through the open mouth with tongue extended.

(G) The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the enclosure using the same number of squeezes required to elicit a taste response in the screening test.

(H) After generating the aerosol the test subject shall be instructed to perform the exercises in subsection (1)(h) of this section.

(I) Every thirty seconds the aerosol concentration shall be replenished using one-half the number of squeezes as initially.

(J) The test subject shall indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

(K) If the taste of saccharin is detected, the fit is deemed unsatisfactory and a different respirator shall be tried.

(d) Irritant fume protocol.

(i) The respirator to be tested shall be equipped with high-efficiency particulate air (HEPA) filters.

(ii) The test subject shall be allowed to smell a weak concentration of the irritant smoke before the respirator is donned to become familiar with its characteristic odor.

(iii) Break both ends of a ventilation smoke tube containing stannic oxychloride, such as the MSA part No. 5645, or equivalent. Attach one end of the smoke tube to a low flow air pump set to deliver two hundred milliliters per minute.

(iv) Advise the test subject that the smoke can be irritating to the eyes and instruct the subject to keep his/her eyes closed while the test is performed.

(v) The test conductor shall direct the stream of irritant smoke from the smoke tube towards the face seal area of the test subject. He/she shall begin at least twelve inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

(vi) The exercises identified in subsection (1)(n) of this section shall be performed by the test subject while the respirator seal is being challenged by the smoke.

(vii) Each test subject passing the smoke test without evidence of a response shall be given a sensitivity check of the smoke from the same tube once the respirator has been removed to determine whether he/she reacts to the smoke. Failure to evoke a response shall void the fit test.

(viii) The fit test shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agent.

(3) Quantitative fit test (QNFT) protocol.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator quantitative fit test program.

(ii) The employer shall ensure that persons administering QNFT are able to calibrate equipment and perform tests properly, recognize invalid tests, calculate fit factors properly and assure that test equipment is in proper working order.

(iii) The employer shall assure that QNFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Definitions.

(i) "Quantitative fit test." The test is performed in a test chamber. The normal air-purifying element of the respirator is replaced by a high-efficiency particulate air (HEPA) filter in the case of particulate QNFT aerosols or a sorbent offering contaminant penetration protection equivalent to high-efficiency filters where the QNFT test agent is a gas or vapor.

(ii) "Challenge agent" means the aerosol, gas, or vapor introduced into a test chamber so that its concentration inside and outside the respirator may be measured.

(iii) "Test subject" means the person wearing the respirator for quantitative fit testing.

(iv) "Normal standing position" means standing erect and straight with arms down along the sides and looking straight ahead.

(v) "Maximum peak penetration method" means the method of determining test agent penetration in the respirator as determined by strip chart recordings of the test. The highest peak penetration for a given exercise is taken to be representative of average penetration into the respirator for that exercise.

(vi) "Average peak penetration method" means the method of determining test agent penetration into the respirator utilizing a strip chart recorder, integrator, or computer. The agent penetration is determined by an average of the peak heights on the graph or by computer integration, for each exercise except the grimace exercise. Integrators or computers which calculate the actual test agent penetration into the respirator for each exercise will also be considered to meet the requirements of the average peak penetration method.

(vii) "Fit factor" means the ratio of challenge agent concentration outside with respect to the inside of a respirator inlet covering (facepiece or enclosure).

(c) Apparatus.

(i) Instrumentation. Aerosol generation, dilution, and measurement systems using corn oil or sodium chloride as test aerosols shall be used for quantitative fit testing.

(ii) Test chamber. The test chamber shall be large enough to permit all test subjects to perform freely all required exercises without disturbing the challenge agent concentration or the measurement apparatus. The test chamber shall be equipped and constructed so that the challenge agent is effectively isolated from the ambient air, yet uniform in concentration throughout the chamber.

(iii) When testing air-purifying respirators, the normal filter or cartridge element shall be replaced with a high-efficiency particulate filter supplied by the same manufacturer.

(iv) The sampling instrument shall be selected so that a strip chart record may be made of the test showing the rise and fall of the challenge agent concentration with each inspiration and expiration at fit factors of at least two thousand. Integrators or computers which integrate the amount of test agent penetration leakage into the respirator for each exercise may be used provided a record of the readings is made.

(v) The combination of substitute air-purifying elements, challenge agent and challenge agent concentration in the test chamber shall be such that the test subject is not exposed in excess of an established exposure limit for the challenge agent at any time during the testing process.

(vi) The sampling port on the test specimen respirator shall be placed and constructed so that no leakage occurs around the port (e.g., where the respirator is probed), a free air flow is allowed into the sampling line at all times and so that there is no interference with the fit or performance of the respirator.

(vii) The test chamber and test set up shall permit the person administering the test to observe the test subject inside the chamber during the test.

(viii) The equipment generating the challenge atmosphere shall maintain the concentration of challenge agent inside the test chamber constant to within a ten percent variation for the duration of the test.

(ix) The time lag (interval between an event and the recording of the event on the strip chart or computer or integrator) shall be kept to a minimum. There shall be a clear association between the occurrence of an event inside the test chamber and its being recorded.

(x) The sampling line tubing for the test chamber atmosphere and for the respirator sampling port shall be of equal diameter and of the same material. The length of the two lines shall be equal.

(xi) The exhaust flow from the test chamber shall pass through a high-efficiency filter before release.

(xii) When sodium chloride aerosol is used, the relative humidity inside the test chamber shall not exceed fifty percent.

(xiii) The limitations of instrument detection shall be taken into account when determining the fit factor.

(xiv) Test respirators shall be maintained in proper working order and inspected for deficiencies such as cracks, missing valves and gaskets, etc.

(d) Procedural requirements.

(i) When performing the initial positive or negative pressure test the sampling line shall be crimped closed in order to avoid air pressure leakage during either of these tests.

(ii) An abbreviated screening isoamyl acetate test or irritant fume test may be utilized in order to quickly identify poor fitting respirators which passed the positive and/or negative pressure test and thus reduce the amount of QNFT time. When performing a screening isoamyl acetate test, combination high-efficiency organic vapor cartridges/canisters shall be used.

(iii) A reasonably stable challenge agent concentration shall be measured in the test chamber prior to testing. For canopy or shower curtain type of test units the determination of the challenge agent stability may be established after the test subject has entered the test environment.

(iv) Immediately after the subject enters the test chamber, the challenge agent concentration inside the respirator shall be measured to ensure that the peak penetration does not exceed five percent for a half mask or one percent for a full facepiece respirator.

(v) A stable challenge concentration shall be obtained prior to the actual start of testing.

(vi) Respirator restraining straps shall not be overtightened for testing. The straps shall be adjusted by the wearer without assistance from other persons to give a reasonable comfortable fit typical of normal use.

(vii) The test shall be terminated whenever any single peak penetration exceeds five percent for half masks and one percent for full facepiece respirators. The test subject shall be refitted and retested. If two of the three required tests are terminated, the fit shall be deemed inadequate.

(viii) In order to successfully complete a QNFT, three successful fit tests are required. The results of each of the three independent fit tests must exceed the minimum fit factor needed for the class of respirator (e.g., half mask respirator, full facepiece respirator).

(ix) Calculation of fit factors.

(A) The fit factor shall be determined for the quantitative fit test by taking the ratio of the average chamber concentration to the concentration inside the respirator.

(B) The average test chamber concentration is the arithmetic average of the test chamber concentration at the beginning and at the end of the test.

(C) The concentration of the challenge agent inside the respirator shall be determined by one of the following methods:

(I) Average peak concentration;

(II) Maximum peak concentration; or

(III) Integration by calculation of the area under the individual peak for each exercise. This includes computerized integration.

(x) Interpretation of test results. The fit factor established by the quantitative fit testing shall be the lowest of the three fit factor values calculated from the three required fit tests.

(xi) The test subject shall not be permitted to wear a half mask, or full facepiece respirator unless a minimum fit factor equivalent to at least ten times the hazardous exposure level is obtained.

(xii) Filters used for quantitative fit testing shall be replaced at least weekly, or whenever increased breathing resistance is encountered, or when the test agent has altered the integrity of the filter media. Organic vapor cartridges/canisters shall be replaced daily (when used) or sooner if there is any indication of breakthrough by a test agent.

NEW SECTION

WAC 296-62-07540 FORMALDEHYDE. (1) Scope and application. This standard applies to all occupational exposures to formaldehyde, i.e., from formaldehyde gas, its solutions, and materials that release formaldehyde.

(2) Definitions. For purposes of this standard, the following definitions shall apply:

(a) "Action level" means a concentration of 0.5 part formaldehyde per million parts of air (0.5 ppm) calculated as an 8-hour time-weighted average (TWA) concentration.

(b) "Approved" means approved by the director of the department of labor and industries or his authorized representative: PROVIDED, HOWEVER, That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the Bureau of Mines, the provision of WAC 296-24-006 shall apply.

(c) "Authorized person" means a person approved or assigned by the employer to perform a specific type of duty or duties or to be at a specific location or locations at the job site.

(d) "Director" means the director of the department of labor and industries, or his designated representative.

(e) "Emergency" is any occurrence, such as but not limited to equipment failure, rupture of containers, or failure of control equipment that results in an uncontrolled release of a significant amount of formaldehyde.

(f) "Employee exposure" means the exposure to airborne formaldehyde which would occur without corrections for protection provided by any respirator that is in use.

(g) "Formaldehyde" means the chemical substance, HCHO, Chemical Abstracts Service Registry No. 50-00-0.

(3) Permissible exposure limit (PEL).

(a) TWA: The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds one part formaldehyde per million parts of air (1 ppm) as an 8-hour TWA.

(b) Short term exposure limit (STEL): The employer shall assure that no employee is exposed to an airborne concentration of formaldehyde which exceeds two parts formaldehyde per million parts of air (2 ppm) as a fifteen-minute STEL.

(4) Exposure monitoring.

(a) General.

(i) Each employer who has a workplace covered by this standard shall monitor employees to determine their exposure to formaldehyde.

(ii) Exceptions.

(A) The employer need not initiate exposure monitoring unless there is a formaldehyde hazard as defined in subsection (13) of this section or there are employee health complaints possibly associated with formaldehyde exposure.

(B) Where the employer documents, using objective data, that the presence of formaldehyde or formaldehyde-releasing products in the workplace cannot result in airborne concentrations of formaldehyde that would cause any employee to be exposed at or above the action level or the STEL under foreseeable conditions of use, the employer will not be required to measure employee exposure to formaldehyde unless there are employee health complaints possibly associated with formaldehyde exposure.

(iii) When an employee's exposure is determined from representative sampling, the measurements used shall be representative of the employee's full shift or short-term exposure to formaldehyde, as appropriate.

(iv) Representative samples for each job classification in each work area shall be taken for each shift unless the employer can document with objective data that exposure levels for a given job classification are equivalent for different workshifts.

(b) Initial monitoring. The employer shall identify all employees who may be exposed at or above the action level or at or above the STEL and accurately determine the exposure of each employee so identified.

(i) Unless the employer chooses to measure the exposure of each employee potentially exposed to formaldehyde, the employer shall develop a representative sampling strategy and measure sufficient exposures within each job classification for each workshift to correctly characterize and not underestimate the exposure of any employee within each exposure group.

(ii) The initial monitoring process shall be repeated each time there is a change in production, equipment, process, personnel, or control measures which may result in new or additional exposure to formaldehyde.

(c) Periodic monitoring.

(i) The employer shall periodically measure and accurately determine exposure to formaldehyde for employees shown by the initial monitoring to be exposed at or above the action level or at or above the STEL.

(ii) If the last monitoring results reveal employee exposure at or above the action level, the employer shall repeat monitoring of the employees at least every six months.

(iii) If the last monitoring results reveal employee exposure at or above the STEL, the employer shall repeat monitoring of the employees at least once a year under worst conditions.

(d) Termination of monitoring. The employer may discontinue periodic monitoring for employees if results from two consecutive sampling periods taken at least seven days apart show that employee exposure is below the action level and the STEL. The results must be statistically representative and consistent with the employer's knowledge of the job and work operation.

(e) Accuracy of monitoring. Monitoring shall be accurate, at the ninety-five percent confidence level, to within plus or minus twenty-five percent for airborne concentrations of formaldehyde at the TWA and the STEL and to within plus or minus thirty-five percent for airborne concentrations of formaldehyde at the action level.

(f) Employee notification of monitoring results. Within fifteen days of receiving the results of exposure monitoring conducted under this standard, the employer shall notify the affected employees of these results. Notification shall be in writing, either by distributing copies of the results to the employees or by posting the results. If the employee exposure is over either PEL, the employer shall develop and implement a written plan to reduce employee exposure to or below both PELs, and give written notice to employees. The written notice shall contain a description of the corrective action being taken by the employer to decrease exposure.

(g) Observation of monitoring.

(i) The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to formaldehyde required by this standard.

(ii) When observation of the monitoring of employee exposure to formaldehyde requires entry into an area where the use of protective clothing or equipment is required, the employer shall provide the clothing and equipment to the observer, require the observer to use such clothing and equipment, and assure that the observer complies with all other applicable safety and health procedures.

(5) Regulated areas.

(a) The employer shall establish regulated areas where the concentration of airborne formaldehyde exceeds either the TWA or the STEL and post all entrances and accessways with signs bearing the following information:

**DANGER
FORMALDEHYDE
IRRITANT AND POTENTIAL CANCER HAZARD
AUTHORIZED PERSONNEL ONLY**

(b) The employer shall limit access to regulated areas to authorized persons who have been trained to recognize the hazards of formaldehyde.

(c) An employer at a multi-employer worksite who establishes a regulated area shall communicate the access restrictions and locations of these areas to other employers with work operations at that worksite.

(6) Methods of compliance.

(a) Engineering controls and work practices. The employer shall institute engineering and work practice controls to reduce and maintain employee exposures to formaldehyde at or below the TWA and the STEL.

(b) Exception. Whenever the employer has established that feasible engineering and work practice controls cannot reduce employee exposure to or below either of the PELs, the employer shall apply these controls to reduce employee exposures to the extent feasible and shall supplement them with respirators which satisfy this standard.

(7) Respiratory protection.

(a) General. Where respiratory protection is required, the employer shall provide the respirators at no cost to the employee and shall assure that they are properly used. The respirators shall comply with the requirements of this standard and shall reduce the concentration of formaldehyde inhaled by the employee to at or below both the TWA and the STEL. Respirators shall be used in the following circumstances:

(i) During the interval necessary to install or implement feasible engineering and work practice controls;

(ii) In work operations, such as maintenance and repair activities or vessel cleaning, for which the employer establishes that engineering and work practice controls are not feasible;

(iii) In work situations where feasible engineering and work practice controls are not yet sufficient to reduce exposure to or below the PELs; and

(iv) In emergencies.

(b) Respirator selection.

(i) The appropriate respirators as specified in Table 1 shall be selected from those approved by the Mine Safety and Health Administration (MSHA) and by the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(ii) The employer shall make available a powered air-purifying respirator, meeting the specifications in Table 1, to any employee who experiences difficulty wearing a negative-pressure respirator to reduce exposure to formaldehyde.

(c) Respirator usage.

(i) Whenever respirator use is required by this standard, the employer shall institute a respiratory protection program in accordance with WAC 296-62-07109, 296-62-07111, 296-62-07115, and 296-62-07117.

(ii) The employer shall perform either quantitative or qualitative face fit tests in accordance with the procedures outlined in Appendix E at the time of initial fitting and at least annually thereafter for all employees required by this standard to wear negative-pressure respirators.

(A) Respirators selected shall be from those exhibiting the best facepiece fit.

(B) No respirator shall be chosen that would potentially permit the employee to inhale formaldehyde at concentrations in excess of either the TWA or the STEL.

TABLE 1
MINIMUM REQUIREMENTS FOR RESPIRATORY PROTECTION
AGAINST FORMALDEHYDE

Condition of use or formaldehyde concentration (ppm)	Minimum respirator required ¹
Up to 10 ppm.....	Full facepiece with cartridges or canisters specifically approved for protection against formaldehyde ² .
Up to 100 ppm.....	Full-face mask, chest or back mounted type, with industrial size canister specifically approved for protection against formaldehyde. Type C supplied-air respirator, demand type, with full facepiece, hood, or helmet.
Above 100 ppm or unknown (emergencies).....	Self-contained breathing apparatus (SCBA) with positive-pressure full facepiece. Combination supplied-air, full facepiece positive-pressure respirator with auxiliary self-contained air supply.
Firefighting.....	SCBA with positive-pressure in full facepiece.
Escape.....	SCBA in demand or pressure demand mode. Full-face mask, front or back mounted type with industrial size canister specifically approved for protection against formaldehyde.

¹ Respirators specified for use at higher concentrations may be used at lower concentrations.

² A half-mask respirator with cartridges specifically approved for protection against formaldehyde can be substituted for the full facepiece respirator providing that effective gas-proof goggles are provided and used in combination with the half-mask respirator.

(iii) Where air purifying chemical cartridge-respirators are used, the cartridges shall be replaced after three hours of use or at the end of the workshift, whichever is sooner unless the cartridge contains a NIOSH-approved end-of-service indicator to show when breakthrough occurs.

(iv) Unless the canister contains a NIOSH-approved end-of-service life indicator to show when breakthrough occurs, canisters used in atmospheres up to 10 ppm shall be replaced every four hours and industrial sized canisters used in atmospheres up to 100 ppm shall be replaced every two hours or at the end of the workshift, whichever is sooner.

(v) Employers shall permit employees to leave the work area to wash their faces and respirator facepieces as needed to prevent skin irritation from respirator use.

(8) Protective equipment and clothing. Employers shall comply with the provisions of WAC 296-24-07501 and 296-24-078. When protective equipment or clothing is provided under these provisions, the employer shall provide these protective devices at no cost to the employee and assure that the employee wears them.

(a) Selection. The employer shall select protective clothing and equipment based upon the form of formaldehyde to be encountered, the conditions of use, and the hazard to be prevented.

(i) All contact of the eyes and skin with liquids containing one percent or more formaldehyde shall be prevented by the use of chemical protective clothing made of material impervious to formaldehyde and the use of other personal protective equipment, such as goggles and face shields, as appropriate to the operation.

(ii) Contact with irritating or sensitizing materials shall be prevented to the extent necessary to eliminate the hazard.

(iii) When a face shield is worn, chemical safety goggles are also required if there is a danger of formaldehyde reaching the area of the eye.

(iv) Full body protection shall be worn for entry into areas where concentrations exceed 100 ppm and for emergency reentry into areas of unknown concentration.

(b) Maintenance of protective equipment and clothing.

(i) The employer shall assure that protective equipment and clothing that has become contaminated with formaldehyde is cleaned or laundered before its reuse.

(ii) When ventilating formaldehyde-contaminated clothing and equipment, the employer shall establish a storage area so that employee exposure is minimized. Containers for contaminated clothing and equipment and storage areas shall have labels and signs containing the following information:

**DANGER
FORMALDEHYDE-CONTAMINATED (CLOTHING)
EQUIPMENT
AVOID INHALATION AND SKIN CONTACT**

(iii) The employer shall assure that only persons trained to recognize the hazards of formaldehyde remove the contaminated material from the storage area for purposes of cleaning, laundering, or disposal.

(iv) The employer shall assure that no employee takes home equipment or clothing that is contaminated with formaldehyde.

(v) The employer shall repair or replace all required protective clothing and equipment for each affected employee as necessary to assure its effectiveness.

(vi) The employer shall inform any person who launders, cleans, or repairs such clothing or equipment of formaldehyde's potentially harmful effects and of procedures to safely handle the clothing and equipment.

(9) Hygiene protection.

(a) The employer shall provide change rooms, as described in WAC 296-24-120 for employees who are required to change from work clothing into protective clothing to prevent skin contact with formaldehyde.

(b) If employees' skin may become splashed with solutions containing one percent or greater formaldehyde, for example because of equipment failure or improper work practices, the employer shall provide conveniently located quick drench showers and assure that affected employees use these facilities immediately.

(c) If there is any possibility that an employee's eyes may be splashed with solutions containing 0.1 percent or greater formaldehyde, the employer shall provide acceptable eyewash facilities within the immediate work area for emergency use.

(10) Housekeeping. For operations involving formaldehyde liquids or gas, the employer shall conduct a program to detect leaks and spills, including regular visual inspections.

(a) Preventative maintenance of equipment, including surveys for leaks, shall be undertaken at regular intervals.

(b) In work areas where spillage may occur, the employer shall make provisions to contain the spill, to decontaminate the work area, and to dispose of the waste.

(c) The employer shall assure that all leaks are repaired and spills are cleaned promptly by employees wearing suitable protective equipment and trained in proper methods for cleanup and decontamination.

(d) Formaldehyde-contaminated waste and debris resulting from leaks or spills shall be placed for disposal in sealed containers bearing a label warning of formaldehyde's presence and of the hazards associated with formaldehyde.

(11) Emergencies. For each workplace where there is the possibility of an emergency involving formaldehyde, the employer shall assure appropriate procedures are adopted to minimize injury and loss of life. Appropriate procedures shall be implemented in the event of an emergency.

(12) Medical surveillance.

(a) Employees covered.

(i) The employer shall institute medical surveillance programs for all employees exposed to formaldehyde at concentrations at or exceeding the action level or exceeding the STEL.

(ii) The employer shall make medical surveillance available for employees who develop signs and symptoms of overexposure to formaldehyde and for all employees exposed to formaldehyde in emergencies. When determining whether an employee may be experiencing signs and symptoms of possible overexposure to formaldehyde, the employer may rely on the evidence that signs and symptoms associated with formaldehyde exposure will occur only in exceptional circumstances when airborne exposure is less than 0.1 ppm and when formaldehyde is present in materials in concentrations less than 0.1 percent.

(b) Examination by a physician. All medical procedures, including administration of medical disease questionnaires, shall be performed by or under the supervision of a licensed physician and shall be provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(c) Medical disease questionnaire. The employer shall make the following medical surveillance available to employees prior to assignment to a job where formaldehyde exposure is at or above the action level or above the STEL and annually thereafter. The employer shall also make the following medical surveillance available promptly upon determining that an employee is experiencing signs and symptoms indicative of possible overexposure to formaldehyde.

(i) Administration of a medical disease questionnaire, such as in Appendix D, which is designed to elicit information on work history, smoking history, any evidence of eye, nose, or throat irritation; chronic airway problems or hyperreactive airway disease; allergic skin conditions or dermatitis; and upper or lower respiratory problems.

(ii) A determination by the physician, based on evaluation of the medical disease questionnaire, of whether a medical examination is necessary for employees not required to wear respirators to reduce exposure to formaldehyde.

(d) Medical examinations. Medical examinations shall be given to any employee who the physician feels, based on information in the medical disease questionnaire, may be at increased risk from exposure to formaldehyde and at the time of initial assignment and at least annually thereafter to all employees required to wear a respirator to reduce exposure to formaldehyde. The medical examination shall include:

(i) A physical examination with emphasis on evidence of irritation or sensitization of the skin and respiratory system, shortness of breath, or irritation of the eyes.

(ii) Laboratory examinations for respirator wearers consisting of baseline and annual pulmonary function tests. As a minimum, these tests shall consist of forced vital capacity (FVC), forced expiratory volume in one second (FEV1), and forced expiratory flow (FEF).

(iii) Any other test which the examining physician deems necessary to complete the written opinion.

(iv) Counseling of employees having medical conditions that would be directly or indirectly aggravated by exposure to formaldehyde on the increased risk of impairment of their health.

(e) Examinations for employees exposed in an emergency. The employer shall make medical examinations available as soon as possible to

all employees who have been exposed to formaldehyde in an emergency.

(i) The examination shall include a medical and work history with emphasis on any evidence of upper or lower respiratory problems, allergic conditions, skin reaction or hypersensitivity, and any evidence of eye, nose, or throat irritation.

(ii) Other examinations shall consist of those elements considered appropriate by the examining physician.

(f) Information provided to the physician. The employer shall provide the following information to the examining physician:

(i) A copy of this standard and Appendices A, C, D, and E;

(ii) A description of the affected employee's job duties as they relate to the employee's exposure to formaldehyde;

(iii) The representative exposure level for the employee's job assignment;

(iv) Information concerning any personal protective equipment and respiratory protection used or to be used by the employee; and

(v) Information from previous medical examinations of the affected employee within the control of the employer.

(vi) In the event of a nonroutine examination because of an emergency, the employer shall provide to the physician as soon as possible: A description of how the emergency occurred and the exposure the victim may have received.

(g) Physician's written opinion.

(i) For each examination required under this standard, the employer shall obtain a written opinion from the examining physician. This written opinion shall contain the results of the medical examination except that it shall not reveal specific findings or diagnoses unrelated to occupational exposure to formaldehyde. The written opinion shall include:

(A) The physician's opinion as to whether the employee has any medical condition that would place the employee at an increased risk of material impairment of health from exposure to formaldehyde;

(B) Any recommended limitations on the employee's exposure or changes in the use of personal protective equipment, including respirators;

(C) A statement that the employee has been informed by the physician of any medical conditions which would be aggravated by exposure to formaldehyde, whether these conditions may have resulted from past formaldehyde exposure or from exposure in an emergency, and whether there is a need for further examination or treatment.

(ii) The employer shall provide for retention of the results of the medical examination and tests conducted by the physician.

(iii) The employer shall provide a copy of the physician's written opinion to the affected employee within fifteen days of its receipt.

(13) Hazard communication.

(a) General. Notwithstanding any exemption granted in WAC 296-62-05403 (6)(c) for wood products, each employer who has a workplace covered by this standard shall comply with the requirements of WAC 296-62-05409 through 296-62-05419.

(i) For purposes of hazard communication, formaldehyde gas, all mixtures or solutions composed of greater than 0.1 percent formaldehyde, and materials capable of releasing formaldehyde into the air under any normal condition of use at concentrations reaching or exceeding 0.1 ppm shall be considered a health hazard.

(ii) As a minimum, specific health hazards that the employer shall address are: Cancer, irritation and sensitization of the skin and respiratory system, eye and throat irritation, and acute toxicity.

(b) Manufacturers and importers who produce or import formaldehyde or formaldehyde-containing products shall provide downstream employers using or handling these products with an objective determination through the required labels and MSDSs if these items may constitute a health hazard within the meaning of WAC 296-62-05407 under normal conditions of use.

(c) Labels.

(i) The employer shall assure that hazard warning labels complying with the requirements of WAC 296-62-05411 are affixed to all containers where the presence of formaldehyde constitutes a health hazard.

(ii) Information on labels. As a minimum, labels shall identify the hazardous chemical; list the name and address of the responsible party; contain the information "potential cancer hazard"; and appropriately warn of all other hazards as defined in Part C (WAC 296-62-05425), Appendices A and B.

(iii) Substitute warning labels. The employer may use warning labels required by other statutes, regulations, or ordinances which impart

the same information as the warning statements required by this subitem.

(d) Material safety data sheets.

(i) Any employer who uses formaldehyde-containing materials that constitute a health hazard as defined in this standard shall comply with the requirements of WAC 296-62-05413 with regard to the development and updating of material safety data sheets.

(ii) Manufacturers, importers, and distributors of formaldehyde containing materials that constitute a health hazard as defined in this standard shall assure that material safety data sheets and updated information are provided to all employers purchasing such materials at the time of the initial shipment and at the time of the first shipment after a material safety data sheet is updated.

(14) Employee information and training.

(a) Employee training. Written materials for employee training shall be updated as soon as possible, but no later than two months after the effective date of the standard.

(b) Participation. The employer shall assure that all employees who are assigned to workplaces where there is a health hazard from formaldehyde participate in a training program.

(c) Frequency.

(i) Employers shall provide employees with information and training on formaldehyde at the time of their initial assignment and whenever a new hazard from formaldehyde is introduced into their work area.

(ii) Employers shall provide such information and training at least annually for all employees exposed to formaldehyde concentrations at or above the action level or the STEL.

(d) Training program. The training program shall be conducted in a manner which the employee is able to understand and shall include:

(i) A discussion of the contents of this regulation and the contents of the material safety data sheet;

(ii) The purpose for and a description of the medical surveillance program required by this standard, including:

(A) A description of the potential health hazards associated with exposure to formaldehyde and a description of the signs and symptoms of exposure to formaldehyde.

(B) Instructions to immediately report to the employer the development of any adverse signs or symptoms that the employee suspects is attributable to formaldehyde exposure.

(iii) Description of operations in the work area where formaldehyde is present and an explanation of the safe work practices appropriate for limiting exposure to formaldehyde in each job;

(iv) The purpose for, proper use of, and limitations of personal protective clothing and equipment;

(v) Instructions for the handling of spills, emergencies, and clean-up procedures;

(vi) An explanation of the importance of engineering and work practice controls for employee protection and any necessary instruction in the use of these controls; and

(vii) A review of emergency procedures including the specific duties or assignments of each employee in the event of an emergency.

(e) Access to training materials.

(i) The employer shall inform all affected employees of the location of written training materials and shall make these materials readily available, without cost, to the affected employees.

(ii) The employer shall provide, upon request, all training materials relating to the employee training program to the director of labor and industries, or his designated representative.

(15) Recordkeeping.

(a) Exposure measurements. The employer shall establish and maintain an accurate record of all measurements taken to monitor employee exposure to formaldehyde. This record shall include:

(i) The date of measurement;

(ii) The operation being monitored;

(iii) The methods of sampling and analysis and evidence of their accuracy and precision;

(iv) The number, durations, time, and results of samples taken;

(v) The types of protective devices worn; and

(vi) The names, job classifications, Social Security numbers, and exposure estimates of the employees whose exposures are represented by the actual monitoring results.

(b) Exposure determinations. Where the employer has determined that no monitoring is required under this standard, the employer shall maintain a record of the objective data relied upon to support the determination that no employee is exposed to formaldehyde at or above the action level.

(c) Medical surveillance. The employer shall establish and maintain an accurate record for each employee subject to medical surveillance under this standard. This record shall include:

(i) The name and Social Security number of the employee;

(ii) The physician's written opinion;

(iii) A list of any employee health complaints that may be related to exposure to formaldehyde; and

(iv) A copy of the medical examination results, including medical disease questionnaires and results of any medical tests required by the standard or mandated by the examining physician.

(d) Respirator fit testing.

(i) The employer shall establish and maintain accurate records for employees subject to negative-pressure respirator fit testing required by this standard.

(ii) This record shall include:

(A) A copy of the protocol selected for respirator fit testing;

(B) A copy of the results of any fit testing performed;

(C) The size and manufacturer of the types of respirators available for selection; and

(D) The date of the most recent fit testing, the name and Social Security number of each tested employee, and the respirator type and facepiece selected.

(e) Record retention. The employer shall retain records required by this standard for at least the following periods:

(i) Exposure records and determinations shall be kept for at least thirty years;

(ii) Medical records shall be kept for the duration of employment plus thirty years; and

(iii) Respirator fit testing records shall be kept until replaced by a more recent record.

(f) Availability of records.

(i) Upon request, the employer shall make all records maintained as a requirement of this standard available for examination and copying to the director of labor and industries, or his designated representative.

(ii) The employer shall make employee exposure records, including estimates made from representative monitoring and available upon request for examination and copying, to the subject employee, or former employee, and employee representatives in accordance with WAC 296-62-052 through 296-62-05209 and 296-62-05213 through 296-62-05217.

(iii) Employee medical records required by this standard shall be provided upon request for examination and copying, to the subject employee, or former employee, or to anyone having the specific written consent of the subject employee or former employee.

(16) Effective dates.

(a) Laboratories. This standard shall become effective for anatomy, histology, and pathology laboratories thirty days after the adoption date, except as noted in (b) of this subsection. For all laboratories other than anatomy, histology, and pathology, subsections (2) and (4) through (15) of this section shall become effective on September 1, 1988, except as noted in (b) of this subsection.

(b) Engineering and work practice controls. Engineering and work practice controls required by this standard shall be implemented as soon as possible, but no later than February 2, 1989.

(c) Employee training. Written materials for employee training shall be updated as soon as possible, but no later than two months after the effective date of the standard.

NEW SECTION

WAC 296-62-07542 APPENDIX A—SUBSTANCE TECHNICAL GUIDELINE FOR FORMALIN. (1) The following substance technical guideline for formalin provides information on uninhibited formalin solution (thirty-seven percent formaldehyde, no methanol stabilizer). It is designed to inform employees at the production level of their rights and duties under the formaldehyde standard whether their job title defines them as workers or supervisors. Much of the information provided is general; however, some information is specific for formalin. When employee exposure to formaldehyde is from resins capable of releasing formaldehyde, the resin itself and other impurities or decomposition products may also be toxic, and employers should include this information as well when informing employees of the hazards associated with the materials they handle. The precise hazards associated with exposure to formaldehyde depend both on the form (solid, liquid, or gas) of the material and the concentration of formaldehyde present. For example, thirty-seven to fifty percent solutions of formaldehyde present a much greater hazard to the skin and eyes from

spills or splashes than solutions containing less than one percent formaldehyde. Individual substance technical guidelines used by the employer for training employees should be modified to properly give information on the material actually being used.

(a) Substance identification.

(i) Chemical name: Formaldehyde.

(ii) Chemical family: Aldehyde.

(iii) Chemical formula: HCHO.

(iv) Molecular weight: 30.03.

(v) Chemical abstracts service number (CAS number): 50-00-0.

Synonyms: Formalin; Formic Aldehyde; Paraform; Formol; Formalin (Methanol-free); Fyde; Formalith; Methanal; Methyl Aldehyde; Methylene Glycol; Methylene Oxide; Tetraoxymethalene; Oxomethane; Oxymethylene.

(b) Components and contaminants.

(i) Percent: 37.0 Formaldehyde.

(ii) Percent: 63.0 water.

Note. Inhibited solutions contain methanol.

(iii) Other contaminants: Formic acid (alcohol free).

Exposure limits:

(A) WISHA TWA-1 ppm.

(B) WISHA STEL-2 ppm.

(c) Physical data.

(i) Description: Colorless liquid, pungent odor.

(ii) Boiling point: 214°F (101°C).

(iii) Specific gravity: 1.08 (H₂O=1 @ 20 C).

(iv) pH: 2.8-4.0.

(v) Solubility in water: Miscible.

(vi) Solvent solubility: Soluble in alcohol and acetone.

(vii) Vapor density: 1.04 (Air=1 @ 20 C).

(viii) Odor threshold: 0.8-1 ppm.

(d) Fire and explosion hazard.

(i) Moderate fire and explosion hazard when exposed to heat or flame.

(ii) The flash point of thirty-seven percent formaldehyde solutions is above normal room temperature, but the explosion range is very wide, from seven to seventy-three percent by volume in air.

(iii) Reaction of formaldehyde with nitrogen dioxide, nitromethane, perchloric acid and aniline, or peroxyformic acid yields explosive compounds.

(iv) Flash point: 185°F (85°C) closed cup.

(v) Lower explosion limit: Seven percent.

(vi) Upper explosion limit: Seventy-three percent.

(vii) Autoignition temperature: 806°F (430°C).

(viii) Flammable class (WISHA): III A.

Extinguishing media:

(I) Use dry chemical, "alcohol foam," carbon dioxide, or water in flooding amounts as fog. Solid streams may not be effective. Cool fire-exposed containers with water from side until well after fire is out.

(II) Use of water spray to flush spills can also dilute the spill to produce nonflammable mixtures. Water runoff, however, should be contained for treatment.

(ix) National Fire Protection Association Section 325M Designation:

(A) Health: 2-Materials hazardous to health, but areas may be entered with full-faced mask self-contained breathing apparatus which provides eye protection.

(B) Flammability: 2-Materials which must be moderately heated before ignition will occur. Water spray may be used to extinguish the fire because the material can be cooled below its flash point.

(C) Reactivity: D-Materials which (in themselves) are normally stable even under fire exposure conditions and which are not reactive with water. Normal fire fighting procedures may be used.

(e) Reactivity.

(i) Stability: Formaldehyde solutions may self-polymerize to form paraformaldehyde which precipitates.

(ii) Incompatibility (materials to avoid):

(A) Strong oxidizing agents, caustics, strong alkalis, isocyanates, anhydrides, oxides, and inorganic acids.

(B) Formaldehyde reacts with hydrochloric acid to form the potent carcinogen, bis-chloromethyl ether. Formaldehyde reacts with nitrogen dioxide, nitromethane, perchloric acid and aniline, or peroxyformic acid to yield explosive compounds. A violent reaction occurs when formaldehyde is mixed with strong oxidizers.

(C) Hazardous combustion or decomposition products: Oxygen from the air can oxidize formaldehyde to formic acid, especially when heated. Formic acid is corrosive.

(f) Health hazard data.

(i) Acute effects of exposure.

(A) Ingestion (swallowing): Liquids containing ten to forty percent formaldehyde cause severe irritation and inflammation of the mouth, throat, and stomach. Severe stomach pains will follow ingestion with possible loss of consciousness and death. Ingestion of dilute formaldehyde solutions (0.03-0.04%) may cause discomfort in the stomach and pharynx.

(B) Inhalation (breathing):

(I) Formaldehyde is highly irritating to the upper respiratory tract and eyes. Concentrations of 0.5 to 2.0 ppm may irritate the eyes, nose, and throat of some individuals.

(II) Concentrations of 3 to 5 ppm also cause tearing of the eyes and are intolerable to some persons.

(III) Concentrations of 10 to 20 ppm cause difficulty in breathing, burning of the nose and throat, coughing, and heavy tearing of the eyes, and 25 to 30 ppm causes severe respiratory tract injury leading to pulmonary edema and pneumonitis. A concentration of 100 ppm is immediately dangerous to life and health. Deaths from accidental exposure to high concentrations of formaldehyde have been reported.

(C) Skin (dermal): Formalin is a severe skin irritant and a sensitizer. Contact with formalin causes white discoloration, smarting, drying, cracking, and scaling. Prolonged and repeated contact can cause numbness and a hardening or tanning of the skin. Previously exposed persons may react to future exposure with an allergic eczematous dermatitis or hives.

(D) Eye contact: Formaldehyde solutions splashed in the eye can cause injuries ranging from transient discomfort to severe, permanent corneal clouding and loss of vision. The severity of the effect depends on the concentration of formaldehyde in the solution and whether or not the eyes are flushed with water immediately after the accident.

Note: The perception of formaldehyde by odor and eye irritation becomes less sensitive with time as one adapts to formaldehyde. This can lead to over-exposure if a worker is relying on formaldehyde's warning properties to alert him or her to the potential for exposure.

(E) Acute animal toxicity:

(I) Oral, rats: LD50=800 mg/kg.

(II) Oral, mouse: LD50=42 mg/kg.

(III) Inhalation, rats: LC50=250 mg/kg.

(IV) Inhalation, mouse: LC50=900 mg/kg.

(V) Inhalation, rats: LC50=590 mg/kg.

(g) Chronic effects of exposure.

(i) Carcinogenicity: Formaldehyde has the potential to cause cancer in humans. Repeated and prolonged exposure increases the risk. Various animal experiments have conclusively shown formaldehyde to be a carcinogen in rats. In humans, formaldehyde exposure has been associated with cancers of the lung, nasopharynx and oropharynx, and nasal passages.

(ii) Mutagenicity: Formaldehyde is genotoxic in several in vitro test systems showing properties of both an initiator and a promoter.

(iii) Toxicity: Prolonged or repeated exposure to formaldehyde may result in respiratory impairment. Rats exposed to formaldehyde at 2 ppm developed benign nasal tumors and changes of the cell structure in the nose as well as inflamed mucous membranes of the nose. Structural changes in the epithelial cells in the human nose have also been observed. Some persons have developed asthma or bronchitis following exposure to formaldehyde, most often as the result of an accidental spill involving a single exposure to a high concentration of formaldehyde.

(h) Emergency and first-aid procedures.

(i) Ingestion (swallowing): If the victim is conscious, dilute, inactivate, or absorb the ingested formaldehyde by giving milk, activated charcoal, or water. Any organic material will inactivate formaldehyde. Keep affected person warm and at rest. Get medical attention immediately. If vomiting occurs, keep head lower than hips.

(ii) Inhalation (breathing): Remove the victim from the exposure area to fresh air immediately. Where the formaldehyde concentration may be very high, each rescuer must put on a self-contained breathing apparatus before attempting to remove the victim, and medical personnel should be informed of the formaldehyde exposure immediately. If breathing has stopped, give artificial respiration. Keep the affected person warm and at rest. Qualified first-aid or medical personnel

should administer oxygen, if available, and maintain the patient's airways and blood pressure until the victim can be transported to a medical facility. If exposure results in a highly irritated upper respiratory tract and coughing continues for more than ten minutes, the worker should be hospitalized for observation and treatment.

(iii) Skin contact: Remove contaminated clothing (including shoes) immediately. Wash the affected area of your body with soap or mild detergent and large amounts of water until no evidence of the chemical remains (at least fifteen to twenty minutes). If there are chemical burns, get first aid to cover the area with sterile, dry dressing, and bandages. Get medical attention if you experience appreciable eye or respiratory irritation.

(iv) Eye contact: Wash the eyes immediately with large amounts of water occasionally lifting lower and upper lids, until no evidence of chemical remains (at least fifteen to twenty minutes). In case of burns, apply sterile bandages loosely without medication. Get medical attention immediately. If you have experienced appreciable eye irritation from a splash or excessive exposure, you should be referred promptly to an ophthalmologist for evaluation.

(i) Emergency procedures.

(i) Emergencies:

(A) If you work in an area where a large amount of formaldehyde could be released in an accident or from equipment failure, your employer must develop procedures to be followed in event of an emergency. You should be trained in your specific duties in the event of an emergency, and it is important that you clearly understand these duties. Emergency equipment must be accessible and you should be trained to use any equipment that you might need. Formaldehyde contaminated equipment must be cleaned before reuse.

(B) If a spill of appreciable quantity occurs, leave the area quickly unless you have specific emergency duties. Do not touch spilled material. Designated persons may stop the leak and shut off ignition sources if these procedures can be done without risk. Designated persons should isolate the hazard area and deny entry except for necessary people protected by suitable protective clothing and respirators adequate for the exposure. Use water spray to reduce vapors. Do not smoke, and prohibit all flames or flares in the hazard area.

(ii) Special firefighting procedures:

(A) Learn procedures and responsibilities in the event of a fire in your workplace.

(B) Become familiar with the appropriate equipment and supplies and their location.

(C) In firefighting, withdraw immediately in case of rising sound from venting safety device or any discoloration of storage tank due to fire.

(j) Spill, leak, and disposal procedures.

(i) Occupational spill: For small containers, place the leaking container in a well ventilated area. Take up small spills with absorbent material and place the waste into properly labeled containers for later disposal. For larger spills, dike the spill to minimize contamination and facilitate salvage or disposal. You may be able to neutralize the spill with sodium hydroxide or sodium sulfite. Your employer must comply with EPA rules regarding the clean-up of toxic waste and notify state and local authorities, if required. If the spill is greater than 1,000 lb/day, it is reportable under EPA's superfund legislation.

(ii) Waste disposal: Your employer must dispose of waste containing formaldehyde in accordance with applicable local, state, and federal law and in a manner that minimizes exposure of employees at the site and of the clean-up crew.

(k) Monitoring and measurement procedures.

(i) Monitoring requirements: If your exposure to formaldehyde exceeds the 0.5 ppm action level or the 2 ppm STEL, your employer must monitor your exposure. Your employer need not measure every exposure if a "high exposure" employee can be identified. This person usually spends the greatest amount of time nearest the process equipment. If you are a "representative employee," you will be asked to wear a sampling device to collect formaldehyde. This device may be a passive badge, a sorbent tube attached to a pump, or an impinger containing liquid. You should perform your work as usual, but inform the person who is conducting the monitoring of any difficulties you are having wearing the device.

(ii) Evaluation of 8-hour exposure: Measurements taken for the purpose of determining time-weighted average (TWA) exposures are best taken with samples covering the full shift. Samples collected must be taken from the employee's breathing zone air.

(iii) Short-term exposure evaluation: If there are tasks that involve brief but intense exposure to formaldehyde, employee exposure must be measured to assure compliance with the STEL. Sample collections are for brief periods, only fifteen minutes, but several samples may be needed to identify the peak exposure.

(iv) Monitoring techniques: WISHA's only requirement for selecting a method for sampling and analysis is that the methods used accurately evaluate the concentration of formaldehyde in employees' breathing zones. Sampling and analysis may be performed by collection of formaldehyde on liquid or solid sorbents with subsequent chemical analysis. Sampling and analysis may also be performed by passive diffusion monitors and short-term exposure may be measured by instruments such as real-time continuous monitoring systems and portable direct reading instruments.

(v) Notification of results: Your employer must inform you of the results of exposure monitoring representative of your job. You may be informed in writing, but posting the results where you have ready access to them constitutes compliance with the standard.

(l) Protective equipment and clothing.

(Material impervious to formaldehyde is needed if the employee handles formaldehyde solutions of one percent or more. Other employees may also require protective clothing or equipment to prevent dermatitis.)

(i) Respiratory protection:

(A) Use NIOSH-approved full facepiece negative pressure respirators equipped with approved cartridges or canisters within the use limitations of these devices. (Present restrictions on cartridges and canisters do not permit them to be used for a full workshift.) In all other situations, use positive pressure respirators such as the positive-pressure air purifying respirator or the self-contained breathing apparatus (SCBA).

(B) If you use a negative pressure respirator, your employer must provide you with fit testing of the respirator at least once a year in accordance with the procedures outlined in WAC 296-62-07550 Appendix E.

(ii) Protective gloves:

(A) Wear protective (impervious) gloves provided by your employer, at no cost, to prevent contact with formalin.

(B) Your employer should select these gloves based on the results of permeation testing and in accordance with the ACGIH guidelines for selection of chemical protective clothing.

(iii) Eye protection:

(A) If you might be splashed in the eyes with formalin, it is essential that you wear goggles or some other type of complete protection for the eye.

(B) You may also need a face shield if your face is likely to be splashed with formalin, but you must not substitute face shields for eye protection. (This section pertains to formaldehyde solutions of one percent or more.)

(iv) Other protective equipment:

(A) You must wear protective (impervious) clothing and equipment provided by your employer at no cost to prevent repeated or prolonged contact with formaldehyde liquids.

(B) If you are required to change into whole-body chemical protective clothing, your employer must provide a change room for your privacy and for storage of your normal clothing.

(C) If you are splashed with formaldehyde, use the emergency showers and eyewash fountains provided by your employer immediately to prevent serious injury. Report the incident to your supervisor and obtain necessary medical support.

(2) Entry into an IDLH atmosphere. Enter areas where the formaldehyde concentration might be 100 ppm or more only with complete body protection including a self-contained breathing apparatus with a full facepiece operated in a positive pressure mode or a supplied-air respirator with full facepiece and operated in a positive pressure mode. This equipment is essential to protect your life and health under such extreme conditions.

(a) Engineering controls.

(i) Ventilation is the most widely applied engineering control method for reducing the concentration of airborne substances in the breathing zones of workers. There are two distinct types of ventilation.

(ii) Local exhaust: Local exhaust ventilation is designed to capture airborne contaminants as near to the point of generation as possible. To protect you, the direction of contaminant flow must always be toward the local exhaust system inlet and away from you.

(iii) General (mechanical):

(A) General dilution ventilation involves continuous introduction of fresh air into the workroom to mix with the contaminated air and lower your breathing zone concentration of formaldehyde. Effectiveness depends on the number of air changes per hour.

(B) Where devices emitting formaldehyde are spread out over a large area, general dilution ventilation may be the only practical method of control.

(iv) Work practices: Work practices and administrative procedures are an important part of a control system. If you are asked to perform a task in a certain manner to limit your exposure to formaldehyde, it is extremely important that you follow these procedures.

(b) Medical surveillance.

(i) Medical surveillance helps to protect employees' health. You are encouraged strongly to participate in the medical surveillance program.

(ii) Your employer must make a medical surveillance program available at no expense to you and at a reasonable time and place if you are exposed to formaldehyde at concentrations above 0.5 ppm as an 8-hour average or 2 ppm over any fifteen-minute period.

(A) You will be offered medical surveillance at the time of your initial assignment and once a year afterward as long as your exposure is at least 0.5 ppm (TWA) or 2 ppm (STEL).

(B) Even if your exposure is below these levels, you should inform your employer if you have signs and symptoms that you suspect, through your training, are related to your formaldehyde exposure because you may need medical surveillance to determine if your health is being impaired by your exposure.

(iii) The surveillance plan includes:

(A) A medical disease questionnaire.

(B) A physical examination if the physician determines this is necessary.

(iv) If you are required to wear a respirator, your employer must offer you a physical examination and a pulmonary function test every year.

(v) The physician must collect all information needed to determine if you are at increased risk from your exposure to formaldehyde. At the physician's discretion, the medical examination may include other tests, such as a chest x-ray, to make this determination.

(vi) After a medical examination the physician will provide your employer with a written opinion which includes any special protective measures recommended and any restrictions on your exposure. The physician must inform you of any medical conditions you have which would be aggravated by exposure to formaldehyde. All records from your medical examinations, including disease surveys, must be retained at your employer's expense.

(c) Emergencies.

(i) If you are exposed to formaldehyde in an emergency and develop signs or symptoms associated with acute toxicity from formaldehyde exposure, your employer must provide you with a medical examination as soon as possible.

(ii) This medical examination will include all steps necessary to stabilize your health.

(iii) You may be kept in the hospital for observation if your symptoms are severe to ensure that any delayed effects are recognized and treated.

NEW SECTION

WAC 296-62-07544 APPENDIX B—SAMPLING STRATEGY AND ANALYTICAL METHODS FOR FORMALDEHYDE.

(1) To protect the health of employees, exposure measurements must be unbiased and representative of employee exposure. The proper measurement of employee exposure requires more than a token commitment on the part of the employer. WISHA's mandatory requirements establish a baseline; under the best of circumstances all questions regarding employee exposure will be answered. Many employers, however, will wish to conduct more extensive monitoring before undertaking expensive commitments, such as engineering controls, to assure that the modifications are truly necessary. The following sampling strategy, which was developed at NIOSH by Nelson A. Leidel, Kenneth A. Busch, and Jeremiah R. Lynch and described in NIOSH publication No. 77-173 (Occupational Exposure Sampling Strategy Manual) will assist the employer in developing a strategy for determining the exposure of his or her employees.

(2) There is no one correct way to determine employee exposure. Obviously, measuring the exposure of every employee exposed to formaldehyde will provide the most information on any given day. Where few employees are exposed, this may be a practical solution.

For most employers, however, use of the following strategy will give just as much information at less cost.

(3) Exposure data collected on a single day will not automatically guarantee the employer that his or her workplace is always in compliance with the formaldehyde standard. This does not imply, however, that it is impossible for an employer to be sure that his or her worksite is in compliance with the standard. Indeed, a properly designed sampling strategy showing that all employees are exposed below the PELs, at least with a ninety-five percent certainty, is compelling evidence that the exposure limits are being achieved provided that measurements are conducted using valid sampling strategy and approved analytical methods.

(4) There are two PELs, the TWA concentration and the STEL.

(a) Most employers will find that one of these two limits is more critical in the control of their operations, and OSHA expects that the employer will concentrate monitoring efforts on the critical component.

(b) If the more difficult exposure is controlled, this information, along with calculations to support the assumptions, should be adequate to show that the other exposure limit is also being achieved.

(5) Sampling strategy.

(a) Determination of the need for exposure measurements.

(b) The employer must determine whether employees may be exposed to concentrations in excess of the action level. This determination becomes the first step in an employee exposure monitoring program that minimizes employer sampling burdens while providing adequate employee protection.

(c) If employees may be exposed above the action level, the employer must measure exposure. Otherwise, an objective determination that employee exposure is low provides adequate evidence that exposure potential has been examined.

(d) The employer should examine all available relevant information, e.g., insurance company and trade association data and information from suppliers or exposure data collected from similar operations.

(e) The employer may also use previously-conducted sampling including area monitoring. The employer must make a determination relevant to each operation although this need not be on a separate piece of paper.

(f) If the employer can demonstrate conclusively that no employee is exposed above the action level or the STEL through the use of objective data, the employer need proceed no further on employee exposure monitoring until such time that conditions have changed and the determination is no longer valid.

(g) If the employer cannot determine that employee exposure is less than the action level and the STEL, employee exposure monitoring will have to be conducted.

(6) Workplace material survey.

(a) The primary purpose of a survey of raw material is to determine if formaldehyde is being used in the work environment and if so, the conditions under which formaldehyde is being used.

(b) The first step is to tabulate all situations where formaldehyde is used in a manner such that it may be released into the workplace atmosphere or contaminate the skin. This information should be available through analysis of company records and information on the MSDSs available through provisions of this standard and the hazard communication standard.

(c) If there is an indication from materials handling records and accompanying MSDSs that formaldehyde is being used in the following types of processes or work operations, there may be a potential for releasing formaldehyde into the workplace atmosphere:

(i) Any operation that involves grinding, sanding, sawing, cutting, crushing, screening, sieving, or any other manipulation of material that generates formaldehyde-bearing dust.

(ii) Any processes where there have been employee complaints or symptoms indicative of exposure to formaldehyde.

(iii) Any liquid or spray process involving formaldehyde.

(iv) Any process that uses formaldehyde in preserved tissue.

(v) Any process that involves the heating of a formaldehyde-bearing resin.

Processes and work operations that use formaldehyde in these manners will probably require further investigation at the worksite to determine the extent of employee monitoring that should be conducted.

(7) Workplace observations.

(a) To this point, the only intention has been to provide an indication as to the existence of potentially exposed employees. With this information, a visit to the workplace is needed to observe work operations, to identify potential health hazards, and to determine whether

any employees may be exposed to hazardous concentrations of formaldehyde.

(b) In many circumstances, sources of formaldehyde can be identified through the sense of smell. However, this method of detection should be used with caution because of olfactory fatigue.

(c) Employee location in relation to source of formaldehyde is important in determining if an employee may be significantly exposed to formaldehyde. In most instances, the closer a worker is to the source, the higher the probability that a significant exposure will occur.

Other characteristics should be considered. Certain high temperature operations give rise to higher evaporation rates. Locations of open doors and windows provide natural ventilation that tend to dilute formaldehyde emissions. General room ventilation also provides a measure of control.

(8) Calculation of potential exposure concentrations.

(a) By knowing the ventilation rate in a workplace and the quantity of formaldehyde generated, the employer may be able to determine by calculation if the PELs might be exceeded.

(b) To account for poor mixing of formaldehyde into the entire room, locations of fans and proximity of employees to the work operation, the employer must include a safety factor.

(c) If an employee is relatively close to a source, particularly if he or she is located downwind, a safety factor of one hundred may be necessary.

(d) For other situations, a factor of ten may be acceptable. If the employer can demonstrate through such calculations that employee exposure does not exceed the action level or the STEL, the employer may use this information as objective data to demonstrate compliance with the standard.

(9) Sampling strategy.

(a) Once the employer determines that there is a possibility of substantial employee exposure to formaldehyde, the employer is obligated to measure employee exposure.

(b) The next step is selection of a maximum risk employee. When there are different processes where employees may be exposed to formaldehyde, a maximum risk employee should be selected for each work operation.

(c) Selection of the maximum risk employee requires professional judgment. The best procedure for selecting the maximum risk employee is to observe employees and select the person closest to the source of formaldehyde. Employee mobility may affect this selection; e.g., if the closest employee is mobile in his tasks, he may not be the maximum risk employee. Air movement patterns and differences in work habits will also affect selection of the maximum risk employee.

(d) When many employees perform essentially the same task, a maximum risk employee cannot be selected. In this circumstance, it is necessary to resort to random sampling of the group of workers. The objective is to select a subgroup of adequate size so that there is a high probability that the random sample will contain at least one worker with high exposure if one exists. The number of persons in the group influences the number that need to be sampled to ensure that at least one individual from the highest ten percent exposure group is contained in the sample. For example, to have ninety percent confidence in the results, if the group size is ten, nine should be sampled; for fifty, only eighteen need to be sampled.

(e) If measurement shows exposure to formaldehyde at or above the action level or the STEL, the employer needs to identify all other employees who may be exposed at or above the action level or STEL and measure or otherwise accurately characterize the exposure of these employees.

(f) Whether representative monitoring or random sampling are conducted, the purpose remains the same to determine if the exposure of any employee is above the action level. If the exposure of the most exposed employee is less than the action level and the STEL, regardless of how the employee is identified, then it is reasonable to assume that measurements of exposure of the other employees in that operation would be below the action level and the STEL.

(10) Exposure measurements.

(a) There is no "best" measurement strategy for all situations. Some elements to consider in developing a strategy are:

- (i) Availability and cost of sampling equipment;
- (ii) Availability and cost of analytic facilities;
- (iii) Availability and cost of personnel to take samples;
- (iv) Location of employees and work operations;
- (v) Intraday and interday variations in the process;
- (vi) Precision and accuracy of sampling and analytic methods; and
- (vii) Number of samples needed.

(b) Samples taken for determining compliance with the STEL differ from those that measure the TWA concentration in important ways. STEL samples are best taken in a nonrandom fashion using all available knowledge relating to the area, the individual, and the process to obtain samples during periods of maximum expected concentrations. At least three measurements on a shift are generally needed to spot gross errors or mistakes; however, only the highest value represents the STEL.

(c) If an operation remains constant throughout the workshift, a much greater number of samples would need to be taken over the thirty-two discrete nonoverlapping periods in an 8-hour workshift to verify compliance with a STEL. If employee exposure is truly uniform throughout the workshift, however, an employer in compliance with the 1 ppm TWA would be in compliance with the 2 ppm STEL, and this determination can probably be made using objective data.

(11) Need to repeat the monitoring strategy.

(a) Interday and intraday fluctuations in employee exposure are mostly influenced by the physical processes that generate formaldehyde and the work habits of the employee. Hence, in-plant process variations influence the employer's determination of whether or not additional controls need to be imposed. Measurements that employee exposure is low on a day that is not representative of worst conditions may not provide sufficient information to determine whether or not additional engineering controls should be installed to achieve the PELs.

(b) The person responsible for conducting sampling must be aware of systematic changes which will negate the validity of the sampling results. Systematic changes in formaldehyde exposure concentration for an employee can occur due to:

- (i) The employee changing patterns of movement in the workplace;
- (ii) Closing of plant doors and windows;
- (iii) Changes in ventilation from season to season;
- (iv) Decreases in ventilation efficiency or abrupt failure of engineering control equipment; and
- (v) Changes in the production process or work habits of the employee.

(c) Any of these changes, if they may result in additional exposure that reaches the next level of action (i.e., 0.5 or 1.0 ppm as an 8-hour average or 2 ppm over fifteen minutes) require the employer to perform additional monitoring to reassess employee exposure.

(d) A number of methods are suitable for measuring employee exposure to formaldehyde or for characterizing emissions within the worksite. The preamble to this standard describes some methods that have been widely used or subjected to validation testing. A detailed analytical procedure derived from the WISHA Method ALDE-1 for acrolein and formaldehyde is presented below for informational purposes.

(e) Inclusion of WISHA's method in this appendix in no way implies that it is the only acceptable way to measure employee exposure to formaldehyde. Other methods that are free from significant interferences and that can determine formaldehyde at the permissible exposure limits within ± 25 percent of the "true" value at the ninety-five percent confidence level are also acceptable. Where applicable, the method should also be capable of measuring formaldehyde at the action level to ± 35 percent of the "true" value with a ninety-five percent confidence level. WISHA encourages employers to choose methods that will be best for their individual needs. The employer must exercise caution, however, in choosing an appropriate method since some techniques suffer from interferences that are likely to be present in workplaces of certain industry sectors where formaldehyde is used.

(12) WISHA's analytical laboratory method.

Method No: ALDE-1.

Matrix: Air.

(a) Target concentration: 1 ppm (1.2 mg/m³).

(b) Procedures: Air samples are collected by drawing known volumes of air through sampling tubes containing XAD-2 adsorbent which have been coated with 2-(hydroxymethyl) piperidine. The samples are desorbed with toluene and then analyzed by gas chromatography using a nitrogen selective detector.

(c) Recommended sampling rate and air volumes: 0.1 L/min and 24 L.

(d) Reliable quantitation limit: 16 ppb (20 ug/m³).

(e) Standard error of estimate at the target concentration: 7.3%.

(f) Status of the method: A sampling and analytical method that has been subjected to the established evaluation procedures of the organic methods evaluation branch.

(13) Date: March, 1985.

(a) General discussion.

(i) **Background:** The current WISHA method for collecting acrolein vapor recommends the use of activated 13X molecular sieves. The samples must be stored in an ice bath during and after sampling and also they must be analyzed within forty-eight hours of collection. The current WISHA method for collecting formaldehyde vapor recommends the use of bubblers containing ten percent methanol in water as the trapping solution.

This work was undertaken to resolve the sample stability problems associated with acrolein and also to eliminate the need to use bubblers to sample formaldehyde. A goal of this work was to develop and/or to evaluate a common sampling and analytical procedure for acrolein and formaldehyde.

NIOSH has developed independent methodologies for acrolein and formaldehyde which recommend the use of reagent-coated adsorbent tubes to collect the aldehydes as stable derivatives. The formaldehyde sampling tubes contain Chromosorb 102 adsorbent coated with N-benzylethanolamine (BEA) which reacts with formaldehyde vapor to form a stable oxazolidine compound. The acrolein sampling tubes contain XAD-2 adsorbent coated with 2-(hydroxymethyl) piperidine (2-HMP) which reacts with acrolein vapor to form a different, stable oxazolidine derivative. Acrolein does not appear to react with BEA to give a suitable reaction product. Therefore, the formaldehyde procedure cannot provide a common method for both aldehydes. However, formaldehyde does react with 2-HMP to form a very suitable reaction product. It is the quantitative reaction of acrolein and formaldehyde with 2-HMP that provides the basis for this evaluation.

This sampling and analytical procedure is very similar to the method recommended by NIOSH for acrolein. Some changes in the NIOSH methodology were necessary to permit the simultaneous determination of both aldehydes and also to accommodate WISHA laboratory equipment and analytical techniques.

(ii) **Limit-defining parameters:** The analyte air concentrations reported in this method are based on the recommended air volume for each analyte collected separately and a desorption volume of 1 mL. The amounts are presented as acrolein and/or formaldehyde, even though the derivatives are the actual species analyzed.

(A) **Detection limits of the analytical procedure:** The detection limit of the analytical procedure was 386 pg per injection for formaldehyde. This was the amount of analyte which gave a peak whose height was about five times the height of the peak given by the residual formaldehyde derivative in a typical blank front section of the recommended sampling tube.

(B) **Detection limits of the overall procedure:** The detection limits of the overall procedure were 482 ng per sample (16 ppb or 20 ug/m³ for formaldehyde). This was the amount of analyte spiked on the sampling device which allowed recoveries approximately equal to the detection limit of the analytical procedure.

(C) **Reliable quantitation limits:** The reliable quantitation limit was 482 ng per sample (16 ppb or 20 ug/m³) for formaldehyde. These were the smallest amounts of analyte which could be quantitated within the limits of a recovery of at least seventy-five percent and a precision (± 1.96 SD) of $\pm 25\%$ or better.

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.

(D) **Sensitivity:** The sensitivity of the analytical procedure over concentration ranges representing 0.4 to 2 times the target concentration, based on the recommended air volumes, was seven thousand five hundred eighty-nine area units per ug/mL for formaldehyde. This value was determined from the slope of the calibration curve. The sensitivity may vary with the particular instrument used in the analysis.

(E) **Recovery:** The recovery of formaldehyde from samples used in an eighteen-day storage test remained above ninety-two percent when the samples were stored at ambient temperature. These values were determined from regression lines which were calculated from the storage data. The recovery of the analyte from the collection device must be at least seventy-five percent following storage.

(F) **Precision (analytical method only):** The pooled coefficient of variation obtained from replicate determinations of analytical standards over the range of 0.4 to 2 times the target concentration was 0.0052 for formaldehyde ((d)(C)(iii) of this subsection).

(G) **Precision (overall procedure):** The precision at the ninety-five percent confidence level for the ambient temperature storage tests was $\pm 14.3\%$ for formaldehyde. These values each include an additional $\pm 5\%$ for sampling error. The overall procedure must provide results at

the target concentrations that are $\pm 25\%$ at the ninety-five percent confidence level.

(H) **Reproducibility:** Samples collected from controlled test atmospheres and a draft copy of this procedure were given to a chemist unassociated with this evaluation. The formaldehyde samples were analyzed following fifteen days storage. The average recovery was 96.3% and the standard deviation was 1.7%.

(iii) **Advantages:**

(A) The sampling and analytical procedures permit the simultaneous determination of acrolein and formaldehyde.

(B) Samples are stable following storage at ambient temperature for at least eighteen days.

(iv) **Disadvantages:** None.

(b) **Sampling procedure.**

(i) **Apparatus:**

(A) Samples are collected by use of a personal sampling pump that can be calibrated to within $\pm 5\%$ of the recommended 0.1 L/min sampling rate with the sampling tube in line.

(B) Samples are collected with laboratory prepared sampling tubes. The sampling tube is constructed of silane treated glass and is about 8-cm long. The ID is 4 mm and the OD is 6 mm. One end of the tube is tapered so that a glass wool end plug will hold the contents of the tube in place during sampling. The other end of the sampling tube is open to its full 4-mm ID to facilitate packing of the tube. Both ends of the tube are fire-polished for safety. The tube is packed with a 75-mg backup section, located nearest the tapered end and a 150-mg sampling section of pretreated XAD-2 adsorbent which has been coated with 2-HMP. The two sections of coated adsorbent are separated and retained with small plugs of silanized glass wool. Following packing, the sampling tubes are sealed with two 7/32 inch OD plastic end caps. Instructions for the pretreatment and the coating of XAD-2 adsorbent are presented in (d) of this subsection.

(C) Sampling tubes, similar to those recommended in this method, are marketed by Supelco, Inc. These tubes were not available when this work was initiated; therefore, they were not evaluated.

(ii) **Reagents:** None required.

(iii) **Technique:**

(A) Properly label the sampling tube before sampling and then remove the plastic end caps.

(B) Attach the sampling tube to the pump using a section of flexible plastic tubing such that the large, front section of the sampling tube is exposed directly to the atmosphere. Do not place any tubing ahead of the sampling tube. The sampling tube should be attached in the worker's breathing zone in a vertical manner such that it does not impede work performance.

(C) After sampling for the appropriate time, remove the sampling tube from the pump and then seal the tube with plastic end caps.

(D) Include at least one blank for each sampling set. The blank should be handled in the same manner as the samples with the exception that air is not drawn through it.

(E) List any potential interferences on the sample data sheet.

(iv) **Breakthrough:**

(A) Breakthrough was defined as the relative amount of analyte found on a backup sample in relation to the total amount of analyte collected on the sampling train.

(B) For formaldehyde collected from test atmospheres containing six times the PEL, the average five percent breakthrough air volume was 41 L. The sampling rate was 0.1 L/min and the average mass of formaldehyde collected was 250 ug.

(v) **Desorption efficiency:** No desorption efficiency corrections are necessary to compute air sample results because analytical standards are prepared using coated adsorbent. Desorption efficiencies were determined, however, to investigate the recoveries of the analytes from the sampling device. The average recovery over the range of 0.4 to 2 times the target concentration, based on the recommended air volumes, was 96.2% for formaldehyde. Desorption efficiencies were essentially constant over the ranges studied.

(vi) **Recommended air volume and sampling rate:**

(A) The recommended air volume for formaldehyde is 24 L.

(B) The recommended sampling rate is 0.1 L/min.

(vii) **Interferences:**

(A) Any collected substance that is capable of reacting with 2-HMP and thereby depleting the derivatizing agent is a potential interference. Chemicals which contain a carbonyl group, such as acetone, may be capable of reacting with 2-HMP.

(b) There are no other known interferences to the sampling method.

(viii) **Safety precautions:**

(A) Attach the sampling equipment to the worker in such a manner that it will not interfere with work performance or safety.

(B) Follow all safety practices that apply to the work area being sampled.

(c) Analytical procedure.

(i) Apparatus:

(A) A gas chromatograph (GC), equipped with a nitrogen selective detector.

(B) A GC column capable of resolving the analytes from any interference. A 6 ft x 1/4 in OD (2mm ID) glass GC column containing 10% UCON 50-HB-5100 + 2% KOH on 80/100 mesh Chromosorb W-AW was used for the evaluation. Injections were performed on-column.

(C) Vials, glass 2-mL with Teflon-lined caps.

(D) Volumetric flasks, pipets, and syringes for preparing standards, making dilutions, and performing injections.

(ii) Reagents:

(A) Toluene and dimethylformamide. Burdick and Jackson solvents were used in this evaluation.

(B) Helium, hydrogen, and air, GC grade.

(C) Formaldehyde, thirty-seven percent by weight, in water. Aldrich Chemical, ACS Reagent Grade formaldehyde was used in this evaluation.

(D) Ambrlite XAD-2 adsorbent coated with 2-(hydroxymethyl) piperidine (2-HMP), 10% by weight ((d) of this subsection).

(E) Desorbing solution with internal standard. This solution was prepared by adding 20 uL of dimethylformamide to 100 mL of toluene.

(iii) Standard preparation:

(A) Formaldehyde: Prepare stock standards by diluting known volumes of thirty-seven percent formaldehyde solution with methanol. A procedure to determine the formaldehyde content of these standards is presented in (d) of this subsection. A standard containing 7.7 mg/mL formaldehyde was prepared by diluting 1 mL of the thirty-seven percent reagent to 50 mL with methanol.

(B) It is recommended that analytical standards be prepared about sixteen hours before the air samples are to be analyzed in order to ensure the complete reaction of the analytes with 2-HMP. However, rate studies have shown the reaction to be greater than ninety-five percent complete after four hours. Therefore, one or two standards can be analyzed after this reduced time if sample results are outside the concentration range of the prepared standards.

(C) Place 150-mg portions of coated XAD-2 adsorbent, from the same lot number as used to collect the air samples, into each of several glass 2-mL vials. Seal each vial with a Teflon-lined cap.

(D) Prepare fresh analytical standards each day by injecting appropriate amounts of the diluted analyte directly onto 150-mg portions of coated adsorbent. It is permissible to inject both acrolein and formaldehyde on the same adsorbent portion. Allow the standards to stand at room temperature. A standard, approximately the target levels, was prepared by injecting 11 uL of the acrolein and 12 uL of the formaldehyde stock standards onto a single coated XAD-2 adsorbent portion.

(E) Prepare a sufficient number of standards to generate the calibration curves. Analytical standard concentrations should bracket sample concentrations. Thus, if samples are not in the concentration range of the prepared standards, additional standards must be prepared to determine detector response.

(F) Desorb the standards in the same manner as the samples following the sixteen-hour reaction time.

(iv) Sample preparation:

(A) Transfer the 150-mg section of the sampling tube to a 2-mL vial. Place the 75-mg section in a separate vial. If the glass wool plugs contain a significant number of adsorbent beads, place them with the appropriate sampling tube section. Discard the glass wool plugs if they do not contain a significant number of adsorbent beads.

(B) Add 1 mL of desorbing solution to each vial.

(C) Seal the vials with Teflon-lined caps and then allow them to desorb for one hour. Shake the vials by hand with vigorous force several times during the desorption time.

(D) Save the used sampling tubes to be cleaned and recycled.

(v) Analysis:

(A) GC conditions.

Column temperature:

Bi-level temperature program.

First level: 100°C to 140°C at 4°C/min following completion of the first level.

Second level: 140°C to 180°C at 20°C/min following completion of the first level.

Isothermal period: Hold column at 180°C until the recorder pen returns to baseline (usually about twenty-five minutes after injection).

Injector temperature: 180°C.

Helium flow rate: 30 mL/min (detector response will be reduced if nitrogen is substituted for helium carrier gas).

Injection volume: 51 0.8 uL.

GC column: Six-ft x 1/4-in OD (2 mm ID) glass GC column containing 10% UCON 50-HB-5100N ZG651+512% KOH on 80/100 Chromosorb W-AW.

NPD conditions:

Hydrogen flow rate: 3 mL/min.

Air flow rate: 50 mL/min.

Detector temperature: 275 5151C.

(B) Use a suitable method, such as electronic integration, to measure detector response.

(C) Use an internal standard method to prepare the calibration curve with several standard solutions of different concentrations. Prepare the calibration curve daily. Program the integrator to report results in ug/mL.

(D) Bracket sample concentrations with standards.

(vi) Interferences (analytical).

(A) Any compound with the same general retention time as the analytes and which also gives a detector response is a potential interference. Possible interferences should be reported to the laboratory with submitted samples by the industrial hygienist.

(B) GC parameters (temperature, column, etc.), may be changed to circumvent interferences.

(C) A useful means of structure designation is GC/MS. It is recommended this procedure be used to confirm samples whenever possible.

(D) The coated adsorbent usually contains a very small amount of residual formaldehyde derivative.

(vii) Calculations:

(A) Results are obtained by use of calibration curves. Calibration curves are prepared by plotting detector response against concentration for each standard. The best line through the data points is determined by curve fitting.

(B) The concentration, in ug/mL, for a particular sample is determined by comparing its detector response to the calibration curve. If either of the analytes is found on the backup section, it is added to the amount found on the front section. Blank corrections should be performed before adding the results together.

(C) The acrolein and/or formaldehyde air concentration can be expressed using the following equation:

$$\text{Mg/m}^3 = (\text{A})(\text{B})/\text{C}$$

where A=ug/mL from 3.7.2, B=desorption volume, and C=L of air sampled.

No desorption efficiency corrections are required.

(D) The following equation can be used to convert results in mg/m³ to ppm.

$$\text{ppm} = (\text{mg/m}^3)(24.45)/\text{MW}$$

where mg/m³=result from 3.7.3, 24.45=molar volume of an ideal gas at 760 mm Hg and 25 5151C, MW=molecular weight (Formaldehyde=30.0).

(d) Backup data.

(i) Backup data on detection limits, reliable quantitation limits, sensitivity and precision of the analytical method, breakthrough, desorption efficiency, storage, reproducibility, and generation of test atmospheres are available in OSHA Method 52, developed by the Organics Methods Evaluation Branch, OSHA Analytical Laboratory, Salt Lake City, Utah.

(ii) Procedure to coat XAD-2 adsorbent with 2-HMP:

(A) Apparatus: Soxhlet extraction apparatus, rotary evaporation apparatus, vacuum desiccator, 1-L vacuum flask, 1-L round-bottomed evaporative flask, 1-L Erlenmeyer flask, 250-mL Buchner funnel with a coarse fritted disc, etc.

(B) Reagents:

(I) Methanol, isoctane, and toluene.

(II) (Hydroxymethyl) piperidine.

(III) Amberlite XAD-2 nonionic polymeric adsorbent, twenty to sixty mesh, Aldrich Chemical XAD-2 was used in this evaluation.

(C) Procedure: Weigh 125 g of crude XAD-2 adsorbent into a 1-L Erlenmeyer flask. Add about 200 mL of water to the flask and then swirl the mixture to wash the adsorbent. Discard any adsorbent that floats to the top of the water and then filter the mixture using a fritted

Buchner funnel. Air dry the adsorbent for two minutes. Transfer the adsorbent back to the Erlenmeyer flask and then add about 200 mL of methanol to the flask. Swirl and then filter the mixture as before. Transfer the washed adsorbent back to the Erlenmeyer flask and then add about 200 mL of methanol to the flask. Swirl and then filter the mixture as before. Transfer the washed adsorbent to a 1-L round-bottomed evaporative flask, add 13 g of 2-HMP and then 200 mL of methanol, swirl the mixture and then allow it to stand for one hour. Remove the methanol at about 40°C and reduced pressure using a rotary evaporation apparatus. Transfer the coated adsorbent to a suitable container and store it in a vacuum desiccator at room temperature overnight. Transfer the coated adsorbent to a Soxhlet extractor and then extract the material with toluene for about twenty-four hours. Discard the contaminated toluene, add methanol in its place and then continue the Soxhlet extraction for an additional four hours. Transfer the adsorbent to a weighted 1-L round-bottom evaporative flask and remove the methanol using the rotary evaporation apparatus. Determine the weight of the adsorbent and then add an amount of 2-HMP, which is ten percent by weight of the adsorbent. Add 200 mL of methanol and then swirl the mixture. Allow the mixture to stand for one hour. Remove the methanol by rotary evaporation. Transfer the coated adsorbent to a suitable container and store it in a vacuum desiccator until all traces of solvents are gone. Typically, this will take two to three days. The coated adsorbent should be protected from contamination. XAD-2 adsorbent treated in this manner will probably not contain residual acrolein derivative. However, this adsorbent will often contain residual formaldehyde derivative levels of about 0.1 ug per 150 mg of adsorbent. If the blank values for a batch of coated adsorbent are too high, then the batch should be returned to the Soxhlet extractor, extracted with toluene again and then re-coated. This process can be repeated until the desired blank levels are attained.

The coated adsorbent is now ready to be packed into sampling tubes. The sampling tubes should be stored in a sealed container to prevent contamination. Sampling tubes should be stored in the dark at room temperature. The sampling tubes should be segregated by coated adsorbent lot number. A sufficient amount of each lot number of coated adsorbent should be retained to prepare analytical standards for use with air samples from that lot number.

(iii) A procedure to determine formaldehyde by acid titration: Standardize the 0.1 N HCl solution using sodium carbonate and methyl orange indicator.

Place 50 mL of 0.1 M sodium sulfite and three drops of thymolphthalein indicator into a 250-mL Erlenmeyer flask. Titrate the contents of the flask to a colorless endpoint with 0.1 N HCl (usually one or two drops is sufficient). Transfer 10 mL of the formaldehyde/methanol solution ((b)(iii)(A) of this subsection) into the same flask and titrate the mixture with 0.1 N HCl, again, to a colorless endpoint. The formaldehyde concentration of the standard may be calculated by the following equation:

$$\text{Formaldehyde, mg/mL} = \frac{\text{acid titer} \times \text{acid normality} \times 30.0}{\text{mL of Sample}}$$

This method is based on the quantitative liberation of sodium hydroxide when formaldehyde reacts with sodium sulfite to form the formaldehyde-bisulfite addition product. The volume of sample may be varied depending on the formaldehyde content but the solution to be titrated must contain excess sodium sulfite. Formaldehyde solutions containing substantial amounts of acid or base must be neutralized before analysis.

NEW SECTION

WAC 296-62-07546 APPENDIX C MEDICAL SURVEILLANCE—FORMALDEHYDE. (1) Health hazards. The occupational health hazards of formaldehyde are primarily due to its toxic effects after inhalation, after direct contact with the skin or eyes by formaldehyde in liquid or vapor form, and after ingestion.

(2) Toxicology.

(a) Acute effects of exposure.

(i) Inhalation (breathing): Formaldehyde is highly irritating to the upper airways. The concentration of formaldehyde that is immediately dangerous to life and health is 100 ppm. Concentrations above 50 ppm can cause severe pulmonary reactions within minutes. These include pulmonary edema, pneumonia, and bronchial irritation which can result in death. Concentrations above 5 ppm readily cause lower airway irritation characterized by cough, chest tightness, and wheezing. There

is some controversy regarding whether formaldehyde gas is a pulmonary sensitizer which can cause occupational asthma in a previously normal individual. Formaldehyde can produce symptoms of bronchial asthma in humans. The mechanism may be either sensitization of the individual by exposure to formaldehyde or direct irritation by formaldehyde in persons with preexisting asthma. Upper airway irritation is the most common respiratory effect reported by workers and can occur over a wide range of concentrations, most frequently above 1 ppm. However, airway irritation has occurred in some workers with exposures to formaldehyde as low as 0.1 ppm. Symptoms of upper airway irritation include dry or sore throat, itching and burning sensations of the nose, and nasal congestion. Tolerance to this level of exposure may develop within one to two hours. This tolerance can permit workers remaining in an environment of gradually increasing formaldehyde concentrations to be unaware of their increasingly hazardous exposure:

(ii) Eye contact: Concentrations of formaldehyde between 0.05 ppm and 0.5 ppm produce a sensation of irritation in the eyes with burning, itching, redness, and tearing. Increased rate of blinking and eye closure generally protects the eye from damage at these low levels, but these protective mechanisms may interfere with some workers' work abilities. Tolerance can occur in workers continuously exposed to concentrations of formaldehyde in this range. Accidental splash injuries of human eyes to aqueous solutions of formaldehyde (formalin) have resulted in a wide range of ocular injuries including corneal opacities and blindness. The severity of the reactions have been directly dependent on the concentration of formaldehyde in solution and the amount of time lapsed before emergency and medical intervention.

(iii) Skin contact: Exposure to formaldehyde solutions can cause irritation of the skin and allergic contact dermatitis. These skin diseases and disorders can occur at levels well below those encountered by many formaldehyde workers. Symptoms include erythema, edema, and vesiculation or hives. Exposure to liquid formalin or formaldehyde vapor can provoke skin reactions in sensitized individuals even when airborne concentrations of formaldehyde are well below 1 ppm.

(iv) Ingestion: Ingestion of as little as 30 ml of a thirty-seven percent solution of formaldehyde (formalin) can result in death. Gastrointestinal toxicity after ingestion is most severe in the stomach and results in symptoms which can include nausea, vomiting, and severe abdominal pain. Diverse damage to other organ systems including the liver, kidney, spleen, pancreas, brain, and central nervous systems can occur from the acute response to ingestion of formaldehyde.

(b) Chronic effects of exposure. Long-term exposure to formaldehyde has been shown to be associated with an increased risk of cancer of the nose and accessory sinuses, nasopharyngeal and oropharyngeal cancer, and lung cancer in humans. Animal experiments provide conclusive evidence of a causal relationship between nasal cancer in rats and formaldehyde exposure. Concordant evidence of carcinogenicity includes DNA binding, genotoxicity in short-term tests, and cytotoxic changes in the cells of the target organ suggesting both preneoplastic changes and a dose-rate effect. Formaldehyde is a complete carcinogen and appears to exert an effect on at least two stages of the carcinogenic process.

(3) Surveillance considerations.

(a) History.

(i) Medical and occupational history: Along with its acute irritative effects, formaldehyde can cause allergic sensitization and cancer. One of the goals of the work history should be to elicit information on any prior or additional exposure to formaldehyde in either the occupational or the nonoccupational setting.

(ii) Respiratory history: As noted above, formaldehyde has recognized properties as an airway irritant and has been reported by some authors as a cause of occupational asthma. In addition, formaldehyde has been associated with cancer of the entire respiratory system of humans. For these reasons, it is appropriate to include a comprehensive review of the respiratory system in the medical history. Components of this history might include questions regarding dyspnea on exertion, shortness of breath, chronic airway complaints, hyperreactive airway disease, rhinitis, bronchitis, bronchiolitis, asthma, emphysema, respiratory allergic reaction, or other preexisting pulmonary disease.

In addition, generalized airway hypersensitivity can result from exposures to a single sensitizing agent. The examiner should, therefore, elicit any prior history of exposure to pulmonary irritants, and any short-term or long-term effects of that exposure.

Smoking is known to decrease mucociliary clearance of materials deposited during respiration in the nose and upper airways. This may increase a worker's exposure to inhaled materials such as formaldehyde

vapor. In addition, smoking is a potential confounding factor in the investigation of any chronic respiratory disease, including cancer. For these reasons, a complete smoking history should be obtained.

(iii) Skin disorders: Because of the dermal irritant and sensitizing effects of formaldehyde, a history of skin disorders should be obtained. Such a history might include the existence of skin irritation, previously documented skin sensitivity, and other dermatologic disorders. Previous exposure to formaldehyde and other dermal sensitizers should be recorded.

(iv) History of atopic or allergic diseases: Since formaldehyde can cause allergic sensitization of the skin and airways, it might be useful to identify individuals with prior allergen sensitization. A history of atopic disease and allergies to formaldehyde or any other substances should also be obtained. It is not definitely known at this time whether atopic diseases and allergies to formaldehyde or any other substances should also be obtained. Also it is not definitely known at this time whether atopic individuals have a greater propensity to develop formaldehyde sensitivity than the general population, but identification of these individuals may be useful for ongoing surveillance.

(v) Use of disease questionnaires: Comparison of the results from previous years with present results provides the best method for detecting a general deterioration in health when toxic signs and symptoms are measured subjectively. In this way recall bias does not affect the results of the analysis. Consequently, WISHA has determined that the findings of the medical and work histories should be kept in a standardized form for comparison of the year-to-year results.

(b) Physical examination.

(i) Mucosa of eyes and airways: Because of the irritant effects of formaldehyde, the examining physician should be alert to evidence of this irritation. A speculum examination of the nasal mucosa may be helpful in assessing possible irritation and cytotoxic changes, as may be indirect inspection of the posterior pharynx by mirror.

(ii) Pulmonary system: A conventional respiratory examination, including inspection of the thorax and auscultation and percussion of the lung fields should be performed as part of the periodic medical examination. Although routine pulmonary function testing is only required by the standard once every year for persons who are exposed over the TWA concentration limit, these tests have an obvious value in investigating possible respiratory dysfunction and should be used wherever deemed appropriate by the physician. In cases of alleged formaldehyde-induced airway disease, other possible causes of pulmonary dysfunction (including exposures to other substances) should be ruled out. A chest radiograph may be useful in these circumstances. In cases of suspected airway hypersensitivity or allergy, it may be appropriate to use bronchial challenge testing with formaldehyde or methacholine to determine the nature of the disorder. Such testing should be performed by or under the supervision of a physician experienced in the procedures involved.

(iii) Skin: The physician should be alert to evidence of dermal irritation of sensitization, including reddening and inflammation, urticaria, blistering, scaling, formation of skin fissures, or other symptoms. Since the integrity of the skin barrier is compromised by other dermal diseases, the presence of such disease should be noted. Skin sensitivity testing carries with it some risk of inducing sensitivity, and therefore, skin testing for formaldehyde sensitivity should not be used as a routine screening test. Sensitivity testing may be indicated in the investigation of a suspected existing sensitivity. Guidelines for such testing have been prepared by the North American Contact Dermatitis Group.

(4) Additional examinations or tests. The physician may deem it necessary to perform other medical examinations or tests as indicated. The standard provides a mechanism whereby these additional investigations are covered under the standard for occupational exposure to formaldehyde.

(5) Emergencies. The examination of workers exposed in an emergency should be directed at the organ systems most likely to be affected. Much of the content of the examination will be similar to the periodic examination unless the patient has received a severe acute exposure requiring immediate attention to prevent serious consequences. If a severe overexposure requiring medical intervention or hospitalization has occurred, the physician must be alert to the possibility of delayed symptoms. Followup nonroutine examinations may be necessary to assure the patient's well-being.

(6) Employer obligations. The employer is required to provide the physician with the following information: A copy of this standard and appendices A, C, D, and E; a description of the affected employee's duties as they relate to his or her exposure concentration; an estimate

of the employee's exposure including duration (e.g., fifteen hr./wk., three eight-hour shifts, full-time); a description of any personal protective equipment, including respirators, used by the employee; and the results of any previous medical determinations for the affected employee related to formaldehyde exposure to the extent that this information is within the employer's control.

(7) Physician's obligations. The standard requires the employer to obtain a written statement from the physician. This statement must contain the physician's opinion as to whether the employee has any medical condition which would place him or her at increased risk of impaired health from exposure to formaldehyde or use of respirators, as appropriate. The physician must also state his opinion regarding any restrictions that should be placed on the employee's exposure to formaldehyde or upon the use of protective clothing or equipment such as respirators. If the employee wears a respirator as a result of his or her exposure to formaldehyde, the physician's opinion must also contain a statement regarding the suitability of the employee to wear the type of respirator assigned. Finally, the physician must inform the employer that the employee has been told the results of the medical examination and of any medical conditions which require further explanation or treatment. This written opinion is not to contain any information on specific findings or diagnoses unrelated to occupational exposure to formaldehyde.

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 assist the employer in placing employees initially, in assuring that their health is not being impaired by formaldehyde, and to assess the employee's ability to use any required protective equipment.

NEW SECTION

WAC 296-62-07548 APPENDIX D—NONMANDATORY MEDICAL DISEASE QUESTIONNAIRE. (1) Identification.

- (a) Plant name:
- (b) Date:
- (c) Employee name:
- (d) Social Security number:
- (e) Job title:
- (f) Birthdate:
- (g) Age:
- (h) Sex:
- (i) Height:
- (j) Weight:

(2) Medical history.

- (a) Have you ever been in the hospital as a patient?
Yes No
If yes, what kind of problem were you having?
- (b) Have you ever had any kind of operation?
Yes No
If yes, what kind?
- (c) Do you take any kind of medicine regularly?
Yes No
If yes, what kind?
- (d) Are you allergic to any drugs, foods, or chemicals?
Yes No
If yes, what kind of allergy is it?

What causes the allergy?

- (e) Have you ever been told that you have asthma, hayfever, or sinusitis?
Yes No
- (f) Have you ever been told that you have emphysema, bronchitis, or any other respiratory problems?
Yes No

- (g) Have you ever been told you had hepatitis?
Yes No
- (h) Have you ever been told that you have cirrhosis?
Yes No
- (i) Have you ever been told that you had cancer?
Yes No
- (j) Have you ever had arthritis or joint pain?
Yes No
- (k) Have you ever been told that you had high blood pressure?
Yes No
- (l) Have you ever had a heart attack or heart trouble?
Yes No
- (3) Medical history update.
- (a) Have you been in the hospital as a patient any time within the past year?
Yes No
If so, for what condition?
- (b) Have you been under the care of a physician during the past year?
Yes No
If so, for what condition?
- (c) Is there any change in your breathing since last year?
Yes No
(i) Better?
(ii) Worse?
(iii) No change?
If change, do you know why?
- (d) Is your general health different this year from last year?
Yes No
If different, in what way?
- (e) Have you in the past year or are you now taking any medication on a regular basis?
Yes No
(i) Name Rx
(ii) Condition being treated
- (4) Occupational history.
- (a) How long have you worked for your present employer?
- (b) What jobs have you held with this employer? Include job title and length of time in each job.
- (c) In each of these jobs, how many hours a day were you exposed to chemicals?
- (d) What chemicals have you worked with most of the time?
- (e) Have you ever noticed any type of skin rash you feel was related to your work?
Yes No
- (f) Have you ever noticed that any kind of chemical makes you cough?
Yes No
(i) Wheeze:
Yes No
(ii) Become short of breath or cause your chest to become tight?
Yes No
- (g) Are you exposed to any dust or chemicals at home?
Yes No
If yes, explain:
- (h) In other jobs, have you ever had exposure to:
(i) Wood dust?
Yes No
(ii) Nickel or chromium?
Yes No
(iii) Silica (foundry, sand blasting)?
Yes No
(iv) Arsenic or asbestos?
Yes No
(v) Organic solvents?
Yes No
(vi) Urethane foams?
Yes No
- (5) Occupational history update.
- (a) Are you working on the same job this year as you were last year?
Yes No
If not, how has your job changed?
- (b) What chemicals are you exposed to on your job?
- (c) How many hours a day are you exposed to chemicals?
- (d) Have you noticed any skin rash within the past year you feel was related to your work?
Yes No
If so, explain circumstances:
- (e) Have you noticed that any chemical makes you cough, be short of breath, or wheeze?
Yes No
If so, can you identify it?
- (6) Miscellaneous.
- (a) Do you smoke?
Yes No
If so, how much and for how long?
(i) Pipe
(ii) Cigars
(iii) Cigarettes
- (b) Do you drink alcohol in any form?
Yes No
If so, how much, how long, and how often?
- (c) Do you wear glasses or contact lenses?
Yes No
- (d) Do you get any physical exercise other than that required to do your job?
Yes No
If so, explain:

- (e) Do you have any hobbies or "side jobs" that require you to use chemicals, such as furniture stripping, sand blasting, insulation or manufacture of urethane foam, furniture, etc.?
Yes No
If so, please describe, giving type of business or hobby, chemicals used and length of exposures.
- (7) Symptoms questionnaire.
- (a) Do you ever have any shortness of breath?
Yes No
- (i) If yes, do you have to rest after climbing several flights of stairs?
Yes No
- (ii) If yes, if you walk on the level with people your own age, do you walk slower than they do?
Yes No
- (iii) If yes, if you walk slower than a normal pace, do you have to limit the distance that you walk?
Yes No
- (iv) If yes, do you have to stop and rest while bathing or dressing?
Yes No
- (b) Do you cough as much as three months out of the year?
Yes No
- (i) If yes, have you had this cough for more than two years?
Yes No
- (ii) If yes, do you ever cough anything up from the chest?
Yes No
- (c) Do you ever have a feeling of smothering, unable to take a deep breath, or tightness in your chest?
Yes No
- (i) If yes, do you notice that this occurs on any particular day of the week?
Yes No
- (ii) If yes, what day of the week?
Yes No
- (iii) If yes, do you notice that this occurs at any particular place?
Yes No
- (iv) If yes, do you notice that this is worse after you have returned to work after being off for several days?
Yes No
- (d) Have you ever noticed any wheezing in your chest?
Yes No
- (i) If yes, is this only with colds or other infections?
Yes No
- (ii) Is this caused by exposure to any kind of dust or other material?
Yes No
- (iii) If yes, what kind?
- (e) Have you noticed any burning, tearing, or redness of your eyes when you are at work?
Yes No
Is so, explain circumstances:
- (f) Have you noticed any sore or burning throat or itchy or burning nose when you are at work?
Yes No
Is so, explain circumstances:
- (g) Have you noticed any stuffiness or dryness of your nose?
Yes No
- (h) Do you ever have swelling of the eyelids or face?
Yes No
- (i) Have you ever been jaundiced?
Yes No
If yes, was this accompanied by any pain?
Yes No
- (j) Have you ever had a tendency to bruise easily or bleed excessively?
Yes No
- (k) Do you have frequent headaches that are not relieved by aspirin or tylenol?
Yes No
- (i) If yes, do they occur at any particular time of the day or week?
Yes No
- (ii) If yes, when do they occur?
- (l) Do you have frequent episodes of nervousness or irritability?
Yes No
- (m) Do you tend to have trouble concentrating or remembering?
Yes No
- (n) Do you ever feel dizzy, light-headed, excessively drowsy, or like you have been drugged?
Yes No
- (o) Does your vision ever become blurred?
Yes No
- (p) Do you have numbness or tingling of the hands or feet or other parts of your body?
Yes No
- (q) Have you ever had chronic weakness or fatigue?
Yes No
- (r) Have you every had any swelling of your feet or ankles to the point where you could not wear your shoes?
Yes No
- (s) Are you bothered by heartburn or indigestion?
Yes No
- (t) Do you ever have itching, dryness, or peeling and scaling of the hands?
Yes No
- (u) Do you ever have a burning sensation in the hands, or reddening of the skin?
Yes No
- (v) Do you ever have cracking or bleeding of the skin on your hands?
Yes No
- (w) Are you under a physician's care?
Yes No
If yes, for what are you being treated?
- (x) Do you have any physical complaints today?
Yes No
If yes, explain:
- (y) Do you have other health conditions not covered by these questions?
Yes No
If yes, explain:

NEW SECTION

WAC 296-62-07550 APPENDIX E—QUALITATIVE AND QUANTITATIVE FIT TESTING PROCEDURES. FIT test protocols. Because exposure to formaldehyde can affect the employee's ability to detect common odorants, fit test results from the isoamyl acetate test must be augmented by results from either the saccharin or irritant smoke test.

(1) The employer shall include the following provisions in the fit test procedures. These provisions apply to both qualitative fit testing (QLFT) and quantitative fit testing (QNFT).

(a) The test subject shall be allowed to pick the most comfortable respirator from a selection including respirators of various sizes from different manufacturers. The selection shall include at least three sizes of elastomeric facepieces of the type of respirator that is to be tested, i.e., three sizes of half mask; or three sizes of full facepiece; and units from at least two manufacturers.

(b) Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine a comfortable fit. A mirror shall be available to assist the subject in evaluating the fit and positioning the respirator. This instruction may not constitute the subject's formal training on respirator use, as it is only a review.

(c) The test subject shall be informed that he/she is being asked to select the respirator which provides the most comfortable fit. Each respirator represents a different size and shape, and if fitted and used properly, will provide adequate protection.

(d) The test subject shall be instructed to hold each facepiece up to the face and eliminate those which obviously do not give a comfortable fit.

(e) The more comfortable facepieces are noted; the most comfortable mask is donned and worn at least five minutes to assess comfort. Assistance in assessing comfort can be given by discussing the points in (f) of this subsection. If the test subject is not familiar with using a particular respirator, the test subject shall be directed to don the mask several times and to adjust the straps each time to become adept at setting proper tension on the straps.

(f) Assessment of comfort shall include reviewing the following points with the test subject and allowing the test subject adequate time to determine the comfort of the respirator:

- (i) Position of the mask on the nose;
- (ii) Room for eye protection;
- (iii) Room to talk;
- (iv) Position of mask on face and cheeks.

(g) The following criteria shall be used to help determine the adequacy of the respirator fit:

- (i) Chin properly placed;
- (ii) Adequate strap tension, not overly tightened;
- (iii) Fit across nose bridge;
- (iv) Respirator of proper size to span distance from nose to chin;
- (v) Tendency of respirator to slip;
- (vi) Self-observation in mirror to evaluate fit and respirator position.

(h) The test subject shall conduct the negative and positive pressure fit checks as described below or in the latest edition of ANSI Z88.2. Before conducting the negative or positive pressure test, the subject shall be told to seat the mask on the face by moving the head from side to side and up and down slowly while taking in a few slow deep breaths. Another facepiece shall be selected and retested if the test subject fails the fit check tests.

(i) Positive pressure test. Close off the exhalation valve and exhale gently onto the facepiece. The face fit is considered satisfactory if a slight positive pressure can be built up inside the facepiece without any evidence of outward leakage of air at the seal. For most respirators this method of leak testing requires the wearer to first remove the exhalation valve cover before closing off the exhalation valve and then carefully replacing it after the test.

(ii) Negative pressure test. Close off the inlet opening of the canister or cartridge(s) by covering with the palm of the hand(s) or by replacing the filter seal(s), inhale gently so that the facepiece collapses slightly, and hold the breath for ten seconds. If the facepiece remains in its slightly collapsed condition and no inward leakage of air is detected, the tightness of the respirator is considered satisfactory.

(i) The test shall not be conducted if there is any hair growth between the skin and the facepiece sealing surface, such as stubble beard growth, beard, or long sideburns which cross the respirator sealing surface. Any type of apparel which interferes with a satisfactory fit shall be altered or removed.

(j) If a test subject exhibits difficulty in breathing during the tests, she or he shall be referred to a physician trained in respiratory disease or pulmonary medicine to determine whether the test subject can wear a respirator while performing her or his duties.

(k) The test subject shall be given the opportunity to wear the successfully fitted respirator for a period of two weeks. If at any time during this period the respirator becomes uncomfortable, the test subject shall be given the opportunity to select a different facepiece and to be retested.

(l) The employer shall certify that a successful fit test has been administered to the employee. The certification shall include the following information:

- (i) Name of employee;
- (ii) Type, brand, and size of respirator; and
- (iii) Date of test.

Where QNFT is used, the fit factor, strip chart, or other recording of the results of the test, shall be retained with the certification. The certification shall be maintained until the next fit test is administered.

(m) Exercise regimen. Prior to the commencement of the fit test, the test subject shall be given a description of the fit test and the test subject's responsibilities during the test procedure.

The description of the process shall include a description of the test exercises that the subject will be performing. The respirator to be tested shall be worn for at least five minutes before the start of the fit test.

(n) Test exercises. The test subject shall perform exercises, in the test environment, in the manner described below:

- (i) Normal breathing. In a normal standing position, without talking, the subject shall breathe normally.
- (ii) Deep breathing. In a normal standing position, the subject shall breathe slowly and deeply, taking caution so as to not hyperventilate.
- (iii) Turning head side to side. Standing in place, the subject shall slowly turn his/her head from side to side between the extreme positions on each side. The head shall be held at each extreme momentarily so the subject can inhale at each side.
- (iv) Moving head up and down. Standing in place, the subject shall slowly move his/her head up and down. The subject shall be instructed to inhale in the up position (i.e., when looking toward the ceiling).

(v) Talking. The subject shall talk out loud slowly and loudly enough so as to be heard clearly by the test conductor. The subject can read from a prepared text such as the Rainbow Passage, count backward from one hundred, or recite a memorized poem or song.

(vi) Grimace. The test subject shall grimace by smiling or frowning.

(vii) Bending over. The test subject shall bend at the waist as if he/she were to touch his/her toes. Jogging in place shall be substituted for this exercise in those test environments such as shroud type QNFT units which prohibit bending at the waist.

(viii) Normal breathing. Same as (n)(i) of this subsection.

(A) Each test exercise shall be performed for one minute except for the grimace exercise which shall be performed for fifteen seconds.

(B) The test subject shall be questioned by the test conductor regarding the comfort of the respirator upon completion of the protocol. If it has become uncomfortable, another model of respirator shall be tried.

(2) Qualitative fit test (QLFT) protocols.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator, qualitative fit test program.

(ii) The employer shall ensure that persons administering QLFT are able to prepare test solutions, calibrate equipment and perform tests properly, recognize invalid tests, and assure that the equipment is in proper working order.

(iii) The employer shall assure the QLFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Isoamyl acetate protocol.

(i) Odor threshold screening. The odor threshold screening test, performed without wearing a respirator, is intended to determine if the individual tested can detect the odor of isoamyl acetate.

(A) Three one-liter glass jars with metal lids are required.

(B) Odor free water (e.g., distilled or spring water) at approximately 25°C shall be used for the solutions.

(C) The isoamyl acetate (IAA) (also known as isopentyl acetate) stock solution is prepared by adding 1 cc of pure IAA to 800 cc of odor free water in a one-liter jar and shaking for thirty seconds. A new solution shall be prepared at least weekly.

(D) The screening test shall be conducted in a room separate from the room used for actual fit testing. The two rooms shall be well ventilated but shall not be connected to the same recirculating ventilation system.

(E) The odor test solution is prepared in a second jar by placing 0.4 cc of the stock solution into 500 cc of odor free water using a clear dropper or pipette. The solution shall be shaken for thirty seconds and allowed to stand for two to three minutes so that the IAA concentration above the liquid may reach equilibrium. This solution shall be used for only one day.

(F) A test blank shall be prepared in a third jar by adding 500 cc of odor free water.

(G) The odor test and test blank jars shall be labeled 1 and 2 for jar identification. Labels shall be placed on the lids so they can be periodically peeled, dried off and switched to maintain the integrity of the test.

(H) The following instruction shall be typed on a card and placed on the table in front of the two jars (i.e., 1 and 2): "The purpose of this test is to determine if you can smell banana oil at a low concentration. The two bottles in front of you contain water. One of these bottles also contain a small amount of banana oil. Be sure the covers are on tight, then shake each bottle for two seconds. Unscrew the lid of each bottle, one at a time, and sniff at the mouth of the bottle. Indicate to the test conductor which bottle contains banana oil."

(I) The mixtures used in the IAA odor detection test shall be prepared in an area separate from where the test is performed, in order to prevent olfactory fatigue in the subject.

(J) If the test subject is unable to correctly identify the jar containing the odor test solution, the IAA qualitative fit test shall not be performed.

(K) If the test subject correctly identifies the jar containing the odor test solution, the test subject may proceed to respirator selection and fit testing.

(ii) Isoamyl acetate fit test.

(A) The fit test chamber shall be similar to a clear fifty-five gallon drum liner suspended inverted over a two-foot diameter frame so that the top of the chamber is about six inches above the test subject's head. The inside top center of the chamber shall have a small hook attached.

(B) Each respirator used for the fitting and fit testing shall be equipped with organic vapor cartridges or offer protection against organic vapors. The cartridges or masks shall be changed at least weekly.

(C) After selecting, donning, and properly adjusting a respirator, the test subject shall wear it to the fit testing room. This room shall be separate from the room used for odor threshold screening and respirator selection, and shall be well ventilated, as by an exhaust fan or lab hood, to prevent general room contamination.

(D) A copy of the test exercises and any prepared text from which the subject is to read shall be taped to the inside of the test chamber.

(E) Upon entering the test chamber, the test subject shall be given a six-inch by five-inch piece of paper towel, or other porous, absorbent, single-ply material, folded in half, and wetted with 0.75 cc of pure IAA. The test subject shall hang the wet towel on the hook at the top of the chamber.

(F) Allow two minutes for the IAA test concentration to stabilize before starting the fit test exercises. This would be an appropriate time to talk with the test subject; to explain the fit test, the importance of his/her cooperation, and the purpose for the head exercises; or to demonstrate some of the exercises.

(G) If at any time during the test, the subject detects the banana like odor of IAA, the test has failed. The subject shall quickly exit from the test chamber and leave the test area to avoid olfactory fatigue.

(H) If the test has failed, the subject shall return to the selection room and remove the respirator, repeat the odor sensitivity test, select and put on another respirator, return to the test chamber and again begin the procedure described in (b)(ii)(A) through (G) of this subsection. The process continues until a respirator that fits well has been found. Should the odor sensitivity test be failed, the subject shall wait about five minutes before retesting. Odor sensitivity will usually have returned by this time.

(I) When a respirator is found that passes the test, its efficiency shall be demonstrated for the subject by having the subject break the face seal and take a breath before exiting the chamber.

(J) When the test subject leaves the chamber, the subject shall remove the saturated towel and return it to the person conducting the

test. To keep the test area from becoming contaminated, the used towels shall be kept in a self-sealing bag so there is no significant IAA concentration build-up in the test chamber during subsequent tests.

(c) Saccharin solution aerosol protocol. The saccharin solution aerosol QLFT protocol is the only currently available, validated test protocol for use with particulate disposable dust respirators not equipped with high-efficiency filters. The entire screening and testing procedure shall be explained to the test subject prior to the conduct of the screening test.

(i) Taste threshold screening. The saccharin taste threshold screening, performed without wearing a respirator, is intended to determine whether the individual being tested can detect the taste of saccharin.

(A) Threshold screening as well as fit testing subjects shall wear an enclosure about the head and shoulders that is approximately twelve inches in diameter by fourteen inches tall with at least the front portion clear and that allows free movements of the head when a respirator is worn. An enclosure substantially similar to the 3M hood assembly, parts NZ FT 14 and NZ FT 15 combined, is adequate.

(B) The test enclosure shall have a three-quarter inch hole in front of the test subject's nose and mouth area to accommodate the nebulizer nozzle.

(C) The test subject shall don the test enclosure. Throughout the threshold screening test, the test subject shall breathe through his/her wide open mouth with tongue extended.

(D) Using a DeVilbiss Model 40 Inhalation Medication Nebulizer the test conductor shall spray the threshold check solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the fit test solution nebulizer.

(E) The threshold check solution consists of 0.83 grams of sodium saccharin USP in 1 cc of warm water. It can be prepared by putting 1 cc of the fit test solution (see (c)(ii)(E) of this subsection) in 100 cc of distilled water.

(F) To produce the aerosol, the nebulizer bulb is firmly squeezed so that it collapses completely, then released and allowed to fully expand.

(G) Ten squeezes are repeated rapidly and then the test subject is asked whether the saccharin can be tasted.

(H) If the first response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(I) If the second response is negative, ten more squeezes are repeated rapidly and the test subject is again asked whether the saccharin is tasted.

(J) The test conductor will take note of the number of squeezes required to solicit a taste response.

(K) If the saccharin is not tasted after thirty squeezes, the test subject may not perform the saccharin fit test.

(L) If a taste response is elicited, the test subject shall be asked to take note of the taste for reference in the fit test.

(M) Correct use of the nebulizer means that approximately 1 cc of liquid is used at a time in the nebulizer body.

(N) The nebulizer shall be thoroughly rinsed in water, shaken dry, and refilled at least each morning and afternoon or at least every four hours.

(ii) Saccharin solution aerosol fit test procedure.

(A) The test subject may not eat, drink (except plain water), or chew gum for fifteen minutes before the test.

(B) The fit test uses the same enclosure described in (c)(i) of this subsection.

(C) The test subject shall don the enclosure while wearing the respirator selected in (c)(i) of this subsection. The respirator shall be properly adjusted and equipped with a particular filter(s).

(D) A second DeVilbiss Model 40 Inhalation Medication Nebulizer is used to spray the fit test solution into the enclosure. This nebulizer shall be clearly marked to distinguish it from the screening test solution nebulizer.

(E) The fit test solution is prepared by adding eighty-three grams of sodium saccharin to 100 cc of warm water.

(F) As before, the test subject shall breathe through the open mouth with tongue extended.

(G) The nebulizer is inserted into the hole in the front of the enclosure and the fit test solution is sprayed into the enclosure using the same number of squeezes required to elicit a taste response in the screening test.

(H) After generating the aerosol the test subject shall be instructed to perform the exercises in subsection (1)(n) of this section.

(I) Every thirty seconds the aerosol concentration shall be replenished using one-half the number of squeezes as initially used.

(J) The test subject shall indicate to the test conductor if at any time during the fit test the taste of saccharin is detected.

(K) If the taste of saccharin is detected, the fit is deemed unsatisfactory and a different respirator shall be tried.

(d) Irritant fume protocol.

(i) The respirator to be tested shall be equipped with high-efficiency particulate air (HEPA) filters.

(ii) The test subject shall be allowed to smell a weak concentration of the irritant smoke before the respirator is donned to become familiar with its characteristic odor.

(iii) Break both ends of a ventilation smoke tube containing stannic oxychloride, such as the MSA part No. 5645, or equivalent. Attach one end of the smoke tube to a low flow air pump set to deliver two hundred milliliters per minute.

(iv) If a half-mask is being fitted, advise the test subject that the smoke can be irritating to the eyes and instruct the subject to keep his/her eyes closed while the test is performed.

(v) The test conductor shall direct the stream of irritant smoke from the smoke tube towards the face seal area of the test subject. He/she shall begin at least twelve inches from the facepiece and gradually move to within one inch, moving around the whole perimeter of the mask.

(vi) The exercises identified in subsection (1)(n) of this section shall be performed by the test subject while the respirator seal is being challenged by the smoke.

(vii) Each test subject passing the smoke test without evidence of a response shall be given a sensitivity check of the smoke from the same tube once the respirator has been removed to determine whether he/she reacts to the smoke. Failure to evoke a response shall void the fit test.

(viii) The fit test shall be performed in a location with exhaust ventilation sufficient to prevent general contamination of the testing area by the test agent.

(3) Quantitative fit test (QNFT) protocol.

(a) General.

(i) The employer shall assign specific individuals who shall assume full responsibility for implementing the respirator quantitative fit test program.

(ii) The employer shall ensure that persons administering QNFT are able to calibrate equipment and perform tests properly, recognize invalid tests, calculate fit factors properly and assure that test equipment is in proper working order.

(iii) The employer shall assure that QNFT equipment is kept clean and well maintained so as to operate at the parameters for which it was designed.

(b) Definitions.

(i) "Quantitative fit test." The test is performed in a test chamber. The normal air-purifying element of the respirator is replaced by a high-efficiency particulate air (HEPA) filter in the case of particulate QNFT aerosols or a sorbent offering contaminant penetration protection equivalent to high-efficiency filters where the QNFT test agency is a gas or vapor.

(ii) "Challenge agent" means the aerosol, gas, or vapor introduced into a test chamber so that its concentration inside and outside the respirator may be measured.

(iii) "Test subject" means the person wearing the respirator for quantitative fit testing.

(iv) "Normal standing position" means standing erect and straight with arms down along the sides and looking straight ahead.

(v) "Maximum peak penetration method" means the method of determining test agent penetration in the respirator as determined by strip chart recordings of the test. The highest peak penetration for a given exercise is taken to be representative of average penetration into the respirator for that exercise.

(vi) "Average peak penetration method" means the method of determining test agent penetration into the respirator utilizing a strip chart recorder, integrator, or computer. The agent penetration is determined by an average of the peak heights on the graph or by computer integration, for each exercise except the grimace exercise. Integrators or computers which calculate the actual test agent penetration into the respirator for each exercise will also be considered to meet the requirements of the average peak penetration method.

(vii) "Fit factor" means the ratio of challenge agent concentration outside with respect to the inside of a respirator inlet covering (facepiece or enclosure).

(c) Apparatus.

(i) Instrumentation. Aerosol generation, dilution, and measurement systems using corn oil or sodium chloride as test aerosols shall be used for quantitative fit testing.

(ii) Test chamber. The test chamber shall be large enough to permit all test subjects to perform freely all required exercises without disturbing the challenge agent concentration or the measurement apparatus. The test chamber shall be equipped and constructed so that the challenge agent is effectively isolated from the ambient air, yet uniform in concentration throughout the chamber.

(iii) When testing air-purifying respirators, the normal filter or cartridge element shall be replaced with a high-efficiency particulate filter supplied by the same manufacturer.

(iv) The sampling instrument shall be selected so that a strip chart record may be made of the test showing the rise and fall of the challenge agent concentration with each inspiration and expiration at fit factors of at least two thousand. Integrators or computers which integrate the amount of test agent penetration leakage into the respirator for each exercise may be used provided a record of the readings is made.

(v) The combination of substitute air-purifying elements, challenge agent, and challenge agent concentration in the test chamber shall be such that the test subject is not exposed in excess of an established exposure limit for the challenge agent at any time during the testing process.

(vi) The sampling port on the test specimen respirator shall be placed and constructed so that no leakage occurs around the port (e.g., where the respirator is probed), a free air flow is allowed into the sampling line at all times and so that there is no interference with the fit or performance of the respirator.

(vii) The test chamber and test set-up shall permit the person administering the test to observe the test subject inside the chamber during the test.

(viii) The equipment generating the challenge atmosphere shall maintain the concentration of challenge agent inside the test chamber constant to within a ten percent variation for the duration of the test.

(ix) The time lag (interval between an event and the recording of the event on the strip chart or computer or integrator) shall be kept to a minimum. There shall be a clear association between the occurrence of an event inside the test chamber and its being recorded.

(x) The sampling line tubing for the test chamber atmosphere and for the respirator sampling port shall be of equal diameter and of the same material. The length of the two lines shall be equal.

(xi) The exhaust flow from the test chamber shall pass through a high-efficiency filter before release.

(xii) When sodium chloride aerosol is used, the relative humidity inside the test chamber shall not exceed fifty percent.

(xiii) The limitations of instrument detection shall be taken into account when determining the fit factor.

(xiv) Test respirators shall be maintained in proper working order and inspected for deficiencies such as cracks, missing valves and gaskets, etc.

(d) Procedural requirements.

(i) When performing the initial positive or negative pressure test the sampling line shall be crimped closed in order to avoid air pressure leakage during either of these tests.

(ii) An abbreviated screening isoamyl acetate test or irritant fume test may be utilized in order to quickly identify poor fitting respirators which passed the positive and/or negative pressure test and thus reduce the amount of QNFT time. When performing a screening isoamyl acetate test, combination high-efficiency organic vapor cartridges/canisters shall be used.

(iii) A reasonable stable challenge agent concentration shall be measured in the test chamber prior to testing. For canopy or shower curtain type of test units the determination of the challenge agent stability may be established after the test subject has entered the test environment.

(iv) Immediately after the subject enters the test chamber, the challenge agent concentration inside the respirator shall be measured to ensure that the peak penetration does not exceed five percent for a half mask or one percent for a full facepiece respirator.

(v) A stable challenge concentration shall be obtained prior to the actual start of testing.

(vi) Respirator restraining straps shall not be overtightened for testing. The straps shall be adjusted by the wearer without assistance from other persons to give a reasonable comfortable fit typical of normal use.

(vii) The test shall be terminated whenever any single peak penetration exceeds five percent for half masks and one percent for full facepiece respirators. The test subject shall be refitted and retested. If two of the three required tests are terminated, the fit shall be deemed inadequate.

(viii) In order to successfully complete a QNFT, three successful fit tests are required. The results of each of the three independent fit tests must exceed the minimum fit factor needed for the class of respirator (e.g., half mask respirator, full facepiece respirator).

(ix) Calculation of fit factors.

(A) The fit factor shall be determined for the quantitative fit test by taking the ratio of the average chamber concentration to the concentration inside the respirator.

(B) The average test chamber concentration is the arithmetic average of the test chamber concentration at the beginning and of the end of the test.

(c) The concentration of the challenge agent inside the respirator shall be determined by one of the following methods:

(I) Average peak concentration;

(II) Maximum peak concentration;

(III) Integration by calculation of the area under the individual peak for each exercise. This includes computerized integration.

(x) Interpretation of test results. The fit factor established by the quantitative fit testing shall be the lowest of the three fit factor values calculated from the three required fit tests.

(xi) The test subject shall not be permitted to wear a half mask, or full facepiece respirator unless a minimum fit factor equivalent to at least ten times the hazardous exposure level is obtained.

(xii) Filters used for quantitative fit testing shall be replaced at least weekly, or whenever increased breathing resistance is encountered, or when the test agent has altered the integrity of the filter media. Organic vapor cartridges/canisters shall be replaced daily (when used) or sooner if there is any indication of breakthrough by a test agent.

NEW SECTION

WAC 296-62-300 SCOPE, APPLICATION, AND DEFINITIONS. (1) Scope for operations other than emergency response. This section covers employers and employees engaged in the following operations:

(a) Hazardous substance response operations that are conducted under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended (42 U.S.C. 9601 et seq.) (CERCLA), including initial investigations at CERCLA sites before the presence or absence of hazardous substances has been ascertained;

(b) Major corrective actions taken in clean-up operations under the Resource Conservation and Recovery Act of 1976 as amended (42 U.S.C. 6901 et seq.) (RCRA);

(c) Operations involving hazardous waste storage, disposal, and treatment facilities regulated under WAC 173-303-400 pursuant to RCRA;

(d) Hazardous waste operations sites that have been designated for clean-up by state or local governmental authorities; and

(2) Scope for emergency response operations. This section also covers employers whose employees have a reasonable possibility of engaging in emergency response operations for releases of, or substantial threats of releases of, hazardous substances without regard to the location of the hazard.

(3) Application.

(a) All requirements of this chapter and chapters 296-24 and 296-155 WAC apply pursuant to their terms to hazardous waste operations whether covered by this part or not. In addition, the provisions of this part apply to operations covered by this part. If there is a conflict or overlap, the provision more protective of employee safety and health shall apply.

(b) All sections of this part except WAC 296-62-3110 and 296-62-3140 apply to operations involving hazardous substances conducted under CERCLA, major corrective actions taken in clean-up operations under RCRA, and hazardous waste operations that have been designated for clean-up by state or local governmental authorities.

(c) Only the requirements of WAC 296-62-3110 and 296-62-3140 apply to those operations involving hazardous waste storage, disposal, and treatment facilities regulated under WAC 173-303-400.

Exceptions: For small quantity generators and generators with less than ninety days accumulation of hazardous wastes who have emergency response teams that respond to releases of, or substantial threats of releases of, hazardous substances, only WAC 296-62-3110 is applicable. Small quantity generators and generators with less than

ninety days accumulation of hazardous wastes who do not have emergency response teams that respond to releases of, or substantial threats of releases of, hazardous substances are exempt from the regulations of this section.

(d) WAC 296-62-3110 applies to all emergency response operations for releases of, or substantial threats of releases of hazardous substances including those releases of or substantial threats of releases that occur at worksites other than those sites identified in (a) through (c) of this subsection.

(4) Definitions.

(a) "Buddy system" means a system of organizing employees into work groups in such a manner that each employee of the work group is designated to observe the activities of at least one other employee in the work group. The purpose of the buddy system is to provide quick assistance to those other employees in the event of an emergency.

(b) "Decontamination" means the removal of hazardous substances from employees and their equipment to the extent necessary to preclude the occurrence of foreseeable adverse health effects.

(c) "Emergency response" means a coordinated response effort by employees from outside the immediate release area or by outside responders (i.e., mutual aid groups, local fire departments, etc.) to an occurrence which results, or is likely to result, in an uncontrolled release of a hazardous substance. Responses to incidental releases of hazardous substances where the substance can be absorbed, neutralized, or otherwise controlled at the time of release by employees in the immediate release area are not considered to be emergency responses within the scope of this standard. Responses to release of hazardous substances where the concentration of hazardous substance is below the established permissible exposure limits established in this standard are not considered to be emergency responses.

(d) "Established exposure levels" means the inhalation or dermal permissible exposure limit specified, in this chapter, or if none is specified, the exposure limits in "NIOSH Recommendations for Occupational Health Standards" dated 1986 incorporated by reference, or if neither of the above is specified, the standards specified by the American Conference of Governmental Industrial Hygienists in their publication "Threshold Limit Values and Biological Exposure Indices for 1986-87 dated 1986" incorporated by reference. The two documents incorporated by reference are available for purchase from the following:

NIOSH, Publications Dissemination, Division of Standards Development and Technology Transfer, National Institute for Occupational Safety and Health, 4676 Columbia Parkway, Cincinnati, OH 45226, (513) 841-4287; and

American Conference of Governmental Industrial Hygienists, 6500 Glenway Ave., Building D-7, Cincinnati, OH 45211-4438, (513) 661-7881 and are available for inspection and copying at the OSHA Docket Office, Docket No. S-760, Room N-3671, 200 Constitution Ave., N.W., Washington, DC 20210.

(e) "Facility" means (i) any building structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly-owned treatment works), well, pit, pond, lagoon, impoundment, ditch, storage container, motor vehicle, rolling stock, or aircraft, or (ii) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

(f) "Hazardous materials (HAZMAT) team" means an organized group of employees, designated by the employer, who are knowledgeable and specifically trained and skilled to handle and control leaking containers or vessels, use and select special chemical protective clothing and perform other duties associated with accidental releases of hazardous substances. The team members perform responses to releases of hazardous substances for the purpose of control or stabilization of the release. A HAZMAT team is not a fire brigade nor is a typical fire brigade a HAZMAT team. A HAZMAT team, however, may be a separate component of a fire brigade.

(g) "Hazardous substance" means any substance designated or listed under (g)(i) through (iv) of this subsection, exposure to which results or may result in adverse effects on the health or safety of employees:

(i) Any substance defined under section 101(14) of CERCLA;

(ii) Any biological agent and other disease-causing agent as defined in section 101(33) of CERCLA;

(iii) Any substance listed by the United States Department of Transportation and regulated as hazardous materials under WAC 480-12-195; and

(iv) Hazardous waste.

(h) "Hazardous waste" means:

(i) A waste or combination of wastes as defined in WAC 173-303-040; or

(ii) Those substances defined in WAC 480-12-195.

(i) "Hazardous waste operation" means any operation conducted within the scope of this standard involving employee exposure to hazardous wastes, hazardous substances, or any combination of hazardous wastes and hazardous substances.

(j) "Hazardous waste site" or "site" means any facility or location within the scope of this standard at which hazardous waste operations take place.

(k) "Health hazard" means a chemical, mixture of chemicals, or a pathogen 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. Further definition of the terms, used above can be found in Appendix A to WAC 296-62-054 through 296-62-05427.

(l) "IDLH" or "immediately dangerous to life or health" means any atmospheric concentration of any toxic, corrosive, or asphyxiant substance that poses an immediate threat to life or would cause irreversible or delayed adverse health effects or would interfere with an individual's ability to escape from a dangerous atmosphere.

(m) "Oxygen deficiency" means that concentration of oxygen by volume below which air supplying respiratory protection must be provided. It exists in atmospheres where the percentage of oxygen by volume is less than 19.5 percent oxygen.

(n) "Permissible exposure limit" means the inhalation or dermal permissible limit specified in WAC 296-62-075 through 296-62-07515.

(o) "Post emergency response" means that portion of an emergency response performed after the immediate threat of a release has been stabilized or eliminated and clean-up of the site has begun. If post emergency response is performed by an employer's own employees as a continuation of initial emergency response, it is considered to be part of the initial response and not post emergency response.

(p) "Qualified person" means a person with specific training, knowledge, and experience in the area for which the person has responsibility.

(q) "Site safety and health supervisor (or official)" means the individual located on a hazardous waste site who is responsible to the employer and has the authority and knowledge necessary to implement the site safety and health plan and verify compliance with applicable safety and health requirements.

(r) "Small quantity generator" means a generator of hazardous wastes who in any calendar month generates no more than 1000 kilograms (2210 pounds) of hazardous waste in that month.

NEW SECTION

WAC 296-62-3010 GENERAL REQUIREMENTS. (1) Safety and health program.

(a) General. Employers shall develop and implement a written safety and health program for their employees involved in hazardous waste operations. The program shall be designed to identify, evaluate, and control safety and health hazards and provide for emergency response for hazardous waste operations. The program shall incorporate as a separate chapter the following:

(i) Organizational structure chapter;

(ii) A comprehensive workplan chapter; and

(iii) A site-specific safety and health plan chapter.

(b) Organizational structure chapter.

(i) The organizational structure chapter shall establish the specific chain of command and specify the overall responsibilities of supervisors and employees. It shall include at a minimum, the following elements:

(A) A general supervisor who has the responsibility and authority to direct all hazardous waste operations.

(B) A site safety and health supervisor who has the responsibility and authority to develop and implement the site safety and health plan and verify compliance.

(C) All other personnel needed for hazardous waste site operations and emergency response and their general functions and responsibilities.

(D) The lines of authority, responsibility, and communication.

(ii) The organizational structure shall be reviewed and updated as necessary to reflect the current status of waste site operations.

(iii) The original organizational structure plan and any changes to the overall organizational structure shall be made available to all affected employees.

(c) Comprehensive workplan chapter. The comprehensive workplan chapter shall address the tasks and objectives of site operations and the logistics and resources required to reach those tasks and objectives.

(i) The comprehensive workplan shall address anticipated clean-up activities as well as normal operating procedures.

(ii) The comprehensive workplan shall define work tasks and objectives and identify the methods for accomplishing those tasks and objectives.

(iii) The comprehensive workplan shall establish personnel requirements for implementing the plan.

(iv) The comprehensive workplan shall provide for the implementation of the training required in WAC 296-62-3040.

(v) The comprehensive workplan shall provide for the implementation of the required informational programs required in WAC 296-62-3080.

(vi) The comprehensive workplan shall provide for the implementation of the medical surveillance program described in WAC 296-62-3050.

(d) Site-specific safety and health plan chapter. The site safety and health plan, which is part of the overall safety and health program shall be available on the site for inspection by employees, their designated representatives, and WISHA personnel, shall address the safety and health hazards of each phase of site operation; and include the requirements and procedures for employee protection.

(i) The site safety and health plan, as a minimum, shall address the following:

(A) Names of key personnel and alternates responsible for site safety and health, including a site safety and health supervisor.

(B) A safety and health risk or hazard analysis for each site task and operation found in the workplan.

(C) Employee training assignments to assure compliance with WAC 296-62-3040.

(D) Personal protective equipment to be used by employees for each of the site tasks and operations being conducted as required by the personal protective equipment program in WAC 296-62-3060.

(E) Medical surveillance requirements in accordance with the program in WAC 296-62-3050.

(F) Frequency and types of air monitoring, personnel monitoring, and environmental sampling techniques and instrumentation to be used including methods of maintenance and calibration of monitoring and sampling equipment to be used.

(G) Site control measures in accordance with the site control program required in WAC 296-62-3030.

(H) Decontamination procedures in accordance with WAC 296-62-3100.

(I) An emergency response plan meeting the requirements of WAC 296-62-3110 for safe and effective responses to emergencies, including the necessary PPE and other equipment.

(J) Confined space entry procedures.

(ii) Preentry briefings shall be held prior to initiating any site activity and at such other times as necessary to ensure that employees are apprised of the site safety and health plan and that this plan is being followed.

(iii) Inspections shall be conducted by the site safety and health supervisor or, in the absence of that individual, another individual acting on behalf of the employer as necessary to determine the effectiveness of the site safety and health plan. Any deficiencies in the effectiveness of the site safety and health plan shall be corrected by the employer.

(iv) When major spills may be anticipated due to the type of work involved, a spill containment program meeting the requirements of WAC 296-62-3080.

(2) Site excavation. Site excavations created during initial site preparation or during hazardous waste operations shall be shored or sloped as appropriate to prevent accidental collapse in accordance with WAC 296-155-650 through 296-155-66505.

(3) Contractors and subcontractors.

(a) An employer who retains contractor or subcontractor services for work in hazardous waste operations shall inform those contractors, subcontractors, or their representatives of any potential fire, explosion, health, safety, or other hazards of the hazardous waste operation that have been identified by the employer including the employer's information program.

(b) The safety and health program required in this section shall be made available to any subcontractor or its representative who will be involved with the hazardous waste operation and employees, their designated representatives, and WISHA personnel.

NEW SECTION

WAC 296-62-3020 SITE CHARACTERIZATION AND ANALYSIS. Hazardous waste sites shall be evaluated in accordance with this section to identify specific site hazards and to determine the appropriate safety and health control procedures needed to protect employees from the identified hazards.

(1) A preliminary evaluation of a site's characteristics shall be performed prior to site entry by a trained person to aid in the selection of appropriate employee protection methods prior to site entry. Immediately after initial site entry, a more detailed evaluation of the site's specific characteristics shall be performed by a qualified person in order to further identify existing site hazards and to further aid in the selection of the appropriate engineering controls and personal protective equipment for the tasks to be performed.

(2) All suspected conditions that may pose inhalation or skin absorption hazards that are immediately dangerous to life or health (IDLH) or other conditions that may cause death or serious harm shall be identified during the preliminary survey and evaluated during the detailed survey. Examples of such hazards include, but are not limited to, confined space entry, potentially explosive or flammable situations, visible vapor clouds, or areas where biological indicators such as dead animals or vegetation are located.

(3) The following information to the extent available shall be obtained by the employer prior to allowing employees to enter a site:

- (a) Location and approximate size of the site.
- (b) Description of the response activity and/or the job task to be performed.
- (c) Duration of the planned employee activity.
- (d) Site topography.
- (e) Site accessibility by air and roads.
- (f) Pathways for hazardous substance dispersion.
- (g) Present status and capabilities of emergency response teams that would provide assistance to on-site employees at the time of an emergency.

(h) Hazardous substances and health hazards involved or expected at the site and their chemical and physical properties.

(4) Personal protective equipment (PPE) shall be provided and used during initial site entry in accordance with the following requirements:

(a) Based upon the results of the preliminary site evaluation, an ensemble of PPE shall be selected and used during initial site entry which will provide protection to a level of exposure below established permissible exposure limits for known or suspected hazardous substances and health hazards and which will provide protection against other known and suspected hazards identified during the preliminary site evaluation.

(b) During initial site entry an escape self-contained breathing apparatus of at least five minutes' duration shall be carried by employees or kept available at their immediate work station if positive-pressure self-contained breathing apparatus is not used as part of the entry ensemble.

(c) If the preliminary site evaluation does not produce sufficient information to identify the hazards or suspected hazards of the site an ensemble of Level B PPE shall be provided as minimum protection and direct reading instruments shall be used as appropriate for identifying IDLH conditions. (See WAC 296-62-3170 - Appendix B for guidelines on Level B protective equipment.)

(d) Once the hazards of the site have been positively identified, the appropriate PPE shall be selected and used in accordance with WAC 296-62-3060.

(5) The following monitoring shall be conducted during initial site entry when the site evaluation produces information that shows the potential for ionizing radiation or IDLH conditions, or when the site information is not sufficient to rule out these possible conditions:

- (a) Monitoring for hazardous levels of ionizing radiation.
- (b) Monitoring the air with appropriate test equipment for IDLH and other conditions that may cause death or serious harm (combustible or explosive atmospheres, oxygen deficiency, toxic substances).
- (c) Visually observing for signs of actual or potential IDLH or other dangerous conditions.
- (6) Once the presence and concentrations of specific hazardous substances and health hazards have been established, the risks associated

with these substances shall be identified. Employees who will be working on the site shall be informed of any risks that have been identified. In situations covered by WAC 296-62-054 through 296-62-05425, training required by that standard need not be duplicated.

Note: Risks to consider include, but are not limited to:

Exposures exceeding the appropriate threshold limit values (TLVs), permissible exposure limits (PELs), or recommended exposure limits (RELs).

IDLH concentrations.

Potential skin absorption and irritation sources.

Potential eye irritation sources.

Explosion sensitivity and flammability ranges.

(7) Any information concerning the chemical, physical, and toxicologic properties of each substance known or expected to be present on site that is available to the employer and relevant to the duties an employee is expected to perform shall be made available to all employees prior to the commencement of their work activities.

(8) An ongoing air monitoring program in accordance with WAC 296-62-3070 shall be implemented after site characterization has determined the site is safe for the start-up of operations.

NEW SECTION

WAC 296-62-3030 SITE CONTROL. Appropriate site control procedures shall be implemented before clean-up work begins to control employee exposure to hazardous substances.

(1) A site control program for protecting employees which is part of the employer's safety and health program required in WAC 296-62-3010 shall be developed during the planning stages of a hazardous waste operation clean-up and modified as necessary as new information becomes available.

(2) The site control program shall, as a minimum, include: A site map, site work zones, the use of a "buddy system," site communications, the standard operating procedures or safe work practices, and identification of nearest medical assistance.

NEW SECTION

WAC 296-62-3040 TRAINING. (1) All employees (such as but not limited to equipment operators and general laborers) exposed to hazardous substances, health hazards, or safety hazards shall be thoroughly trained in the following:

- (a) Names of personnel and alternates responsible for site safety and health;
- (b) Safety, health, and other hazards present on the site;
- (c) Use of PPE;
- (d) Work practices by which the employee can minimize risks from hazards;
- (e) Safe use of engineering controls and equipment on the site;
- (f) Medical surveillance requirements including recognition of symptoms and signs which might indicate overexposure to hazards; and
- (g) The site safety and health plan set forth in WAC 296-62-3010 (1)(d).

(2) All employees shall at the time of job assignment receive a minimum of forty hours of initial instruction off the site, and a minimum of three days of actual field experience under the direct supervision of a trained, experienced supervisor. Workers who may be exposed to unique or special hazards shall be provided additional training. The level of training provided shall be consistent with the employee's job function and responsibilities.

(3) On-site management and supervisors directly responsible for or who supervise employees engaged in hazardous waste operations shall receive training as provided in subsections (1) and (2) of this section and at least eight additional hours of specialized training at the time of job assignment on such topics as, but not limited to, the employer's safety and health program and the associated employee training program, personal protective equipment program, spill containment program, and health hazard monitoring techniques.

(4) Trainers shall be qualified to instruct employees about the subject matter that is being presented in training.

Note: Trainers can show their qualifications by having the knowledge or training equivalent to a level of training higher than the level they are presenting. This may be shown by academic degrees, training courses completed and/or work experience.

(5) Employees shall not be permitted to participate in field activities until they have been trained to a level required by their job function and responsibility.

(6) Employees and supervisors that have received and successfully completed the training and field experience specified in subsections (1), (2), and (3) of this section shall be certified by their instructor as having completed the necessary training. Any person who has not been so certified nor meets the requirements of subsection (9) of this section shall be prohibited from engaging in hazardous waste operations.

(7) Employees who are engaged in responding to hazardous emergency situations at hazardous waste clean-up sites that may expose them to hazardous substances shall be trained in how to respond to expected emergencies.

(8) Employees specified in subsection (1) of this section and managers specified in subsection (3) of this section shall receive eight hours of refresher training annually on the items specified in subsection (1) of this section and other relevant topics.

(9) Employees who can show that an employee's work experience and/or training has resulted in initial training equivalent to that training required in subsections (1), (2), and (3) of this section shall not be required to provide the initial training requirements of those sections. Equivalent training includes the training that existing employees might have already received from actual site experience.

NEW SECTION

WAC 296-62-3050 MEDICAL SURVEILLANCE. Medical surveillance shall be provided in accordance with this section for employees exposed or potentially exposed to hazardous substances or health hazards or who wear respirators.

(1) Employees covered. A medical surveillance program which is part of the employer's safety and health program required in WAC 296-62-3010 shall be instituted by the employer for the following employees:

(a) All employees who are or may be exposed to hazardous substances or health hazards at or above the established exposure levels for these substances, without regard to the use of respirators, for thirty days or more a year;

(b) All employees who wear a respirator for thirty days or more a year; and

(c) All employees who are injured due to overexposure from an emergency incident involving hazardous substances or health hazards.

(2) Frequency of medical examinations and consultations. Medical examinations and consultations shall be made available by the employer to each employee covered under subsection (1) of this section on the following schedules:

(a) Prior to assignment or for employees covered on the effective date of this standard as specified in WAC 296-62-3150.

(b) At least once every twelve months for each employee covered.

(c) At termination of employment or reassignment to an area where the employee would not be covered if the employee has not had an examination within the last six months.

(d) As soon as possible upon notification by an employee that the employee has developed signs or symptoms indicating possible overexposure to hazardous substances or health hazards or that the employee has been exposed above the established exposure levels in an emergency situation.

(e) At more frequent times, if the examining physician determines that an increased frequency of examination is medically necessary. For employees covered under subsection (1)(c) of this section and for all employees who may have been exposed during an emergency incident to hazardous substances at concentrations above the established exposure levels without the necessary personal protective equipment being used:

(i) As soon as possible following the emergency incident;

(ii) Additional times, if the examining physician determines that follow-up examinations or consultations are medically necessary.

(3) Content of medical examinations and consultations.

(a) Medical examinations required by subsection (2) of this section shall include a medical and work history (or updated history if one is in the employee's file) with special emphasis on symptoms related to the handling of hazardous substances and health hazards, and to fitness for duty including the ability to wear any required PPE under conditions (i.e., temperature extremes) that may be expected at the worksite.

(b) The content of medical examinations or consultations made available to employees pursuant to this section shall be determined by the examining physician.

(4) Examination by a physician and costs. All medical examinations and procedures shall be performed by or under the supervision of a licensed physician; and shall be provided without cost to the employee, without loss of pay, and at a reasonable time and place.

(5) Information provided to the physician. The employer shall provide one copy of this standard and its appendices to the examining physician, and in addition the following for each employee:

(a) A description of the employee's duties as they relate to the employee's exposures;

(b) The employee's exposure levels or anticipated exposure levels;

(c) A description of any personal protective equipment used or to be used;

(d) Information from previous medical examinations of the employee which is not readily available to the examining physician; and

(e) Information required in WAC 296-62-071 through 296-62-07121.

(6) Physician's written opinion.

(a) The employer shall obtain and furnish the employee with a copy of a written opinion from the examining physician containing the following:

(i) The results of the medical examination and tests if requested by the employee.

(ii) The physician's opinion as to whether the employee has any detected medical conditions which would place the employee at increased risk of material impairment of the employee's health from work in hazardous waste operations or emergency response or from respirators used as required in WAC 296-62-071 through 296-62-07121.

(iii) The physician's recommended limitations upon the employees assigned work.

(iv) A statement that the employee has been informed by the physician of the results of the medical examination and any medical conditions which require further examination or treatment.

(b) The written opinion obtained by the employer shall not reveal specific findings or diagnoses unrelated to occupational exposure.

(7) Recordkeeping.

(a) An accurate record of the medical surveillance required by this section shall be retained. This record shall be retained for the period specified and meet the criteria of Part B of this chapter.

(b) The record required in (a) of this subsection shall include at least the following information:

(i) The name and Social Security number of the employee;

(ii) Physicians' written opinions, recommended limitations, and results of examinations and tests;

(iii) Any employee medical complaints related to exposure to hazardous substances;

(iv) A copy of the information provided to the examining physician by the employer, with the exception of the standard and its appendices.

NEW SECTION

WAC 296-62-3060 ENGINEERING CONTROLS, WORK PRACTICES, AND PERSONAL PROTECTIVE EQUIPMENT FOR EMPLOYEE PROTECTION. (1) Engineering controls, work practices, PPE, or a combination of these shall be implemented in accordance with this section to protect employees from exposure to hazardous substances and health hazards.

(a) Engineering controls, work practices, and PPE for substances regulated in this chapter shall be instituted to reduce and maintain employee exposure to or below the permissible exposure limits of substances regulated by this chapter, except to the extent that such controls and practices are not feasible.

Note: Engineering controls which may be feasible include the use of pressurized cabs or control booths on equipment, and/or the use of remotely operated material handling equipment. Work practices which may be feasible are removing all nonessential employees from potential exposure during opening of drums, wetting down dusty operations, and locating employees upwind of possible hazards.

(b) Whenever engineering controls and work practices are not feasible, PPE shall be used to reduce and maintain exposures to or below the permissible exposure limits or dose limits for substances regulated by this chapter.

(c) The employer shall not implement a schedule of employee rotation as a means of compliance with permissible dose limits except when there is no other feasible way of complying with the airborne or dermal dose limits for ionizing radiation.

(2) Engineering controls, work practices, and personal protective equipment for substances not regulated in this chapter. An appropriate

combination of engineering controls, work practices, and personal protective equipment shall be established to reduce and maintain employee exposure to or below appropriate exposure levels for hazardous substances and health hazards not regulated by this chapter taking into account the established exposure levels.

(3) Personal protective equipment selection.

(a) Personal protective equipment (PPE) shall be selected and used which will protect employees from the hazards and potential hazards they are likely to encounter as identified during the site characterization and analysis.

(b) Personal protective equipment selection shall be based on an evaluation of the performance characteristics of the PPE relative to the requirements and limitations of the site, the task-specific conditions and duration, and the hazards and potential hazards identified at the site.

(c) Positive pressure self-contained breathing apparatus, or positive pressure air-line respirators equipped with an escape air supply shall be used in IDLH conditions.

(d) Totally-encapsulating chemical protective suits (protection equivalent to Level A protection as specified in Appendix B) shall be used in conditions where skin absorption of a hazardous substance may result in an IDLH situation.

(e) The level of protection provided by PPE selection shall be increased when additional information or site conditions show that increased protection is necessary to reduce employee exposures below established permissible exposure limits for hazardous substances and health hazards. (See WAC 296-62-3170 - Appendix B for guidance on selecting PPE ensembles.)

Note: The level of employee protection provided may be decreased when additional information or site conditions show that decreased protection will not result in increased hazardous exposures to employees.

(f) Personal protective equipment shall be selected and used to meet the requirements of chapter 296-24 WAC, Part A-1, and additional requirements specified in this part.

(4) Totally-encapsulating chemical protective suits.

(a) Totally-encapsulating suit materials used for Level A protection shall protect employees from the particular hazards which are identified during site characterization and analysis.

(b) Totally-encapsulating suits shall be capable of maintaining positive air pressure. (See WAC 296-62-3160 - Appendix A.)

(c) Totally-encapsulating suits shall be capable of preventing inward test gas leakage of more than 0.5 percent. (See WAC 296-62-3160 - Appendix A.)

(5) Personal protective equipment (PPE) program. A personal protective equipment program which is part of the employer's safety and health program required in WAC 296-62-3010 shall be established for hazardous waste operations which shall be part of the site-specific safety and health plan. The PPE program shall address the following elements:

- (a) Site hazards;
- (b) PPE selection;
- (c) PPE use;
- (d) Work mission duration;
- (e) PPE maintenance and storage;
- (f) PPE decontamination;
- (g) PPE training and proper fitting;
- (h) PPE donning and doffing procedures;
- (i) PPE inspection;
- (j) PPE in-use monitoring;
- (k) Evaluation of the effectiveness of the PPE program; and
- (l) Limitations during temperature extremes, and other appropriate medical considerations.

NEW SECTION

WAC 296-62-3070 MONITORING. Monitoring shall be performed in accordance with this section to assure proper selection of engineering controls, work practices, and personal protective equipment so that employees are not exposed to levels which exceed established permissible exposure limits for hazardous substances.

(1) Air monitoring shall be used to identify and quantify airborne levels of hazardous substances and health hazards in order to determine the appropriate level of employee protection needed on site.

(2) Upon initial entry, representative air monitoring shall be conducted to identify any IDLH condition, exposure over established exposure levels, exposure over a radioactive material's dose limits, or

other dangerous condition, such as the presence of flammable atmospheres or oxygen-deficient environments.

(3) Periodic monitoring shall be conducted when the possibility of an IDLH condition or flammable atmosphere has developed or when there is indication that exposures may have risen since prior monitoring. Situations where it shall be considered whether the possibility that exposures have risen are when:

(a) Work begins on a different portion of the site.

(b) Contaminants other than those previously identified are being handled.

(c) A different type of operation is initiated (e.g., drum opening as opposed to exploratory well drilling).

(d) Employees are handling leaking drums or containers or working in areas with obvious liquid contamination (e.g., a spill or lagoon).

(e) A sufficient reasonable interval has passed so that exposures may have significantly increased.

(4) After hazardous waste cleanup operations commence, the employer shall monitor those employees likely to have the highest exposures to those hazardous substances and health hazards likely to be present above established permissible exposure limits by using personal sampling frequently enough to characterize employee exposures. The employer may utilize a representative sampling approach by documenting that the employees and chemicals chosen for monitoring are based on the criteria stated in subsection (1) of this section.

Note: It is not required to monitor employees engaged in site characterization operations covered by WAC 296-62-3020.

NEW SECTION

WAC 296-62-3080 INFORMATIONAL PROGRAMS. Employers shall develop and implement a program which is part of the employer's safety and health program required in WAC 296-62-3010 (1)(d)(iii) to inform employees, contractors, and subcontractors (or their representative) actually engaged in hazardous waste operations of the nature, level, and degree of exposure likely as a result of participation in such hazardous waste operations. Employees, contractors, and subcontractors working outside of the operations part of a site are not covered by this standard.

NEW SECTION

WAC 296-62-3090 HANDLING DRUMS AND CONTAINERS. Hazardous substances and contaminated soils, liquids, and other residues shall be handled, transported, labeled, and disposed of in accordance with this section.

(1) General.

(a) Drums and containers used during the clean-up shall meet the appropriate DOT, OSHA, and EPA regulations for the wastes that they contain.

(b) When practical, drums and containers shall be inspected and their integrity shall be assured prior to being moved. Drums or containers that cannot be inspected before being moved because of storage conditions (i.e., buried beneath the earth, stacked behind other drums, stacked several tiers high in a pile, etc.) shall be moved to an accessible location and inspected prior to further handling.

(c) Unlabeled drums and containers shall be considered to contain hazardous substances and handled accordingly until the contents are positively identified and labeled.

(d) Site operations shall be organized to minimize the amount of drum or container movement.

(e) Prior to movement of drums or containers, all employees exposed to the transfer operation shall be warned of the potential hazards associated with the contents of the drums or containers.

(f) United States Department of Transportation specified salvage drums or containers and suitable quantities of proper absorbent shall be kept available and used in areas where spills, leaks, or ruptures may occur.

(g) Where major spills may occur, a spill containment program, which is part of the employer's safety and health program required in WAC 296-62-3010, shall be implemented to contain and isolate the entire volume of the hazardous substance being transferred.

(h) Drums and containers that cannot be moved without rupture, leakage, or spillage shall be emptied into a sound container using a device classified for the material being transferred.

(i) A ground-penetrating system or other type of detection system or device shall be used to estimate the location and depth of drums or containers.

(j) Soil or covering material shall be removed with caution to prevent drum or container rupture.

(k) Fire extinguishing equipment meeting the requirements of Part G of chapter 296-24 WAC shall be on hand and ready for use to control incipient fires.

(2) Opening drums and containers. The following procedures shall be followed in areas where drums or containers are being opened:

(a) Where an airline respirator system is used, connections to the bank of air cylinders shall be protected from contamination and the entire system shall be protected from physical damage.

(b) Employees not actually involved in opening drums or containers shall be kept a safe distance from the drums or containers being opened.

(c) If employees must work near or adjacent to drums or containers being opened, a suitable shield that does not interfere with the work operation shall be placed between the employee and the drums or containers being opened to protect the employee in case of accidental explosion.

(d) Controls for drum or container opening equipment, monitoring equipment, and fire suppression equipment shall be located behind the explosion-resistant barrier.

(e) When there is a reasonable possibility of flammable atmospheres being present, material handling equipment and hand tools shall be of the type to prevent sources of ignition.

(f) Drums and containers shall be opened in such a manner that excess interior pressure will be safely relieved. If pressure cannot be relieved from a remote location, appropriate shielding shall be placed between the employee and the drums or containers to reduce the risk of employee injury.

(g) Employees shall not stand upon or work from drums or containers.

(3) Material handling equipment. Electrical material handling equipment used to transfer drums and containers shall be selected, positioned, and operated to minimize sources of ignition related to the equipment from igniting vapors released from ruptured drums or containers.

(4) Radioactive wastes. Drums and containers containing radioactive wastes shall not be handled until such time as their hazard to employee is properly assessed.

(5) Shock-sensitive wastes.

Caution: Shipping of shock-sensitive wastes may be prohibited under United States Department of Transportation regulations. Employees and their shippers should refer to WAC 480-12-195.

As a minimum, the following special precautions shall be taken when drums and containers containing or suspected of containing shock-sensitive wastes are handled:

(a) All nonessential employees shall be evacuated from the area of transfer.

(b) Material handling equipment shall be provided with explosive containment devices or protective shields to protect equipment operators from exploding containers.

(c) An employee alarm system capable of being perceived above surrounding light and noise conditions shall be used to signal the commencement and completion of explosive waste handling activities.

(d) Continuous communications (i.e., portable radios, hand signals, telephones, as appropriate) shall be maintained between the employee-in-charge of the immediate handling area and the site safety and health supervisor or command post until such time as the handling operation is completed. Communication equipment or methods that could cause shock-sensitive materials to explode shall not be used.

(e) Drums and containers under pressure, as evidenced by bulging or swelling, shall not be moved until such time as the cause for excess pressure is determined and appropriate containment procedures have been implemented to protect employees from explosive relief of the drum.

(f) Drums and containers containing packaged laboratory wastes shall be considered to contain shock-sensitive or explosive materials until they have been characterized.

(6) Laboratory waste packs. In addition to the requirements of subsection (4) of this section, the following precautions shall be taken, as a minimum, in handling laboratory waste packs (lab packs):

(a) Lab packs shall be opened only when necessary and then only by an individual knowledgeable in the inspection, classification, and segregation of the containers within the pack according to the hazards of the wastes.

(b) If crystalline material is noted on any container, the contents shall be handled as a shock-sensitive waste until the contents are identified.

(7) Sampling drums and containers. Sampling of containers and drums shall be done in accordance with a sampling procedure which is part of the site safety and health plan developed for and available to employees and others at the specific worksite.

(8) Shipping and transport.

(a) Drums and containers shall be identified and classified prior to packaging for shipment.

(b) Drum or container staging areas shall be kept to the minimum number necessary to identify and classify materials safely and prepare them for transport.

(c) Staging areas shall be provided with adequate access and egress routes.

(d) Bulking of hazardous wastes shall be permitted only after a thorough characterization of the materials has been completed.

(9) Tank and vault procedures.

(a) Tanks and vaults containing hazardous substances shall be handled in a manner similar to that for drums and containers, taking into consideration the size of the tank or vault.

(b) Appropriate tank or vault entry procedures meeting WAC 296-62-3080 (2)(a)(xi) shall be followed whenever employees must enter a tank or vault.

NEW SECTION

WAC 296-62-3100 DECONTAMINATION. Procedures for all phases of decontamination shall be developed and implemented in accordance with this section.

(1) A decontamination procedure shall be developed, communicated to employees and implemented before any employees or equipment may enter areas on site where potential for exposure to hazardous substances exists.

(2) Standard operating procedures shall be developed to minimize employee contact with hazardous substances or with equipment that has contacted hazardous substances.

(3) Decontamination shall be performed in geographical areas that will minimize the exposure of uncontaminated employees or equipment to contaminated employees or equipment.

(4) All employees leaving a contaminated area shall be appropriately decontaminated; all clothing and equipment leaving a contaminated area shall be appropriately disposed of or decontaminated.

(5) Decontamination procedures shall be monitored by the site safety and health supervisor to determine their effectiveness. When such procedures are found to be ineffective, appropriate steps shall be taken to correct any deficiencies.

(6) All equipment and solvents used for decontamination shall be decontaminated or disposed of properly.

(7) Protective clothing and equipment shall be decontaminated, cleaned, laundered, maintained, or replaced as needed to maintain their effectiveness.

(8) Employees whose nonimpermeable clothing becomes wetted with hazardous substances shall immediately remove that clothing and proceed to shower. The clothing shall be disposed of or decontaminated before it is removed from the work zone.

(9) Unauthorized employees shall not remove protective clothing or equipment from change rooms.

(10) Commercial laundries or cleaning establishments that decontaminate protective clothing or equipment shall be informed of the potentially harmful effects of exposures to hazardous substances.

(11) Where the decontamination procedure indicates a need for showers and change rooms outside of a contaminated area, they shall be provided and meet the requirements of Part B-1 of chapter 296-24 WAC. If temperature conditions prevent the effective use of water, then other effective means for cleansing shall be provided and used.

NEW SECTION

WAC 296-62-3110 EMERGENCY RESPONSE. Emergency response at hazardous waste operation incidents shall be conducted in accordance with this section.

(1) General.

(a) An emergency response plan shall be developed and implemented by all employers within the scope of this section to handle anticipated emergencies prior to the commencement of hazardous waste operations. The plan shall be in writing and available for inspection and copying by employees, their representatives, and WISHA personnel.

Employers who will evacuate their employees from the workplace when an emergency occurs and who do not permit any of their employees to respond to assist in handling the emergency are exempt from the requirements of this section if they provide an emergency action plan complying with WAC 296-24-567(1).

(b) Elements of an emergency response plan. The employer shall develop an emergency response plan for emergencies which shall address as a minimum, the following:

- (i) Preemergency planning.
- (ii) Personnel roles, lines of authority, training, and communication.
- (iii) Emergency recognition and prevention.
- (iv) Safe distances and places of refuge.
- (v) Site security and control.
- (vi) Evacuation routes and procedures.
- (vii) Decontamination.
- (viii) Emergency medical treatment and first aid.
- (ix) Emergency alerting and response procedures.
- (x) Critique of response and follow-up.
- (xi) PPE and emergency equipment.

(2) Emergency response at hazardous waste clean-up sites.

(a) Training. Training for emergency response employees at clean-up operations shall be conducted in accordance with WAC 296-62-3040.

(b) Employers who can show that an employee's work experience and/or training has resulted in training equivalent to that training required in (a) of this subsection, shall not be required to provide the initial training requirements of (a) of this subsection. Equivalent training includes the training that existing employees might have already received from actual site work experience.

(c) Procedures for handling site emergency incidents.

(i) In addition to the elements for the emergency response plan required in subsection (1)(b) of this section, the following elements shall be included for emergency response plans:

(A) Site topography, layout, and prevailing weather conditions.

(B) Procedures for reporting incidents to local, state, and federal governmental agencies.

(ii) The emergency response plan shall be a separate section of the site safety and health plan.

(iii) The emergency response plan shall be compatible and integrated with the disaster, fire and/or emergency response plans of local, state, and federal agencies.

(iv) The emergency response plan shall be rehearsed regularly as part of the overall training program for site operations.

(v) The site emergency response plan shall be reviewed periodically and, as necessary, be amended to keep it current with new or changing site conditions or information.

(vi) An employee alarm system shall be installed in accordance with WAC 296-24-631 through 296-24-63199 to notify employees of an on-site emergency situation, to stop work activities if necessary, to lower background noise in order to speed communication, and to begin emergency procedures.

(vii) Based upon the information available at the time of the emergency, the employer shall evaluate the incident and the site response capabilities and proceed with the appropriate steps to implement the on-site emergency response plan.

(3) Emergency response at sites other than hazardous waste clean-up sites.

(a) Training. Employers shall provide the training specified by this section for those employees for whom there exists the reasonable possibility of responding to emergencies at sites other than hazardous waste clean-up sites.

(i) Emergency response organizations or teams. Employees on emergency response organizations or teams such as fire brigades, fire departments, plant emergency organizations, hazardous materials teams, spill response teams, and similar groups with responsibility for emergency response shall be trained to a level of competence to protect themselves and other employees in the recognition of health and safety hazards, methods to minimize the risk from safety and health hazards, safe use of control equipment, selection and use of appropriate personal protective equipment, safe operating procedures to be used at the incident scene, techniques of coordination with other employees to minimize risks, appropriate response to over exposure from health hazards or injury to themselves and other employees, and recognition of subsequent symptoms which may result from over exposures.

(A) Competency may be demonstrated by twenty-four hours of training annually in those areas with training sessions at least monthly

or by demonstrations by the employee of competency in those areas at least quarterly.

(B) A certification shall be made of the training or competency and if certification of competency is made, the employer shall keep a record of the methodology used to demonstrate competency.

(C) An employer of employees for whom the reasonable possibility of responding to emergencies at other than hazardous waste clean-up sites exists need not train all such employees to the degree specified in (a)(i)(A) of this subsection if the employer divides the work force such that sufficient employees who have responsibility to control the emergency have the training specified in this section and other employees who may first respond to the incident have sufficient awareness training to recognize that an emergency response situation exists and are instructed in that case to summon the employees who are fully trained and not attempt control activities for which they are not trained.

(D) An employer of employees for whom the reasonable possibility exists of responding to emergencies at other than hazardous waste clean-up sites need not train such employees to the degree specified in (a)(i)(A) of this subsection if:

(I) Arrangements have been made in advance for a fully-trained emergency response team to respond in a reasonable period; and

(II) Employees who may come to the incident first have sufficient awareness training to recognize that an emergency response situation exists and are instructed to call the designated fully-trained emergency response team for assistance.

(ii) Specialist employees. Employees who, in the course of their regular job duties, work with and are trained in the hazards of specific materials covered by this standard, and who will be called upon to provide technical advice or assistance at a hazardous substance release incident, are exempt from the monthly training sessions required in (a)(i) of this subsection. They must, pursuant to (a)(i) of this subsection, however, receive at least twenty-four hours of training annually or demonstrate competency in the area of their specialization.

(iii) Skilled support personnel. Personnel, not necessarily an employer's own employees, who are needed to perform immediate emergency support work that cannot reasonably be performed in a timely fashion by an employer's own employees, and who will be or may potentially be exposed to the hazards at an emergency response scene, are not required to have the twenty-four hours of annual training or demonstrate the competency required for the employer's regular employees. However, the senior official cited in (b)(i) of this subsection shall ensure that these personnel are given an initial briefing at the site of emergency response prior to their participation in that response that shall include instruction in the wearing of appropriate personal protective equipment, what chemical hazards are involved, and what duties are to be performed. All appropriate safety and health precautions provided to the employer's own employees shall be used to assure the safety and health of these personnel.

(b) Procedures for handling off-site emergency response.

(i) The senior officer responding to an emergency at other than hazardous waste clean-up sites involving a hazardous substance or health hazard shall establish and become the individual in charge of a site-specific incident command system (ICS). All emergency responders and their communications shall be coordinated and controlled through the individual in charge of the ICS assisted by the senior official present for each employer.

Note: The "senior official" at an off-site emergency response is the most senior official on the site who has the responsibility for controlling the operations at the site. Initially it is the senior officer on the first-due piece of responding emergency apparatus to arrive on the incident scene. As more senior officers arrive (i.e., fire chief, battalion chief, site coordinator, etc.) the position is passed up the line of authority.

(ii) The individual in charge of the ICS shall identify, to the extent possible, all hazardous substances or conditions present and shall address as appropriate site analysis, use of engineering controls, maximum exposure limits, hazardous substance handling procedures, and use of any new technologies.

(iii) Based on the hazardous substances and/or conditions present, the individual in charge of the ICS shall implement appropriate emergency operations, and assure that the personal protective equipment worn is appropriate for the hazards to be encountered. However, personal protective equipment shall meet, at a minimum, the criteria contained in WAC 296-24-58505 through 296-24-58507 when worn while performing fire fighting operations beyond the incipient stage.

(iv) Employees engaged in emergency response and exposed to hazardous substances shall wear positive pressure self-contained breathing apparatus while engaged in emergency response until such time that

the individual in charge of the ICS determines through the use of air monitoring that a decreased level of respiratory protection will not result in hazardous exposures to employees.

(v) The individual in charge of the ICS shall limit the number of emergency response personnel at the emergency site to those who are actively performing emergency operations. However, operations in hazardous areas shall be performed using the buddy system in groups of two or more.

(vi) Back-up personnel shall stand by with equipment ready to provide assistance or rescue. Qualified basic life support personnel, as a minimum, shall also stand by with medical equipment and transportation capability.

(vii) The individual in charge of the ICS shall designate a safety official, who is knowledgeable in the operations being implemented at the emergency response site, with specific responsibility to identify and evaluate hazards and to provide direction with respect to the safety of operations for the emergency at hand.

(viii) When activities are judged by the safety official to be an IDLH condition and/or to involve an imminent danger condition, the safety officer shall have the authority to alter, suspend, or terminate those activities. The safety officer shall immediately inform the individual in charge of the ICS of any actions taken to correct these hazards at an emergency scene.

(ix) After emergency operations have terminated, the individual in charge of the ICS shall implement appropriate decontamination procedures.

(x) When deemed necessary for meeting the tasks at hand, approved self-contained compressed air breathing apparatus may be used with approved cylinders from other approved self-contained compressed air breathing apparatus provided that such cylinders are of the same capacity and pressure rating. All compressed air cylinders used with self-contained breathing apparatus shall meet United States Department of Transportation and National Institute for Occupational Safety and Health criteria.

(4) Hazardous materials teams (HAZMAT).

(a) Employees who are members of the HAZMAT team shall be given training in accordance with subsection (3) of this section that includes the care and use of chemical protective clothing and procedures to be followed when working on leaking drums, containers, tanks, or bulk transport vehicles.

(b) Members of HAZMAT teams shall receive a base line physical exam and have medical surveillance meeting the requirements of WAC 296-62-3050.

(c) Chemical personal protective clothing and equipment to be used by HAZMAT team members shall meet the requirements of WAC 296-62-3060.

(5) Post-emergency response operations. Upon completion of the emergency response, if it is determined that it is necessary to remove hazardous substances, health hazards and materials contaminated with them (such as contaminated soil or other elements of the natural environment) from the site of the incident the employer conducting the clean-up shall comply with one of the following:

(a) Meet all the requirements of WAC 296-62-3010 through 296-62-3130.

(b) Where the clean-up is done on plant property using plant or workplace employees, such employees shall have completed the training requirements of the following: WAC 296-24-567, 296-24-07109(6), 296-62-05415(2), and other appropriate safety and health training made necessary by the tasks that they are expected to be performed. All equipment to be used in the performance of the clean-up work shall be in serviceable condition and shall have been inspected prior to use.

NEW SECTION

WAC 296-62-3120 ILLUMINATION. Areas accessible to employees shall be lighted in accordance with the requirements of this section.

Work areas shall be lighted to not less than the minimum illumination intensities listed in Table 1 while any work is in progress:

TABLE 1 - 120.1 — MINIMUM ILLUMINATION Intensities in Foot-Candles

Foot-candles	Area or operation
5	General site area.

Foot-candles	Area or operation
3	Excavation and waste areas, accessways, active storage areas, loading platforms, refueling, and field maintenance areas.
5	Indoors: Warehouses, corridors, hallways, and exitways.
5	Tunnels, shafts, and general underground work areas; exception: Minimum of ten foot-candles is required at tunnel and shaft heading during drilling, mucking, and scaling. Bureau of Mines approved cap lights shall be acceptable for use in the tunnel heading.
10	General shops (e.g., mechanical and electrical equipment rooms, active storerooms, barracks or living quarters, locker or dressing rooms, dining areas, and indoor toilets and workrooms).
30	First aid stations, infirmaries, and offices.

NEW SECTION

WAC 296-62-3130 SANITATION AT TEMPORARY WORKPLACES. Facilities for employee sanitation shall be provided in accordance with this section.

(1) Potable water.

(a) An adequate supply of potable water shall be provided on the site.

(b) Portable containers used to dispense drinking water shall be capable of being tightly closed, and equipped with a tap. Water shall not be dipped from containers.

(c) Any container used to distribute drinking water shall be clearly marked as to the nature of its contents and not used for any other purpose.

(d) Where single service cups (to be used but once) are supplied, both a sanitary container for the unused cups and a receptacle for disposing of the used cups shall be provided.

(2) Nonpotable water.

(a) Outlets for nonpotable water, such as water for fire fighting purposes shall be identified to indicate clearly that the water is unsafe and is not to be used for drinking, washing, or cooking purposes.

(b) There shall be no cross-connection, open or potential, between a system furnishing potable water and a system furnishing nonpotable water.

(3) Toilet facilities.

(a) Toilets shall be provided for employees according to Table 2.

TABLE 2 — TOILET FACILITIES

Number of employees	Minimum number of facilities
20 or fewer	One.
More than 20, fewer than 200	One toilet seat and one urinal per 40 employees.
More than 200	One toilet seat and one urinal per 50 employees.

(b) Under temporary field conditions, provisions shall be made to assure not less than one toilet facility is available.

(c) Hazardous waste sites, not provided with a sanitary sewer shall be provided with the following toilet facilities unless prohibited by local codes:

- (i) Chemical toilets;
- (ii) Recirculating toilets;
- (iii) Combustion toilets; or
- (iv) Flush toilets.

(d) The requirements of this section for sanitation facilities shall not apply to mobile crews having transportation readily available to nearby toilet facilities.

(e) Doors entering toilet facilities shall be provided with entrance locks controlled from inside the facility.

(4) Food handling. All employees' food service facilities and operations for employees shall meet the applicable laws, ordinances, and regulations of the jurisdictions in which they are located.

(5) Temporary sleeping quarters. When temporary sleeping quarters are provided, they shall be heated, ventilated, and lighted.

(6) Washing facilities. The employer shall provide adequate washing facilities for employees engaged in operations where hazardous substances may be harmful to employees. Such facilities shall be in near proximity to the worksite, in areas where exposures are below established permissible exposure limits and which are under the controls of the employer, and shall be so equipped as to enable employees to remove hazardous substances from themselves.

(7) Showers and change rooms. When hazardous waste clean-up or removal operations commence on a site and the duration of the work will require six months or greater time to complete, the employer shall provide showers and change rooms for all employees exposed to hazardous substances and health hazards involved in hazardous waste clean-up or removal operations.

(a) Showers shall be provided and shall meet the requirements of WAC 296-24-12009(3).

(b) Change rooms shall be provided and shall meet the requirements of WAC 296-24-12011. Change rooms shall consist of two separate change areas separated by the shower area required in (a) of this subsection. One change area, with an exit leading off the worksite, shall provide employees with a clean area where they can remove, store, and put on street clothing. The second area, with an exit to the worksite, shall provide employees with an area where they can put on, remove and store work clothing and personal protective equipment.

(c) Showers and change rooms shall be located in areas where exposures are below the established permissible exposure limits. If this cannot be accomplished, then a ventilation system shall be provided that will supply air that is below the established permissible exposure limits.

(d) Employers shall assure that employees shower at the end of their work shift and when leaving the hazardous waste site.

NEW SECTION

WAC 296-62-3140 CERTAIN OPERATIONS CONDUCTED UNDER THE RESOURCE CONSERVATION AND RECOVERY ACT OF 1976 (RCRA). Employers conducting operations specified in WAC 296-62-3060 (2)(c) shall:

(1) Develop and implement a written safety and health program for employees involved in hazardous waste operations which shall be available for inspection by employees, their representatives and WISHA personnel. The program shall be designed to identify, evaluate and control safety and health hazards in their facilities for the purpose of employee protection, and provide for emergency response meeting the requirements of WAC 296-62-3110 and it shall address as appropriate site analysis, engineering controls, maximum exposure limits, hazardous waste handling procedures and uses of new technologies;

(2) Implement a hazard communication program as part of the employer's safety and health program meeting the requirements of WAC 296-62-054 through 296-62-05427;

(3) Implement a medical surveillance program meeting the requirements of WAC 296-62-3050;

(4) Develop and implement a decontamination procedure in accordance with WAC 296-62-3100; and

(5) Develop and implement a training program, which is part of the employer's safety and health program, for employees involved with hazardous waste operations to enable each employee to perform their assigned duties and functions in a safe and healthful manner so as not to endanger themselves or other employees. The initial training shall be for twenty-four hours and refresher training shall be for eight hours annually.

Employers who can show by an employee's previous work experience and/or training that the employee has had training equivalent to the initial training required by this section, shall be considered as meeting the initial training of this section as to that employee. Equivalent training includes the training that existing employees might have already received from actual site work experience. Employees who have received the initial training required by this paragraph shall be given a written certificate attesting that they have successfully completed the necessary training.

(6) New technology programs.

(a) The employer shall develop and implement procedures for the introduction of effective new technologies and equipment developed for the improved protection of employees working with hazardous waste

clean-up operations, and the same shall be implemented as part of the site safety and health program to assure that employee protection is being maintained.

(b) New technologies, equipment, or control measures available to the industry, such as the use of foams or other means to suppress the level of air contaminants while excavating the site or for spill control, shall be evaluated by employers or their representatives to determine their effectiveness before implementing their use on a large scale for employee protection. Such evaluations shall be made available to WISHA upon request.

NEW SECTION

WAC 296-62-3150 START-UP DATES. The engineering controls, work practices, and personal protective equipment required by WAC 296-62-3060(1) are existing requirements of other WISHA standards and continues to be required from the effective date of this standard.

NEW SECTION

WAC 296-62-3152 APPENDICES TO PART P - HAZARDOUS WASTE OPERATIONS AND EMERGENCY RESPONSE.

Note: The following appendices serve as nonmandatory guidelines to assist employees and employers in complying with the appropriate requirements of this part. However, WAC 296-62-3170 - Appendix B is required in certain circumstances by WAC 296-62-3020 (4)(c) and 296-62-3060 (3)(d) makes mandatory in certain circumstances the use of Level A and Level B personal protective equipment protection.

NEW SECTION

WAC 296-62-3160 APPENDIX A—PERSONAL PROTECTIVE EQUIPMENT TEST METHODS. This appendix sets forth the nonmandatory examples of tests which may be used to evaluate compliance with WAC 296-62-3060. Other tests and other challenge agents may be used to evaluate compliance.

(1) Totally-encapsulating chemical protective suit pressure test.

(a) Scope.

(i) This practice measures the ability of a gas tight totally-encapsulating chemical protective suit material, seams, and closures to maintain a fixed positive pressure. The results of this practice allow the gas tight integrity of a total-encapsulating chemical protective suit to be evaluated.

(ii) Resistance of the suit materials to permeation, penetration, and degradation by specific hazardous substances is not determined by this test method.

(b) Description of terms.

(i) "Totally-encapsulated chemical protective suit (TECP suit)" means a full body garment which is constructed of protective clothing materials; covers the wearer's torso, head, arms, and legs; may cover the wearer's hands and feet with tightly attached gloves and boots; completely encloses the wearer by itself or in combination with the wearer's respiratory equipment, gloves, and boots.

(ii) "Protective clothing material" means any material or combination of materials used in an item of clothing for the purpose of isolating parts of the body from direct contact with a potentially hazardous liquid or gaseous chemicals.

(iii) "Gas tight" means for the purpose of this practice the limited flow of a gas under pressure from the inside of a TECP suit to atmosphere at a prescribed pressure and time interval.

(c) Summary of test method. The TECP suit is visually inspected and modified for the test. The test apparatus is attached to the suit to permit inflation to the pretest suit expansion pressure for removal of suit wrinkles and creases. The pressure is lowered to the test pressure and monitored for three minutes. If the pressure drop is excessive, the TECP suit fails the test and is removed from service. The test is repeated after leak location and repair.

(d) Required supplies.

(i) Source of compressed air.

(ii) Test apparatus for suit testing including a pressure measurement device with a sensitivity of at least 1/4 inch water gauge.

(iii) Vent valve closure plugs or sealing tape.

(vi) Soapy water solution and soft brush.

(v) Stop watch or appropriate timing device.

(e) Safety precautions. Care shall be taken to provide the correct pressure safety devices required for the source of compressed air used.

(f) Test procedure. Prior to each test, the tester shall perform a visual inspection of the suit. Check the suit for seam integrity by visually examining the seams and gently pulling on the seams. Ensure that all air supply lines, fittings, visor, zippers, and valves are secure and show no signs of deterioration.

(i) Seal off the vent valves along with any other normal inlet or exhaust points (such as umbilical air line fittings or facepiece opening) with tape or other appropriate means (caps, plugs, fixture, etc.). Care should be exercised in the sealing process not to damage any of the suit components.

(ii) Close all closure assemblies.

(iii) Prepare the suit for inflation by providing an improvised connection point on the suit for connecting an airline. Attach the pressure test apparatus to the suit to permit suit inflation from a compressed air source equipped with a pressure indicating regulator. The leak tightness of the pressure test apparatus should be tested before and after each test by closing off the end of the tubing attached to the suit and assuring a pressure of three inches water gauge for three minutes can be maintained. If a component is removed for the test, that component shall be replaced and a second test conducted with another component removed to permit a complete test of the ensemble.

(iv) The pretest expansion pressure (A) and the suit test pressure (B) shall be supplied by the suit manufacturer, but in no case shall they be less than A=3 inches water gauge and B=2 inches water gauge. The ending suit pressure (C) shall be no less than eighty percent of the test pressure (B); i.e., the pressure drop shall not exceed twenty percent of the test pressure (B).

(v) Inflate the suit until the pressure inside is equal to pressure "A", the pretest expansion suit pressure. Allow at least one minute to fill out the wrinkles in the suit. Release sufficient air to reduce the suit pressure to pressure "B", the suit test pressure. Begin timing. At the end of three minutes, record the suit pressure as pressure "C", the ending suit pressure. The difference between the suit test pressure and the ending suit test pressure ("B-C") shall be defined as the suit pressure drop.

(vi) If the suit pressure drop is more than twenty percent of the suit test pressure "B" during the three minute test period, the suit fails the test and shall be removed from service.

(g) Retest procedure.

(i) If the suit fails the test check for leaks by inflating the suit to pressure "A" and brushing or wiping the entire suit (including seams, closures, lens gaskets, glove-to-sleeve joints, etc.) with a mild soap and water solution. Observe the suit for the formation of soap bubbles, which is an indication of a leak. Repair all identified leaks.

(ii) Retest the TECP suit as outlined in (f) of this subsection.

(h) Report. Each TECP suit tested by this practice shall have the following information recorded.

(i) Unique identification number identifying brand name, date of purchase, material of construction, and unique fit features; e.g., special breathing apparatus.

(ii) The actual values for test pressures "A", "B", and "C" shall be recorded along with the specific observation times. If the ending pressure ("C") is less than eighty percent of the test pressure ("B") the suit shall be identified as failing the test. When possible, the specific leak location shall be identified in the test records. Retest pressure data shall be recorded as an additional test.

(iii) The source of the test apparatus used shall be identified and the sensitivity of the pressure gauge shall be recorded.

(iv) Records shall be kept for each pressure test even if repairs are being made at the test location.

Caution. Visually inspect all parts of the suit to be sure they are positioned correctly and secured tightly before putting the suit back into service. Special care should be taken to examine each exhaust valve to make sure it is not blocked. Care should also be exercised to assure that the inside and outside of the suit is completely dry before it is put into storage.

(2) Totally-encapsulating chemical protective suit qualitative leak test.

(a) Scope.

(i) This practice semiquantitatively tests gas tight totally-encapsulating chemical protective suit integrity by detecting inward leakage of ammonia vapor. Since no modifications are made to the suit to carry out this test, the results from this practice provide a realistic test for the integrity of the entire suit.

(ii) Resistance of the suit materials to permeation, penetration, and degradation is not determined by this test method.

(b) Definition of terms.

(i) "Totally-encapsulated chemical protective suit (TECP suit)" means a full body garment which is constructed of protective clothing materials; covers the wearer's torso, head, arms, and legs; may cover the wearer's hands and feet with tightly attached gloves and boots; completely encloses the wearer by itself or in combination with the wearer's respiratory equipment, gloves, and boots.

(ii) "Protective clothing material" means any material or combination of materials used in an item of clothing for the purpose of isolating parts of the body from direct contact with a potentially hazardous liquid or gaseous chemicals.

(iii) "Gas tight" means for the purpose of this test method the limited flow of a gas under pressure from the inside of a TECP suit to atmosphere at a prescribed pressure and time interval.

(iv) "Intrusion coefficient." A number expressing the level of protection provided by a gas tight totally-encapsulating chemical protective suit. The intrusion coefficient is calculated by dividing the test room challenge agent concentration by the concentration of challenge agent found inside the suit. The accuracy of the intrusion coefficient is dependent on the challenge agent monitoring methods. The larger the intrusion coefficient, the greater the protection provided by the TECP suit.

(c) Summary of recommended practice. The volume of concentrated aqueous ammonia solution (ammonia hydroxide, NH_4OH) required to generate the test atmosphere is determined using the directions outlined in WAC 296-62-3190 (2)(f)(i). The suit is donned by a person wearing the appropriate respiratory equipment (either a self-contained breathing apparatus or a supplied air respirator) and worn inside the enclosed test room. The concentrated aqueous ammonia solution is taken by the suited individual into the test room and poured into an open plastic pan. A two-minute evaporation period is observed before the test room concentration is measured using a high range ammonia length of stain detector tube. When the ammonia reaches a concentration of between 1000 and 1200 ppm, the suited individual starts a standardized exercise protocol to stress and flex the suit. After this protocol is completed the test room concentration is measured again. The suited individual exits the test room and his stand-by person measures the ammonia concentration inside the suit using a low range ammonia length of stain detector tube or other more sensitive ammonia detector. A stand-by person is required to observe the test individual during the test procedure, aid the person in donning and doffing the TECP suit and monitor the suit interior. The intrusion coefficient of the suit can be calculated by dividing the average test area concentration by the interior suit concentration. A colorimetric indicator strip of bromophenol blue is placed on the inside of the suit facepiece lens so that the suited individual is able to detect a color change and know if the suit has a significant leak. If a color change is observed the individual should leave the test room immediately.

(d) Required supplies.

(i) A supply of concentrated ammonia (fifty-eight percent ammonium hydroxide by weight).

(ii) A supply of bromophenol/blue indicating paper, sensitive to 5-10 ppm ammonia or greater over a two-minute period of exposure [pH 3.0 (yellow) to pH 4.6 (blue)].

(iii) A supply of high range (0.5-10 volume percent) and low range (5-700 ppm) detector tubes for ammonia and the corresponding sampling pump. More sensitive ammonia detectors can be substituted for the low range detector tubes to improve the sensitivity of this practice.

(iv) A shallow plastic pan (PVC) at least 12":14":1" and a half pint plastic container (PVC) with tightly closing lid.

(v) A graduated cylinder or other volumetric measuring device of at least fifty milliliters in volume with an accuracy of at least ± 1 milliliters.

(e) Safety precautions.

(i) Concentrated aqueous ammonium hydroxide, NH_4OH is a corrosive volatile liquid requiring eye, skin, and respiratory protection. The person conducting the test shall review the MSDS for aqueous ammonia.

(ii) Since the established permissible exposure limit for ammonia is 50 ppm, only persons wearing a self-contained breathing apparatus or a supplied air respirator shall be in the chamber. Normally only the person wearing the total-encapsulating suit will be inside the chamber. A stand-by person shall have a self-contained breathing apparatus, or a supplied air respirator, available to enter the test area should the suited individual need assistance.

(iii) A method to monitor the suited individual must be used during this test. Visual contact is the simplest but other methods using communication devices are acceptable.

(iv) The test room shall be large enough to allow the exercise protocol to be carried out and then to be ventilated to allow for easy exhaust of the ammonia test atmosphere after the test(s) are completed.

(v) Individuals shall be medically screened for the use of respiratory protection and checked for allergies to ammonia before participating in this test procedure.

(f) Test procedure.

(i) Measure the test area to the nearest foot and calculate its volume in cubic feet. Multiply the test area volume by 0.2 milliliters of concentrated aqueous ammonia per cubic foot of test area volume to determine the approximate volume of concentrated aqueous ammonia required to generate 1000 ppm in the test area.

(A) Measure this volume from the supply of concentrated ammonia and place it into a closed plastic container.

(B) Place the container, several high range ammonia detector tubes and the pump in the clean test pan and locate it near the test area entry door so that the suited individual has easy access to these supplies.

(ii) In a noncontaminated atmosphere, open a presealed ammonia indicator strip and fasten one end of the strip to the inside of the suit face shield lens where it can be seen by the wearer. Moisten the indicator strip with distilled water. Care shall be taken not to contaminate the detector part of the indicator paper by touching it. A small piece of masking tape or equivalent should be used to attach the indicator strip to the interior of the suit face shield.

(iii) If problems are encountered with this method of attachment the indicator strip can be attached to the outside of the respirator facepiece being used during the test.

(iv) Don the respiratory protective device normally used with the suit, and then don the TECP suit to be tested. Check to be sure all openings which are intended to be sealed (zippers, gloves, etc.) are completely sealed. Do NOT, however, plug off any venting valves.

(v) Step into the enclosed test room such as a closet, bathroom, or test booth, equipped with an exhaust fan. No air should be exhausted from the chamber during the test because this will dilute the ammonia challenge concentrations.

(vi) Open the container with the premeasured volume of concentrated aqueous ammonia within the enclosed test room, and pour the liquid into the empty plastic test pan. Wait two minutes to allow for adequate volatilization of the concentrated aqueous ammonia. A small mixing fan can be used near the evaporation pan to increase the evaporation rate of the ammonia solution.

(vii) After two minutes a determination of the ammonia concentration within the chamber should be made using the high range colorimetric detector tube. A concentration of 1000 ppm ammonia or greater shall be generated before the exercises are started.

(viii) To test the integrity of the suit the following four minute exercise protocol should be followed:

(A) Raising the arms above the head with at least fifteen raising motions completed in one minute.

(B) Walking in place for one minute with at least fifteen raising motions of each leg in a one-minute period.

(C) Touching the toes with at least ten complete motions of the arms from above the head to touching of the toes in a one-minute period.

(D) Knee bends with at least ten complete standing and squatting motions in a one-minute period.

(ix) At any time during the test the colorimetric indicating paper should change colors the test should be stopped and (f)(x) and (xi) of this subsection initiated.

(x) After completion of the test exercise, the test area concentration should be measured again using the high range colorimetric detector tube.

(xi) Exit the test area.

(xii) The opening created by the suit zipper or other appropriate suit penetration should be used to determine the ammonia concentration in the suit with the low range length of stain detector tube or other ammonia monitor. The internal TECP suit air should be sampled far enough from the enclosed test area to prevent a false ammonia reading.

(xiii) After completion of the measurement of the suit interior ammonia concentration the test is concluded and the suit is doffed and the respirator removed.

(xiv) The ventilating fan for the test room should be turned on and allowed to run for enough time to remove the ammonia gas. The fan shall be vented to the outside of the building.

(xv) Any detectable ammonia in the suit interior (5 ppm ammonia (NH₃) or more for the length of stain detector tube) indicates the suit failed the test. When other ammonia detectors are used, a lower level of detection is possible and it should be specified as the pass/fail criteria.

(xvi) By following this test method an intrusion coefficient of approximately two hundred or more can be measured with the suit in a completely operational condition.

(g) Retest procedures.

(i) If the suit fails this test check for leaks by following the pressure test in test "A" above.

(ii) Retest the TECP suit as outlined in (f) of this subsection, Test procedure.

(h) Report.

(i) Each gas tight totally-encapsulating chemical protective suit tested by this practice shall have the following information recorded.

(A) Unique identification number identifying brand name, date of purchase, material of construction, and unique suit features; e.g., special breathing apparatus.

(B) General description of test room used for test.

(C) Brand name and purchase date of ammonia detector strips and color change data.

(D) Brand name, sampling range, and expiration date of the length of stain ammonia detector tubes. The brand name and model of the sampling pump should also be recorded. If another type of ammonia detector is used, it should be identified along with its minimum detection limit for ammonia.

(E) Actual test results shall list the two test area concentrations, their average, the interior suit concentration, and the calculated intrusion coefficient. Retest data shall be recorded as an additional test.

(ii) The evaluation of the data shall be specified as "suit passed" or "suit failed" and the date of the test. Any detectable ammonia (5 ppm or greater for the length of stain detector tube) in the suit interior indicates the suit fails this test. When other ammonia detectors are used, a lower level of detection is possible and it should be specified as the pass/fail criteria.

Caution. Visually inspect all parts of the suit to be sure they are positioned correctly and secured tightly before putting the suit back into service. Special care should be taken to examine each exhaust valve to make sure it is not blocked.

Care should also be exercised to assure that the inside and outside of the suit is completely dry before it is put into storage.

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 296-62-3170 APPENDIX B—GENERAL DESCRIPTION AND DISCUSSION OF THE LEVELS OF PROTECTION AND PROTECTIVE GEAR. This appendix sets forth information about personal protective equipment (PPE) protection levels which may be used to assist employers in complying with the PPE requirements of this section.

(1) As required by the standard, PPE must be selected which will protect employees from the specific hazards which they are likely to encounter during their work on-site.

(a) Selection of the appropriate PPE is a complex process which must take into consideration a variety of factors. Key factors involved in this process are identification of the hazards or suspected hazards, their routes of potential hazard to employees (inhalation, skin absorption, ingestion, and eye or skin contact), and the performance of the PPE materials (and seams) in providing a barrier to these hazards. The amount of protection provided by PPE is material-hazard specific. That is, protective equipment materials will protect well against some hazardous substances and poorly, or not at all, against others. In many instances, protective equipment materials cannot be found which will provide continuous protection from the particular hazardous substance. In these cases the breakthrough time of the protective material should exceed the work durations, or the exposure after breakthrough must not pose a hazardous level.

(b) Other factors in this selection process to be considered are matching the PPE to the employee's work requirements and task-specific conditions. The durability of PPE materials, such as tear strength

and seam strength, must be considered in relation to the employee's tasks. The effects of PPE in relation to heat stress and task duration are a factor in selecting and using PPE. In some cases layers of PPE may be necessary to provide sufficient protection, or to protect expensive PPE inner garments, suits or equipment.

(c) The more that is known about the hazards at the site, the easier the job of PPE selection becomes. As more information about the hazards and conditions at the site becomes available, the site supervisor can make decisions to up-grade or down-grade the level of PPE protection to match the tasks at hand.

(2) The following are guidelines which an employer can use to begin the selection of the appropriate PPE. As noted above, the site information may suggest the use of combinations of PPE selected from the different protection levels (i.e., A, B, C, or D) as being more suitable to the hazards of the work. It should be cautioned that the listing below does not fully address the performance of the specific PPE material in relation to the specific hazards at the job site, and that PPE selection, evaluation and reselection is an ongoing process until sufficient information about the hazards and PPE performance is obtained.

(a) Personal protective equipment has been divided into four categories based on the degree of protection afforded (see (b) of this section for further explanation of Levels A, B, C, and D hazards):

(i) Level A. To be selected when the greatest level of skin, respiratory, and eye protection is required. Level A equipment, used as appropriate. The following constitute Level A equipment; it may be used as appropriate:

(A) Pressure-demand, full-facepiece self-contained breathing apparatus (SCBA), or pressure-demand supplied-air respirator with escape SCBA, approved by the National Institute for Occupational Safety and Health (NIOSH).

(B) Totally-encapsulating chemical-protective suit.

(C) Coveralls.*

(D) Long underwear.*

(E) Gloves, outer, chemical-resistant.

(F) Gloves, inner, chemical-resistant.

(G) Boots, outer, chemical-resistant steel toe and shank.

(H) Hard hat (under suit).*

(I) Disposable protective suit, gloves, and boots. (Depending on suit construction, may be worn over totally-encapsulating suit.)

(J) Two-way radios (worn inside encapsulating suit).

*Optional, as applicable.

(ii) Level B. The highest level of respiratory protection is necessary but a lesser level of skin protection is needed. The following constitute Level B equipment; it may be used as appropriate:

(A) Pressure-demand, full-facepiece self-contained breathing apparatus (SCBA), or pressure-demand supplied-air respirator with escape SCBA (NIOSH approved).

(B) Hooded chemical-resistant clothing (overalls and long-sleeved jacket, coveralls, one or two-piece chemical-splash suit, disposable chemical-resistant overalls).

(C) Coveralls.*

(D) Gloves, outer, chemical-resistant.

(E) Gloves, inner, chemical-resistant.

(F) Boots, outer, chemical-resistant steel toe and shank.

(G) Boot-covers, outer, chemical-resistant (disposable).*

(H) Hard hat.

(I) Two-way radios (worn inside encapsulating suit).

(J) Face shield.*

*Optional, as applicable.

(iii) Level C. The concentration(s) and type(s) of airborne substance(s) is/are known and the criteria for using air purifying respirators are met. The following constitute Level C equipment; it may be used as appropriate.

(A) Full-face or half-mask, air purifying, canister equipped respirators (NIOSH approved).

(B) Hooded chemical-resistant clothing (overalls; two-piece chemical-splash suit; disposable chemical-resistant overalls).

(C) Coveralls.*

(D) Gloves, outer, chemical-resistant.

(E) Gloves, inner, chemical-resistant.

(F) Boots (outer), chemical-resistant steel toe and shank.*

(G) Boot-covers, outer, chemical-resistant (disposable).*

(H) Hard hat.

(I) Escape mask.*

(J) Two-way radios (worn under outside protective clothing).

(K) Face shield.*

*Optional, as applicable.

(iv) Level D. A work uniform affording minimal protection: Used for nuisance contamination only. The following constitute Level D equipment; it may be used as appropriate.

(A) Coveralls.

(B) Gloves.*

(C) Boots/shoes, chemical-resistant steel toe and shank.

(D) Boots, outer, chemical-resistant (disposable).*

(E) Safety glasses or chemical splash goggles.*

(F) Hard hat.

(G) Escape mask.*

(H) Face shield.*

*Optional, as applicable.

(b) Part B. The types of hazards for which Levels A, B, C, and D protection are appropriate are described below:

(i) Level A - Level A protection should be used when:

(A) The hazardous substance has been identified and requires the highest level of protection for skin, eyes, and the respiratory system based on either the measured (or potential for) high concentration of atmospheric vapors, gases, or particulates; or the site operations and work functions involve a high potential for splash, immersion, or exposure to unexpected vapors, gases, or particulates of materials that are harmful to skin or capable of being absorbed through the intact skin;

(B) Substances with a high degree of hazard to the skin are known or suspected to be present, and skin contact is possible; or

(C) Operations must be conducted in confined, poorly ventilated areas, and the absence of conditions requiring Level A have not yet been determined.

(ii) Level B protection should be used when:

(A) The type and atmospheric concentration of substances have been identified and require a high level of respiratory protection, but less skin protection;

Note: This involves atmospheres with IDLH concentrations of specific substances that do not represent a severe skin hazard; or that do not meet the criteria for use of air-purifying respirators.

(B) The atmosphere contains less than 19.5 percent oxygen; or

(C) The presence of incompletely identified vapors or gases is indicated by a direct-reading organic vapor detection instrument, but vapors and gases are not suspected of containing high levels of chemicals harmful to skin or capable of being absorbed through the intact skin.

(iii) Level C protection should be used when:

(A) The atmospheric contaminants, liquid splashes, or other direct contact will not adversely affect or be absorbed through any exposed skin;

(B) The types of air contaminants have been identified, concentrations measured, and an air-purifying respirator is available that can remove the contaminants; and

(C) All criteria for the use of air-purifying respirators are met.

(iv) Level D protection should be used when:

(A) The atmosphere contains no known hazard; and

(B) Work functions preclude splashes, immersion, or the potential for unexpected inhalation of or contact with hazardous levels of any chemicals.

Note: As stated before combinations of personal protective equipment other than those described for Levels A, B, C, and D protection may be more appropriate and may be used to provide the proper level of protection.

NEW SECTION

WAC 296-62-3180 APPENDIX C—COMPLIANCE GUIDELINES. (1) Occupational safety and health program. Each hazardous waste site clean-up effort will require an occupational safety and health program headed by the site coordinator or the employer's representative. The program will be designed for the protection of employees at the site. The purpose of the program will need to be developed before work begins on the site and implemented as work proceeds. The program is to facilitate coordination and communication among personnel responsible for the various activities which will take place at the site. It will provide the overall means for planning and implementing the needed safety and health training and job orientation of employees who will be working at the site. The program will provide the means for identifying and controlling worksite hazards and the means for monitoring program effectiveness. The program will need to cover the responsibilities and authority of the site coordinator or the

employer's manager on the site for the safety and health of employees at the site, and the relationships with contractors or support services as to what each employer's safety and health responsibilities are for their employees on the site. Each contractor on the site needs to have its own safety and health program so structured that it will smoothly interface with the program of the site coordinator. Also those employers involved with treating, storing, or disposal of hazardous waste as covered in WAC 296-62-3140 must have implemented a safety and health plan for their employees. This program is to include the hazard communication program required in WAC 296-62-3140(1) and the training required in WAC 296-62-3140(5) as parts of the employers comprehensive overall safety and health program. This program is to be in writing.

(a) Each site or workplace safety and health program will need to include the following:

(i) Policy statements of the line of authority and accountability for implementing the program, the objectives of the program and the role of the site safety and health officer or manager and staff;

(ii) Means or methods for the development of procedures for identifying and controlling workplace hazards at the site;

(iii) Means or methods for the development and communication to employees of the various plans, work rules, standard operating procedures and practices that pertain to individual employees and supervisors;

(iv) Means for the training of supervisors and employees to develop the needed skills and knowledge to perform their work in a safe and healthful manner;

(v) Means to anticipate and prepare for emergency situations; and

(vi) Means for obtaining information feedback to aid in evaluating the program and for improving the effectiveness of the program. The management and employees should be trying continually to improve the effectiveness of the program thereby enhancing the protection being afforded those working on the site.

(b) Accidents on the site should be investigated to provide information on how such occurrences can be avoided in the future. When injuries or illnesses occur on the site or workplace, they will need to be investigated to determine what needs to be done to prevent this incident from occurring again. Such information will need to be used as feedback on the effectiveness of the program and the information turned into positive steps to prevent any reoccurrence. Receipt of employee suggestions or complaints relating to safety and health issues involved with site or workplace activities is also a feedback mechanism that needs to be used effectively to improve the program and may serve in part as an evaluative tool(s).

(2) Training.

(a) The employer is encouraged to utilize those training programs that have been recognized by the National Institute of Environmental Health Sciences through its training grants program. These training and educational programs are being developed for the employees who work directly with hazardous substances. For further information about these programs contact: National Institute of Environmental Health Sciences, P.O. Box 12233, Research Triangle Park, NC 27709.

(b) The training programs for employees subject to the requirements of WAC 296-62-3040 are expected to address: The safety and health hazards employees should expect to find on sites; what control measures or techniques are effective for those hazards; what monitoring procedures are effective in characterizing exposure levels; what makes an effective employer's safety and health program; what a site safety and health plan should include; and employee's responsibilities under WISHA and other regulations. Supervisors will need training in their responsibilities under the safety and health program and its subject areas such as the spill containment program, the personal protective equipment program, the medical surveillance program, the emergency response plan and other areas.

(c) Training programs for emergency service organizations are available from the United States National Fire Academy, Emmitsburg, MD and the various state fire training schools. The International Society of Fire Service Instructors, Ashland, MA is another resource.

(d) The training programs for employees covered by the requirements of WAC 296-62-3110(3) are expected to address: The need for and use of personal protective equipment including respirators; the decontamination procedures to be used; preplanning activities for hazardous substance incidents including the emergency response plan; company standard operating procedures for hazardous substance emergency responses; the use of the incident command system and other subjects. Hands-on training should be stressed whenever possible. Critiques done after an incident which include any evaluation of

what worked, and what did not, and how can we do better the next time, may be counted as training time.

(e) For hazardous materials teams, the training will need to address the care, use and/or testing of chemical protective clothing including totally encapsulating suits, the medical surveillance program, the standard operating procedures for the use of plugging and patching equipment and other subject areas.

(f) Officers and leaders who may be expected to be in charge at an incident will need to be fully knowledgeable of their company's incident command system. They will need to know where and how to obtain additional assistance and be familiar with the local district's emergency response plan.

(g) Technical experts or medical experts or environmental experts that work with hazardous materials in their regular jobs, who may be sent to the incident scene by the shipper, manufacturer or governmental agency to advise and assist the person in charge of the incident need not have monthly training sessions, however, they will be required to have the twenty-four hours of training on an annual basis. Their training must include the care and use of personal protective equipment including respirators; knowledge of the incident command system; and those areas needed to keep them current in their respective field as it relates to safety and health involving specific hazardous substances.

(h) Those employees who work for public works departments or special equipment operators who operate bulldozers, sand trucks, backhoes, etc., who may be called to the incident scene to provide emergency support assistance, will need at least a safety and health briefing before entering the area of potential or actual exposure. These specially skilled persons, who have not been a part of the emergency plan and do not meet the required training hours, must be made aware of the hazards they face and be provided all necessary protective clothing and equipment required for their tasks. If respirators are to be worn, the specially skilled person shall be trained in accordance with WAC 296-62-071 through 296-62-07121 before proceeding into the hazardous area to do their assigned job.

(3) Decontamination. Decontamination procedures should be tailored to the specific hazards of the site and will vary in complexity, and number of steps, depending on the level of hazard and the employee's exposure to the hazard. Decontamination procedures and PPE decontamination methods will vary depending upon the specific substance, since one procedure or method will not work for all substances. Evaluation of decontamination methods and procedures should be performed, as necessary, to assure that employees are not exposed to hazards by reusing PPE. References in WAC 296-62-3190, Appendix D, may be used for guidance in establishing an effective decontamination program.

(4) Emergency response plans. States, along with designated districts within the states, will be developing or have developed emergency response plans. These district and state plans are to be utilized in the emergency response plans called for in this standard. Each employer needs to assure that its emergency response plan is compatible with the local plan. In addition, the chemical manufacturers' association (CMA) is another helpful resource in formulating an effective emergency response plan. Also the current Emergency Response Guidebook from the United States Department of Transportation, CMA's CHEMTREC and the Fire Service Emergency Management Handbook should be used as resources.

NEW SECTION

WAC 296-62-3190 APPENDIX D—REFERENCES. The following references may be consulted for further information on the subject of this notice:

(1) WISHA Guidelines for Superfund and Other Hazardous Waste Site Activities, W.R.D. 84-13 as amended, October 24, 1986.

(2) WISHA Hazardous Waste Activity Form, July 1986, WISHA Form F413-016-000.

(3) Hazardous Waste Inspections Reference Manual, U.S. Department of Labor, Occupational Safety and Health Administration, 1986.

(4) Memorandum of Understanding Among the National Institute for Occupational Safety and Health, the Occupational Safety and Health Administration, the United States Coast Guard, and the United States Environmental Protection Agency; Guidance for Worker Protection During Hazardous Waste Site Investigations and Clean-up and Hazardous Substance Emergencies; December 18, 1980.

(5) National Priorities List, 1st Edition, October 1984; U.S. Environmental Protection Agency, Revised periodically.

(6) The Decontamination of Response Personnel, Field Standard Operating Procedures (F.S.O.P.) 7; U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Hazardous Response Support Division, December 1984.

(7) Preparation of a Site Safety Plan, Field Standard Operating Procedures (F.S.O.P.) 9; U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Hazardous Response Support Division, April 1985.

(8) Standard Operating Safety Guidelines; U.S. Environmental Protection Agency, Office of Emergency and Remedial Response, Hazardous Response Support Division, Environmental Response Team; November 1984.

(9) Occupational Safety and Health Guidance Manual for Hazardous Waste Site Activities, National Institute for Occupational Safety and Health (NIOSH), Occupational Safety and Health Administration (OSHA), U.S. Coast Guard (USCG), and Environmental Protection Agency (EPA); October 1985.

(10) Protecting Health and Safety at Hazardous Waste Sites: An Overview, U.S. Environmental Protection Agency, EPA/625/9-85/006; September 1985.

(11) Hazardous Waste Sites and Hazardous Substance Emergencies, NIOSH Worker Bulletin, U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health; December 1982.

(12) Personal Protective Equipment for Hazardous Materials Incidents: A Selection Guide; U.S. Department of Health and Human Services, Public Health Service, Centers for Disease Control, National Institute for Occupational Safety and Health; October 1984.

(13) Fire Service Emergency Management Handbook, International Association of Fire Chiefs Foundation, 101 East Holly Avenue, Unit 10B, Sterling, VA 22170, January 1985.

(14) Emergency Response Guidebook, U.S. Department of Transportation, Washington, D.C., 1983.

(15) Report to the Congress on Hazardous Materials Training, Planning and Preparedness, Federal Emergency Management Agency, Washington, DC, July 1986.

(16) Workbook for Fire Command, Alan V. Brunacini and J. David Beageron, National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, 1985.

(17) Fire Command, Alan V. Brunacini, National Fire Protection, Batterymarch Park, Quincy, MA 02269, 1985.

(18) Incident Command System, Fire Protection Publications, Oklahoma State University, Stillwater, OK 74078, 1983.

(19) Site Emergency Response Planning, Chemical Manufacturers Association, Washington, DC 20037, 1986.

WSR 88-16-093
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
 [Filed August 3, 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 game farm licenses, adopting WAC 232-12-026;

that the agency will at 9 a.m., Friday, September 16, 1988, in the Director's Conference Room, Department of Wildlife, 600 North Capitol Way, 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 on September 16, 1988.

The authority under which these rules are proposed is RCW 77.12.570.

The specific statute these rules are intended to implement is RCW 77.12.570 and 77.12.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 15, 1988.

Dated: August 3, 1988

By: Jerry Neal
 Deputy Director

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-026
 Game farm licenses.

Statutory Authority: RCW 77.12.570.

Specific Statute that Rule is Intended to Implement: RCW 77.12.570 and 77.12.040.

Summary of the Rule: This regulation establishes requirements for adequacy of wildlife holding facilities, demonstrated procedures by license applicant for controlling, analyzing, and preventing disease; and qualifications and training of farm personnel.

Reason Supporting the Proposed Rule: WAC 232-12-027 Game farm license provisions, does not provide regulatory requirements for humane facilities, disease diagnosis and prevention, and qualifications of farm personnel.

Agency Personnel Responsible for Drafting: Jerry Neal, Deputy Director, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5720; Implementation: Jack Smith, Division Chief, Wildlife Management Division, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5728; 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.

Small Business Economic Impact Statement: Not required.

NEW SECTION

WAC 232-12-026 GAME FARM LICENSES. The director may grant game farm licenses to persons who demonstrate to the director's satisfaction the adequacy of their facilities; their procedures for controlling, analyzing, and preventing disease; and the training and qualifications of their personnel to propagate and rear wildlife.

WSR 88-16-094
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Filed August 3, 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 232-12-083 Emergency rule criteria.
- Rep WAC 232-12-085 Director empowered to alter seasons;

that the agency will at 9 a.m., Friday, September 16, 1988, in the Director's Conference Room, Department of Wildlife, 600 North Capitol Way, 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 on September 16, 1988.

The authority under which these rules are proposed is RCW 77.12.150 and 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 15, 1988.

Dated: August 3, 1988
By: Jerry Neal
Deputy Director

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-083
Emergency rule criteria.

Statutory Authority: RCW 77.12.040 and 77.12.150.

Specific Statute that Rule is Intended to Implement: RCW 77.12.150.

Summary of the Rule: This regulation is intended to provide director authority for emergency season closures when deemed in the best interest of the wildlife resource to allow the director to reopen (reestablish) a season if the emergency passes and reestablish the bag limits as set forth in the original Wildlife Commission action establishing the season.

Reasons Supporting the Proposed Rule: The current rule (WAC 232-12-085) allows the director to reopen a season and unilaterally (without commission input) establish bag limits different than those originally established by the commission.

Agency Personnel Responsible for Drafting: Jerry Neal, Deputy Director, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5720; Implementation and Enforcement: Curt Smitch, Director, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5720.

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.

Small Business Economic Impact Statement: Not required.

NEW SECTION

WAC 232-12-083 EMERGENCY RULE CRITERIA. (1) The director may close, shorten, or reopen a season or reestablish a bag limit pursuant to RCW 77.12.150 only:

- (a) by emergency rule, and
 - (b) in response to a circumstance that (i) was unforeseen by the commission when the season was established and (ii) presents a real and immediate threat to wildlife.
- (2) Any emergency rule issued by the director pursuant to this rule shall state:
- (a) the time and date when it shall be effective,
 - (b) the time and date when it shall terminate, and
 - (c) the justification for its issuance.
- (3) The director shall notify the commission no later than 24 hours after the director issues an emergency rule pursuant to this rule.
- (4) If the director acts pursuant to this rule to reopen a season and reestablish the bag limit for that season, the bag limit must be the same as that originally set by the commission.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-12-085 DIRECTOR EMPOWERED TO ALTER SEASONS

WSR 88-16-095
PROPOSED RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)
[Filed August 3, 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 release of wildlife and planting of aquatic plants, adopting WAC 232-12-269;

that the agency will at 9 a.m., Friday, September 16, 1988, in the Director's Conference Room, Department of Wildlife, 600 North Capitol Way, 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 on September 16, 1988.

The authority under which these rules are proposed is RCW 77.16.150.

The specific statute these rules are intended to implement is RCW 77.12.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 15, 1988.

Dated: August 3, 1988
By: Jerry Neal
Deputy Director

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-269

Release of wildlife and planting of aquatic plants.

Statutory Authority: RCW 77.16.150.

Specific Statute that Rule is Intended to Implement: RCW 77.12.020.

Summary of the Rule: This regulation prevents authorized release of wildlife unless and until species to be released is classified (RCW 77.12.020) and the wildlife is released where similar species exist or have existed and such release is within the scope of commission policies, goals, and objectives.

Reasons Supporting the Proposed Rule: WAC 232-12-271 does not require wildlife to be classified prior to release, nor require consideration of Wildlife Commission policies.

Agency Personnel Responsible for Drafting: Jerry Neal, Deputy Director, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5720; Implementation and Enforcement: Curt Smitch, Director, Department of Wildlife, 600 North Capitol Way, Olympia, WA 98504, phone (206) 753-5710.

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.

Small Business Economic Impact Statement: Not required.

NEW SECTION

WAC 232-12-269 RELEASE OF WILDLIFE AND PLANTING OF AQUATIC PLANTS. The director may authorize the release of wildlife pursuant to RCW 77.16.150 only if:

- (1) The species to be released has been classified by statute or by the commission pursuant to RCW 77.12.020; and
- (2) The wildlife is released only in an area where similar species occur or have occurred in reasonable abundance; and
- (3) The director has first considered the policies, goals, and objectives of the commission.

WSR 88-16-096

**NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF LICENSING
(Board of Medical Examiners)**

[Memorandum—August 3, 1988]

NOTICE OF CHANGE OF MEETING LOCATION

The September 23, 1988, meeting will convene at 9:00 a.m. in the Sea-Tac Marriott Hotel, 3201 South 176th Street, Seattle, WA instead of the Department of Licensing, Quince Street Building, Olympia, Washington.

WSR 88-16-097**PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed August 3, 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 the amending of WAC 308-124A-110, 308-124A-200, 308-124A-420, 308-124D-040 and 308-124E-013; new WAC 308-124A-425; and repealing WAC 308-124A-100 and 308-124A-115;

that the agency will at 9:00 a.m., Monday, September 12, 1988, in the Camlin Hotel, Garden Terrace Room, 1619 Ninth Avenue, Seattle, WA 98101 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 18.85.040.

The specific statute these rules are intended to implement is RCW 18.85.040.

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

Dated: August 3, 1988

By: Joyce Roper Dolliver
Assistant Attorney General

STATEMENT OF PURPOSE

Title and Number of Rule Section or Chapter: WAC 308-124A-110 Application for real estate examination, licensed in foreign state; 308-124A-200 Corporate or copartnership applicants for licenses—Proof required; 308-124A-420 Application for broker license examination, other qualification or related experience; 308-124A-425 Waiver of clockhours; 308-124A-100 Applicant for license previously licensed in another state; 308-124A-115 Nonresident licenses—Expiration—Renewal; 308-124D-040 Disclosure of agency representation; and 308-124E-013 Administration of funds held in trust—Real estate and business opportunity transactions.

Statutory Authority: RCW 18.85.040.

Specific Statute that the Rule is Intended to Implement: RCW 18.85.040.

Summary of Rule and Reasons Supporting Rule: WAC 308-124A-110 clarifies licensure of applicants licensed in other jurisdictions by incorporating the relevant language of WAC 308-124A-100 into this rule and addressing waiver of the fundamentals course if the course(s) taking other jurisdictions at least meet the standards for fundamentals in this state; WAC 308-124A-200 clarifies the language in subsection (5) and is housekeeping; WAC 308-124A-420 corrects the address for the Department of Licensing and is housekeeping; WAC 308-124A-425 addresses waiver of course requirements; WAC 308-124A-100 eliminates redundant language and is a clarification by adding the relevant, nonredundant language into WAC 308-124A-110; WAC 308-124A-115 is housekeeping since the department issues one license instead of a resident license and

a nonresident license; WAC 308-124D-040 requires licensees to act in conformity with the agency representation disclosed; and WAC 308-124E-013 identifies items which are not considered reasonable bank charges to be deducted from the interest accrued on housing trust fund accounts.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Mary Faulk, Director, Department of Licensing, Fourth Floor, Highways-Licenses Building, Olympia, WA 98504, 234-5029 scan, 753-5029 comm; Bob Van Schoorl, Assistant Director, Business and Professions, First Floor, Eastside Plaza Building, 1300 Quince Street, Olympia, WA 98502, 234-2241 scan, 753-2241 comm; and Sydney Beckett, Program Manager, Professional Program Management Division, Fourth Floor, Eastside Plaza Building, 1300 Quince Street, Olympia, WA 98502, 234-0775 scan, 753-0775 comm.

Name of Person or Organization that is Proposing this Rule: Department of Licensing.

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

These rules are not necessary to comply with a federal law or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

The department has reviewed the impact that the adoption of this rule would have on real estate courses. Real estate brokers and salespersons are most appropriately classed in SIC Code 6531. They account for more than 10 percent of the firms and individuals in this area. The [They] are less than 20 percent of all firms and individuals in all industries. Cost for small business is estimated to be zero. Any impact that this proposed rule may have is intended to fall equally on all real estate brokers and salespersons.

AMENDATORY SECTION (Amending Order PM 683, filed 10/7/87)

WAC 308-124A-110 APPLICATION FOR REAL ESTATE EXAMINATION, LICENSED IN ((~~FOREIGN STATE~~)) ANOTHER JURISDICTION. Any person applying for a real estate broker or real estate salesperson examination who is actively licensed in another state, territory of the United States or province of the Dominion of Canada and has maintained his or her license in good standing or who was actively licensed in good standing within the preceding six months may become licensed as a Washington ((~~resident~~)) real estate broker, associate broker or salesperson after passing an examination on Washington law and real estate practices if he or she meets the minimum requirements established by RCW 18.85.090, 18.85.095, and/or 18.85.120 whichever is (are) applicable, except as provided in WAC 308-124A-425(3).

Any person applying to take the examination under this rule shall submit evidence of licensure in another state, territory of the United States or province of the Dominion of Canada by a license verification form completed by an administrative officer of the licensure authority if such jurisdiction.

AMENDATORY SECTION (Amending Order PM 673, filed 8/18/87)

WAC 308-124A-200 CORPORATE OR COPARTNERSHIP APPLICANTS FOR LICENSES—PROOF REQUIRED. The minimum qualifications for a corporation or partnership to receive a broker's license are:

(1) An officer in the corporation or a general partner in the partnership, as the case may be, shall be designated as the broker and shall separately qualify for a valid broker's license. The corporation or partnership and the designated broker are required to pay only a single license and license renewal fee.

(2) The applicant shall furnish a character and credit rating of the designated broker, officers, and principal owners of the corporation directly involved in the company's Washington real estate activity and, in the case of a partnership, the general partners and all principal owners. A new credit rating is not required if one has been with the department within the preceding eighteen months.

(3) If the applicant is a partnership, it shall furnish a copy of its partnership agreement.

(4) Licenses issued to corporations and partnerships expire one year from the date of issuance which date will henceforth be the renewal date: PROVIDED, That current licenses with an expiration date of December 31, 1987, will expire as follows:

(a) Corporations and partnerships whose name begins with A through F will be issued with an expiration date of December 31, 1988.

(b) Corporations and partnerships whose name begins G through L will be issued an expiration date of January 31, 1989.

(c) Corporations and partnerships whose name begins M through R will be issued an expiration date of February 28, 1989.

(d) Corporations and partnerships whose name begins S through Z will be issued an expiration date of March 31, 1989.

(5) If a corporation applies for licensure as an incorporated associate broker, ((the name of the incorporated associate broker as licensed to do business shall be the name of the natural person who is the designated broker for the corporation, and only one person may be licensed to each incorporated associate broker and that person shall be the corporation's designated broker)) the associate broker shall be the sole licensee of the corporation. The renewal period for the incorporated associated broker shall be the same as the renewal period for corporations or partnerships under this chapter.

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 PM 683, filed 10/7/87)

WAC 308-124A-420 APPLICATION FOR BROKER LICENSE EXAMINATION, OTHER QUALIFICATION OR RELATED EXPERIENCE. Applications for a real estate broker license examination by persons who do not possess two years of actual experience as a full-time real estate salesperson as required by RCW 18.85.090 which show other and similar qualifications, or qualification by reason of practical experience in a business allied with or related to real estate shall be submitted to the Real Estate Program Manager, P.O. Box ((~~9649~~)) 9012, Olympia, Washington 98504. The application shall be accompanied by a letter requesting approval of alternative qualifications or experience and indicating the basis for such approval. The letter must include a detailed personal history or work resume, with appropriate documentation, and a letter from each of five business associates describing from personal knowledge the qualifications and experience of the applicant. The following guidelines are provided as examples of experience which may qualify in lieu of two years of full-time sales experience:

(1) Post-secondary education with major study in real estate together with one year experience as a real estate salesperson or one year experience under the provisions of subsections (2) - (7) below.

(2) Experience as an attorney at law with practice in real estate transactions for not less than one year.

(3) Five years' experience, with decision responsibility, in closing real estate transactions for escrow companies, mortgage companies, or similar institutions.

(4) Five years' experience as an officer of a commercial bank, savings and loan association, title company or mortgage company, involving all phases of real estate transactions.

(5) Five years' experience as a real property fee appraiser or salaried appraiser for a governmental agency.

(6) Five years' experience in all phases of land development, construction, financing, selling and leasing of residences, apartments or commercial buildings.

(7) Five years' experience in real estate investment, property management, or analysis of investments or business opportunities.

All time periods suggested in these guidelines shall be within the last seven years prior to the date of application.

NEW SECTION

WAC 308-124A-425 WAIVER OF CLOCKHOURS. (1) Waiver of the thirty clock hours required for second renewal under RCW 18.85.095 shall not be considered or granted.

(2) Waiver of the thirty clockhours required for activation of an inactive license under RCW 18.85.215(3) shall not be considered or granted.

(3) Waiver of the thirty clockhours of real estate fundamentals required under RCW 18.85.095 shall not be considered or granted, except a waiver may be granted to an applicant for a real estate salesperson's license who is actively licensed or was actively licensed in good standing within the six months preceding the application in another state, territory of the United States or province of the Dominion of Canada if the education requirements for licensure in the other jurisdiction are determined by the director with the advice of the commission as being at least equivalent to the real estate fundamentals course required under RCW 18.85.095.

AMENDATORY SECTION (Amending Order PM-639, filed 2/18/87)

WAC 308-124D-040 DISCLOSURE OF AGENCY REPRESENTATION. A licensee acting as the listing and selling agent or as a selling agent must make an oral and/or written disclosure of agency representation to buyer(s) in a real estate or business opportunity transaction. The disclosure must have been made at least once prior to preparing the purchase and sale agreement, including options to purchase, lease purchase agreements and exchange agreements.

The seller shall be provided disclosure of the selling agent's agency representation by the listing agent or the selling agent at least once prior to presenting the agreement.

The disclosure shall be confirmed in a separate paragraph titled "Agency disclosure" in the agreement, which shall be as follows:

AGENCY DISCLOSURE: At the signing of this agreement the selling agent represented. Each party signing this document confirms that prior oral and/or written disclosure of agency was provided to him/her in this transaction.

The licensee's conduct in the real estate transaction shall be in conformity with the agency disclosure made. The payment of compensation or the obligation to pay compensation to a licensee is not necessarily determinative of a particular agency relationship.

REPEALER

The following sections shall be repealed:

WAC 308-124A-100 APPLICANT FOR LICENSE PREVIOUSLY LICENSED IN ANOTHER STATE.

WAC 308-124A-115 NONRESIDENT LICENSES—EXPIRATION—RENEWAL.

AMENDATORY SECTION (Amending Order PM 712, filed 3/1/88)

WAC 308-124E-013 ADMINISTRATION OF FUNDS HELD IN TRUST—REAL ESTATE AND BUSINESS OPPORTUNITY TRANSACTIONS. The procedures in this section are applicable to funds received by the broker in connection with real estate sales or business opportunity transactions or options thereon. These procedures are in addition to the requirements of the general trust account procedures contained in WAC 308-124E-012.

(1) Bank accounts shall be designated as trust accounts in the firm name of the real estate broker as licensed. Trust bank accounts for real estate sales or business opportunity transactions shall be interest bearing demand deposit accounts.

These accounts shall be established as described in RCW 18.85.310 and this section.

(a) The broker shall maintain a pooled interest bearing trust account identified as Housing Trust fund account for deposit of ~~((client))~~ trust funds which ~~((, if placed into a separate account, would not produce a positive net income after payment of bank fees.))~~ are five thousand dollars or less.

Interest income from this account will be paid to the department by the depository institution in accordance with RCW 18.85.310(7) after deduction of reasonable bank service charges and fees((-)), which shall not include check printing fees or fees for bookkeeping systems. The department shall remit the funds to the state treasurer.

~~((b)(i) For funds which would produce a positive net income after payment of bank fees if placed into a separate account, the broker shall maintain a separate interest-bearing account for each client whose funds would produce positive net income after payment of bank fees and the interest earned from this account shall be paid to the client, or))~~

~~((ii) Maintain a pooled interest-bearing trust account for funds which would produce a positive net income after payment of bank fees with sub-accounting that will provide for computation of interest earned by each client and payment of the interest to the account of the client.))~~

(b) The agent shall disclose in writing to the party depositing more than five thousand dollars that the party has an option between (i) and (ii) below:

(i) All trust funds not required to be deposited in the account specified in subsection (a) of this section shall be deposited in a separate interest-bearing trust account for the particular party or party's matter on which the interest will be paid to the party(ies); or

(ii) In the pooled interest-bearing account specified in subsection (a) of this section if the parties to the transaction agree in writing.

(c)(i) For accounts established as specified in subsection (a) of this section, the broker will maintain an additional ledger card with the heading identified as "Housing trust account interest". As the monthly bank statements are received, indicating interest credited, the broker will post the amount to the pooled interest ledger card. When the bank statement indicates that the interest was paid to the state or bank fees were charged, the broker will debit the ledger card accordingly.

(ii) For accounts established as specified in subsection (b)(i) of this section, the interest earned or bank fees charged will be posted to the individual ledger card.

(d) When the bank charges/fees exceed the interest earned, causing the balance to be less than trust account liability, the broker shall within one banking day after receipt of such notice, deposit funds from the brokers business account or other non-trust account to bring the trust account into balance with outstanding liability. The broker may be reimbursed by the party depositing the funds for these charges for accounts established as specified in subsection (b)(i) of this section, if the reimbursement is authorized in writing by the party depositing the funds. For accounts established under subsection (a) of this section, the broker will absorb the excess bank charges/fees as a business expense.

(2) A separate check shall be drawn on the real estate trust bank account, payable to the broker as licensed, for each commission earned, after the final closing of the real estate or business opportunity transaction. Each commission check shall be identified to the transaction to which it applies.

(3) No disbursements from the real estate trust bank account shall be made in advance of closing of a real estate or business opportunity transaction or before the happening of a condition set forth in the earnest money agreement, to any person or for any reason, without a written release from both the purchaser and seller; except that

(i) If the agreement terminates according to its own terms prior to closing, disbursement of funds shall be made as provided by the agreement without a written release; and

(ii) Funds may be disbursed to the escrow agent designated in writing by the purchaser and seller to close the transaction, reasonably prior to the date of closing in order to permit checks to clear.

(4) When a transaction is negotiated that provides for the earnest money deposit/note or other instrument to be held by a party other than the broker, the broker will deliver the deposit within one banking day after all parties to the transaction have signed the agreement to the party designated to hold the funds, unless the parties to the transaction instruct otherwise in writing. A dated receipt will be obtained and placed in the transaction file.

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: 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 88-16-098
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed August 3, 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 the use of documents with the former director's name;

that the agency will at 10:00 a.m., Tuesday, September 6, 1988, in the Fourth Floor, Executive Conference Room, Highways-Licenses 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 a date following the rules hearing.

The authority under which these rules are proposed is RCW 43.17.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 5, 1988.

Dated: August 3, 1988

By: John H. Keith
 Assistant Attorney General
 Department Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose and Reason Proposed: To ratify the use of thousands of forms now in the department's inventory which have been preprinted with the former director's name, the replacement of which would result in the unnecessary expenditure of state funds.

Statutory Authority: RCW 43.17.060.

Summary of Rules: WAC 308-04-001 Appointment of director—Agency documents.

Responsible Department Personnel: The following personnel have knowledge of and responsibility for drafting, implementing and enforcing the rules: Mary Faulk, Director, Fourth Floor, Highways-Licenses Building, Olympia, Washington 98504, 234-5029 scan, (206) 753-5029 comm.

Proponents: The director of the Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as the result of federal law or federal or state court requirements.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as the term was defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order 85-2, filed 11/6/85)

WAC 308-04-001 APPOINTMENT OF DIRECTOR—AGENCY DOCUMENTS. ((Theresa Anna Aragon)) Mary Faulk was appointed director of the department of licensing on ((January 16, 1985)) July, 18, 1988. All documents issued after that date in the name of the director in the disposition and performance of the official business of the department of licensing shall be considered to have been issued by her or at her direction whether her name, or the name of the former director, appears on the document.

This rule is adopted to ratify the use of thousands of forms now in the department's inventory which have been preprinted with the former director's name, the replacement of which would result in the unnecessary expenditure of state funds.

WSR 88-16-099
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed August 3, 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:

Amd	WAC 308-34-170	Naturopathic physician licensing fees.
Amd	WAC 308-117-500	Practical nurse fees.
Amd	WAC 308-120-275	Registered nurse fees.
New	WAC 308-121-070	Nursing assistant fees;

that the agency will at 10:00 a.m., Monday, September 19, 1988, in the Exam Center, First Floor, 1300 Quince Street, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on a date 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 September 12, 1988.

Dated: August 3, 1988

By: Mary Faulk
 Director

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: To establish the amount of fees associated with the registration and regulation of professions administered by the Department of Licensing.

Statutory Authority: RCW 43.24.086.

Summary of Rules: WAC 308-34-170 Naturopathic physician licensing fees; 308-117-500 Practical nurse fees; 308-120-275 Registered nurse fees; and 308-121-070 Nursing assistant fees.

Reason Proposed: To set the fees associated with registration and regulation of professions administered by the Department of Licensing at a sufficient level to defray the costs of administering the programs.

Responsible Department Personnel: In addition to the Department of Licensing, the following personnel have knowledge of and responsibility for drafting, implementing and enforcing the rules: Robert Van Schoorl, Assistant Director, 1300 Quince Street S.E., Olympia, WA 98504, 234-2241 scan, 753-2241 comm.

Proponents: The director of the Department of Licensing.

Federal Law or Federal or State Court Requirements: Not necessitated as a result of federal law or federal or state court requirements.

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 PM 742, filed 6/24/88)

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	\$275.00
Partial Examination	75.00
License Renewal	250.00
Late Renewal Penalty	175.00
Duplicate License	15.00
Certification	25.00

(2) Fees submitted to and processed by the department are non-refundable.

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 PM 650, filed 5/1/87)

WAC 308-117-500 PRACTICAL NURSE FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application (examination and reexamination)	\$35.00
License renewal	25.00
Late renewal penalty	10.00
Inactive renewal	15.00
Inactive late renewal penalty	5.00
Endorsement - Reciprocity	35.00
Duplicate license	15.00
Certification	25.00

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 PM 650, filed 5/1/87)

WAC 308-120-275 REGISTERED NURSE FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application - Examination	\$30.00
License renewal	20.00
Late renewal penalty	15.00
Inactive license renewal	10.00
Inactive late renewal penalty	5.00
Endorsement - Reciprocity	25.00
Duplicate License	15.00
Examination (second - Subsequent retake or more)	30.00
Certification	25.00
ARNP Application	25.00
ARNP Renewal	20.00
ARNP Prescriptive application	30.00
ARNP Prescriptive renewal	20.00

NEW SECTION

WAC 308-121-070 NURSING ASSISTANT - FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

TITLE OF FEE	FEE
Application - registration	\$10.00
Renewal of registration	10.00
Duplicate registration	15.00
Certification of registration	25.00

**WSR 88-16-100
PROPOSED RULES
BOARD OF PHARMACY**
[Filed August 3, 1988]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy intends to adopt, amend, or repeal rules concerning sale of condoms prohibited, amending WAC 360-40-040, to permit manufacturers to use an expiration date in lieu of date of manufacture;

that the agency will at 1:30 p.m., Thursday, September 22, 1988, in the HUB Meeting Room, Columbia Basin College, 2600 North 20th Street, Pasco, 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 18.64.005.

The specific statute these rules are intended to implement is RCW 18.64.005(11).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 21, 1988.

Dated: August 3, 1988

By: John H. Keith
Assistant Attorney General
Board Counsel

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Pharmacy.

Statutory Authority: RCW 18.64.005.

Summary, Purpose of Rule and Reason Proposed: The proposed amendment would give manufacturers of condoms the option of placing an expiration date on condom in lieu of a date of manufacture. In addition the rule title would be amended to clarify that the sale of condoms is not prohibited.

Responsible Agency Personnel: The board and the executive secretary of the board have responsibility for drafting, implementing and enforcing these rules. The executive secretary is Donald H. Williams, 319 East Seventh Avenue, W.E.A. Building, FF-21, Olympia, WA 98504, phone (206) 753-6834.

Proponents of the Proposed Rules: Washington State Board of Pharmacy.

Federal Law or State or Federal Court Requirements: Not necessitated as a result of federal law or state or federal court action.

Small Business Economic Impact Statement: Not necessary since these rules do not impact small businesses as that term was defined by RCW 43.31.920.

Dated: August 3, 1988
By: Joyce R. Dolliver
Assistant Attorney General

AMENDATORY SECTION (Amending Order 193, filed 2/22/85)

WAC 360-40-040 CONDITIONS FOR THE SALE OF CONDOMS (~~PROHIBITED~~). (~~No~~-c) Condoms (~~shall be~~) sold in this state (~~unless~~) must meet the following conditions (~~are met~~):

(1) All condoms shall be individually sealed in plastic, foil or a comparable type seal to protect the product from deterioration due to exposure to air.

(2) The container in which the condom is sold to the purchaser shall bear the date of manufacture (~~and the condom~~) or shall bear an expiration date not more than three years after the date of manufacture. Condoms may not be sold in this state three years after the date of manufacture.

WSR 88-16-101
PROPOSED RULES
DEPARTMENT OF LICENSING
(Securities Division)
[Filed August 3, 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 new WAC 460-90A-145;

that the agency will at 10:00 a.m., Wednesday, September 14, 1988, in the First Floor Examination Room, 1300 Quince Street, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1988.

The authority under which these rules are proposed is section 18, chapter 159, Laws of 1988.

The specific statute these rules are intended to implement is section 18, chapter 159, Laws of 1988.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 13, 1988.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

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

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Cleotis Borner
Department of Licensing
Investigation and Enforcement Division
P.O. Box 9012
Olympia, WA 98504

STATEMENT OF PURPOSE

Title and Number of Rule Section or Chapter: New section WAC 460-90A-145 Fees and charges.

Statutory Authority and Specific Statute that the Rule is Intended to Implement: Section 18, chapter 159, Laws of 1988.

Summary of Rule: WAC 460-90A-145 establishes the fees to be paid under chapter 19.105 RCW.

Reasons Supporting the Proposed Rule: WAC 460-90A-145 is promulgated pursuant to the mandate in section 18, chapter 159, Laws of 1988.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Mary Faulk, Director, Department of Licensing, Fourth Floor, Highways-Licenses Building, Olympia, WA 98504, 234-5029 scan, 753-5029 comm; Ron Weaver, Assistant Director, Investigation and Enforcement Division, Second Floor, Eastside Plaza Building, 1300 Quince Street, Olympia, WA 98502, 234-7007 scan, 753-7007 comm; and Cleotis Borner, Program Manager, Property Examination Unit, Second Floor, Eastside Plaza Building, 1300 Quince Street, Olympia, WA 98502, 234-1062 scan, 753-1062 comm.

Name of Person or Organization that is Proposing this Rule: Department of Licensing.

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

These rules are not necessary to comply with a federal law or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

A small business impact statement is not required for these rules. Camp resort operators and salespersons are most appropriately classed in SIC Code 7997. As such they account for less than 10 percent of the firms and individuals in this area. Also, they are less than 20 percent of all firms and individuals in all industries.

NEW SECTION

WAC 460-90A-145 FEES AND CHARGES. The following fees shall be paid under the provisions of Chapter 19.105 RCW:

(1) REGISTRATION FEES: Applicants filing an original registration shall pay a basic fee of fifteen hundred dollars (\$1500.00).

(2) CONTRACT FEES: In addition to the registration fees, registrants shall pay fees for each grouping of contracts in the registration as provided in the following schedule:

1 - 500	\$ 350.00
501 - 1000	450.00
1001 - 1500	550.00
1501 - 2000	650.00
2001 - 2500	750.00
2501 - 3000	850.00
3001 - 3500	950.00
3501 - 4000	1050.00
4001 - 4500	1150.00
4501 - 5000	1250.00
5001 - 5500	1350.00
5501 - 6000	1450.00
6001 - 6500	1550.00
6501 - 7000	1650.00

7001 - 7500	1750.00
7501 - 8000	1850.00
8001 - 8500	1950.00
8501 - 9000	2050.00
9001 - 9500	2150.00
9501 - 10000	2250.00
10001-	2350.00

(3) **RENEWAL FEES:** Each application for an annual renewal shall be accompanied by a fee of five hundred fifty dollars (\$550.00), plus the prescribed contract fees in section (2) of this rule for each grouping of contracts authorized in the permit to market.

(4) **FEES FOR AMENDING REGISTRATION AND PUBLIC OFFERING STATEMENTS:** (a) For each amendment of registration or the public offering statement, pursuant to RCW 19.105.420, not requiring an examination of documentation for adding campgrounds or additional contracts to the registration, a fee of fifty dollars (\$50.00) shall be paid. (b) Amendment for the establishment of an additional campground into the registration, for which an examination of documentation is required, there shall be paid, exclusive of any other fees owed under this rule, a fee of two hundred fifty dollars (\$250.00). A penalty fee of one hundred dollars (\$100.00) shall be assessed and paid for failure to file an amendment within 30 days of the occurrence of a material change as defined in WAC 460-90A-017 or WAC 460-90A-018.

(5) **FEES FOR IMPOUNDS, ESCROWS, TRUSTS AND DEPOSITORIES:** For each impound, escrow, trust, or other arrangement requiring agency monitoring for purposes of satisfying the provisions of RCW 19.105.340, 19.105.350, Section 7, chapter 159 Laws of 1988 and Section 12, chapter 159 Laws of 1988, the initial fee for establishing the impound, escrow, trust or other arrangement shall be two hundred fifty dollars (\$250.00) and the fee for each required periodic report shall be twenty dollars (\$20.00).

(6) **FEES AND ADVERTISEMENT FILINGS:** (a) For each individual advertisement filed with the department, there shall be a fee of thirty dollars (\$30.00) paid at the time of the initial submission of the advertisement to the department. Should a registrant fail to submit a required filing of an advertisement or advertisements in a timely manner, the thirty dollar (\$30.00) fee for each advertisement shall be collected from the registrant, even if the advertisement or advertisements at issue are no longer in use or being disseminated. (b) Registrants or applicants submitting an advertisement or advertisements involving no examination of campground instruments and which are for the purpose of marketing surveys or feasibility studies shall pay a fee of seventy-five dollars (\$75.00).

(7) **INSPECTION FEES:** Applicants and registrants shall pay the costs of inspections conducted pursuant to Section 18, chapter 159 Laws of 1988. The inspection fee shall be paid within 30 days of request subsequent to the inspection. The inspection fee shall be determined by the actual cost to the department for conducting the inspection. The inspection fees must be paid prior to the processing of a registration, a renewal of registration or amendment seeking addition of a campground to a program.

(8) **SALESPERSON FEES:** Applicants for registration as camp resort salesperson shall pay an initial application and renewal fee of sixty dollars (\$60.00) and a fee of sixty dollars (\$60.00) for each transfer of the salespersons registration. Failure to renew a salesperson registration within 30 days after expiration shall result in termination of the registration and a new application for registration must be made.

(9) **FEES FOR EXEMPTIONS AND EXEMPTION APPLICATIONS:** For a review of an application for exemption under RCW 19.105.320(3), the applicant shall submit a fee of one hundred fifty dollars (\$150.00). If the exemption request is denied, the registrant shall be given credit for the one hundred fifty dollars (\$150.00) fee submitted toward the registration fee under section (1) of this rule.

(10) All fees are non-refundable after application has been received.

(11) All fees shall be paid to the order of the Washington State Treasurer.

WSR 88-16-102
ADOPTED RULES
DEPARTMENT OF LICENSING
 [Order 755—Filed August 3, 1988]

I, Mary G. Faulk, director of the Department of Licensing, do promulgate and adopt at the Highways-Licenses Building, 4th Floor, Olympia, Washington, the annexed rules relating to the amending of WAC 308-124E-013.

This action is taken pursuant to Notice No. WSR 88-11-089 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 18.85.310 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 28, 1988.

By Robert A. Van Schoorl
for Mary G. Faulk
Director

AMENDATORY SECTION (Amending Order PM 712, filed 3/1/88)

WAC 308-124E-013 ADMINISTRATION OF FUNDS HELD IN TRUST—REAL ESTATE AND BUSINESS OPPORTUNITY TRANSACTIONS. The procedures in this section are applicable to funds received by the broker in connection with real estate sales or business opportunity transactions or options thereon. These procedures are in addition to the requirements of the general trust account procedures contained in WAC 308-124E-012.

(1) Bank accounts shall be designated as trust accounts in the firm name of the real estate broker as licensed. Trust bank accounts for real estate sales or business opportunity transactions shall be interest bearing demand deposit accounts.

These accounts shall be established as described in RCW 18.85.310 and this section.

(a) The broker shall maintain a pooled interest bearing trust account identified as Housing Trust fund account for deposit of ((client)) trust funds which(, if placed into a separate account, would not produce a positive net income after payment of bank fees:)) are five thousand dollars or less.

Interest income from this account will be paid to the department by the depository institution in accordance with RCW 18.85.310(7) after deduction of reasonable bank service charges and fees. The department shall remit the funds to the state treasurer.

~~((b)(i) For funds which would produce a positive net income after payment of bank fees if placed into a separate account, the broker shall maintain a separate interest-bearing account for each client whose funds would produce positive net income after payment of bank fees~~

and the interest earned from this account shall be paid to the client; or))

~~((ii) Maintain a pooled interest-bearing trust account for funds which would produce a positive net income after payment of bank fees with sub-accounting that will provide for computation of interest earned by each client and payment of the interest to the account of the client.))~~

(b) The agent shall disclose in writing to the party depositing more than five thousand dollars that the party has an option between (i) and (ii) below;

(i) All trust funds not required to be deposited in the account specified in subsection (a) of this section shall be deposited in a separate interest-bearing trust account for the particular party or party's matter on which the interest will be paid to the party(ies); or

(ii) In the pooled interest-bearing account specified in subsection (a) of this section if the parties to the transaction agree in writing.

(c)(i) For accounts established as specified in subsection (a) of this section, the broker will maintain an additional ledger card with the heading identified as "Housing trust account interest". As the monthly bank statements are received, indicating interest credited, the broker will post the amount to the pooled interest ledger card. When the bank statement indicates that the interest was paid to the state or bank fees were charged, the broker will debit the ledger card accordingly.

(ii) For accounts established as specified in subsection (b)(i) of this section, the interest earned or bank fees charged will be posted to the individual ledger card.

(d) When the bank charges/fees exceed the interest earned, causing the balance to be less than trust account liability, the broker shall within one banking day after receipt of such notice, deposit funds from the brokers business account or other non-trust account to bring the trust account into balance with outstanding liability. The broker may be reimbursed by the party depositing the funds for these charges for accounts established as specified in subsection (b)(i) of this section, if the reimbursement is authorized in writing by the party depositing the funds. For accounts established under subsection (a) of this section, the broker will absorb the excess bank charges/fees as a business expense.

(2) A separate check shall be drawn on the real estate trust bank account, payable to the broker as licensed, for each commission earned, after the final closing of the real estate or business opportunity transaction. Each commission check shall be identified to the transaction to which it applies.

(3) No disbursements from the real estate trust bank account shall be made in advance of closing of a real estate or business opportunity transaction or before the happening of a condition set forth in the earnest money agreement, to any person or for any reason, without a written release from both the purchaser and seller; except that

(i) If the agreement terminates according to its own terms prior to closing, disbursement of funds shall be made as provided by the agreement without a written release; and

(ii) Funds may be disbursed to the escrow agent designated in writing by the purchaser and seller to close the transaction, reasonably prior to the date of closing in order to permit checks to clear.

(4) When a transaction is negotiated that provides for the earnest money deposit/note or other instrument to be held by a party other than the broker, the broker will deliver the deposit within one banking day after all parties to the transaction have signed the agreement to the party designated to hold the funds, unless the parties to the transaction instruct otherwise in writing. A dated receipt will be obtained and placed in the transaction file.

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

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

WSR 88-16-103
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed August 3, 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 Bremerton, city of, WAC 173-19-2601;

that the agency will at 7:00 p.m., Tuesday, September 13, 1988, in the City Council Chambers, Bremerton City Hall, 235 4th Street, Bremerton, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Tuesday, November 1, 1988.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 20, 1988.

Dated: August 3, 1988

By: Phillip C. Johnson
Deputy Director
for Programs

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-2601 Bremerton, city of.

Description of Purpose: Adoption of revised shoreline master program into state master program (chapter 173-19 WAC).

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendment adopts revisions to the shoreline master program for Bremerton.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until

adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Peter C. Skowlund, (206) 438-7430, WDOE, Mailstop PV-11, Olympia, WA 98504.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Department of Ecology, state government.

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

Whether Rule is Necessary as a result of Federal Law or Federal or State Court Action: [No information supplied by agency.]

Small Business Economic Impact Statement: Not applicable. The amendment proposed by the city of Bremerton does not meet the criteria which determines that a small business economic impact statement is necessary.

AMENDATORY SECTION (Amending Order DE 82-2, filed 3/4/82)

WAC 173-19-2601 BREMERTON, CITY OF. City of Bremerton master program approved January 9, 1978. Revision approved March 3, 1978. Revision approved June 28, 1978. Revision approved August 22, 1978. Revision approved October 24, 1978. Revision approved January 19, 1982. Revision approved March 4, 1982. Revision approved November 1, 1988.

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 88-16-104
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed August 3, 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 Grant County, amending WAC 173-19-210;

that the agency will at 7:00 p.m., Thursday, September 8, 1988, in the Commissioners Hearing Room, Grant County Court House, Ephrata, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Tuesday, November 1, 1988.

The authority under which these rules are proposed is RCW 90.58.120 and 90.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 15, 1988.

Dated: August 3, 1988

By: Phillip C. Johnson
Deputy Director
for Programs

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-210 Grant County.

Description of Purpose: Adoption of revised shoreline master program into state master program (chapter 173-19 WAC).

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendment adopts revisions to the shoreline master program for Grant County.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Peter C. Skowlund, (206) 438-7430, WDOE, Mailstop PV-11, Olympia, WA 98504.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Department of Ecology, state government.

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

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: [No information supplied by agency.]

Small Business Economic Impact Statement: Not applicable. The amendment proposed by Grant County does not meet the criteria which determines that a small business economic impact statement is necessary.

AMENDATORY SECTION (Amending Order DE 81-14, filed 6/17/81)

WAC 173-19-210 GRANT COUNTY. Grant County master program approved September 16, 1975. Revision approved June 11, 1981. Revision approved November 1, 1988.

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 88-16-105
EMERGENCY RULES
DEPARTMENT OF LICENSING
[Order 757—Filed August 3, 1988]

I, Mary Faulk, 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 regulation of certain professions administered by the Department of Licensing:

Amd	WAC 308-34-170	Naturopathic physician licensing fees.
Amd	WAC 308-117-500	Practical nurse fees.
Amd	WAC 308-120-275	Registered nurse fees.
New	WAC 308-121-070	Nursing assistant fees.

I, Mary Faulk, 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 adoption of the new fees is necessary to adequately fund the affected licensing programs pending the adoption of permanent fees on or about September 6, 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 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 August 3, 1988.

By Mary Faulk
Director

AMENDATORY SECTION (Amending Order PM 742, filed 6/24/88)

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	\$275.00
<u>Partial Examination</u>	<u>75.00</u>
License Renewal	250.00
Late Renewal Penalty	175.00
Duplicate License	15.00
Certification	25.00

(2) Fees submitted to and processed by the department are non-refundable.

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 650, filed 5/1/87)

WAC 308-117-500 **PRACTICAL NURSE FEES.** The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application (examination and reexamination)	\$35.00
License renewal	25.00
Late renewal penalty	10.00
<u>Inactive renewal</u>	<u>15.00</u>
<u>Inactive late renewal penalty</u>	<u>5.00</u>
Endorsement - Reciprocity	35.00
Duplicate license	15.00
Certification	25.00

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 PM 650, filed 5/1/87)

WAC 308-120-275 **REGISTERED NURSE FEES.** The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application - Examination	\$30.00
License renewal	20.00
Late renewal penalty	15.00
<u>Inactive license renewal</u>	<u>10.00</u>
<u>Inactive late renewal penalty</u>	<u>5.00</u>
Endorsement - Reciprocity	25.00
Duplicate License	15.00
Examination (second - Subsequent retake or more)	30.00
Certification	25.00
ARNP Application	25.00
ARNP Renewal	20.00
ARNP Prescriptive application	30.00
ARNP Prescriptive renewal	20.00

NEW SECTION

WAC 308-121-070 **NURSING ASSISTANT - FEES.** The following fees shall be charged by the professional licensing division of the department of licensing:

<u>TITLE OF FEE</u>	<u>FEE</u>
Application - registration	\$10.00
Renewal of registration	10.00
Duplicate registration	15.00
Certification of registration	25.00

WSR 88-16-106
EMERGENCY RULES
DEPARTMENT OF LICENSING
[Order 758—Filed August 3, 1988]

I, Mary Faulk, 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 regulation of certain professions administered by the Department of Licensing, WAC 308-310-010 Nursing pool fees.

I, Mary Faulk, 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 adoption of the new fees is necessary to adequately fund the affected licensing programs pending the adoption of permanent fees on or about September 6, 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 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 August 3, 1988.

By Mary Faulk
Director

NEW SECTION

WAC 308-310-010 NURSING POOL FEES. The following fees shall be charged by the professional licensing division of the department of licensing.

<u>TITLE</u>	<u>FEE</u>
Registration application	\$ 75.00
Registration renewal	75.00
Duplicate registration	15.00

WSR 88-16-107
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Filed August 3, 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 adoption of United States certificates and report—Modifications pursuant to RCW 43.20A-.620, new WAC 248-124-160;

that the agency will at 10:00 a.m., Thursday, September 8, 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 September 9, 1988.

The authority under which these rules are proposed is RCW 43.20A.620.

The specific statute these rules are intended to implement is RCW 43.20A.620.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 8, 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 25, 1988. The meeting site is in a location which is barrier free.

Dated: August 3, 1988
By: Leslie F. James, Director
Administrative Services

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
Re: Adopting WAC 248-124-160.

Adoption of this rule is necessary to implement RCW 70.58.200 and 43.20A.620.

Statutory Authority: RCW 43.20A.060.

Summary of the Rule Change: The rule outlines the authority of the department to approve the 1988 revision of the United States standard certificates of live birth, death, fetal death, marriage and divorce or annulment, effective January 1, 1989.

Person or Persons Responsible for Drafting, Implementation and Enforcement of the Rule: Sharon George, Program Manager, Division of Health, phone 586-2774.

Rules were proposed by DSHS, Division of Health.

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

NEW SECTION

WAC 248-124-160 ADOPTION OF UNITED STATES STANDARD CERTIFICATES AND REPORT—MODIFICATIONS PURSUANT TO RCW 43.20A.620. The department adopts and approves for use in the state of Washington, effective January 1, 1989, the 1988 revisions of the United States standard forms for live birth, death, fetal death, marriage, and dissolution. These forms are developed by the United States Department of Health and Human Services, National Center for Health Statistics. With the exception of the confidential section, the department may modify any part of these forms and shall make the following modifications:

U.S. STANDARD CERTIFICATE OF LIVE BIRTH.

Add "mother's request to issue Social Security number."
Add "record amendment."

U.S. STANDARD CERTIFICATE OF DEATH.

Add "citizen of what country."
Under "place of death" add "in transport," "hospital."
Add "smoking in last fifteen years."
Add "or descent" after "of Hispanic origin."
Add "Asian-Pacific Islander" after "race."
Add "date of disposition."
Add "hour pronounced dead (24-hours)."
Add "Record amended section."
Delete "license number (funeral director)" under item 21b.
Delete "License number (certifier)" under item 23b.
Delete "were autopsy findings available prior to completion of cause of death yes/no" under item 28b.
Delete check boxes under item 20a.
Delete "donation" under item 20a.
Delete check boxes under item 31a.
Delete item 32.
Delete "inpatient" under item 9a.
Delete check boxes under item 29.
Delete "natural" under item 29.

U.S. STANDARD REPORT OF FETAL DEATH.

Add "fetus name."
Add "time of delivery."
Add "place of delivery."
Add "state of birth."
Add "registrar signature."
Add "date filed."
Add "burial, cremation, removal, other (specify)."
Add "date (burial)."
Add "cemetery/crematory-name."

Add "location (cemetery)."
 Add "funeral director signature."
 Add "name of facility."
 Add "address of facility."
 Add "autopsy yes/no."
 Add "certification statement."
 Change title to "certificate of fetal death."

U.S. STANDARD LICENSE AND CERTIFICATE OF MARRIAGE.

Change title to "certificate of marriage."
 Add "type of ceremony (religious/civil ceremony)."
 Add "officiant - date signed."
 Add "inside of city limits for bride and groom."
 Delete "age last birthday" for the groom under item 2.
 Delete "age last birthday" for the bride under item 9.
 Delete "license to marry" section.
 Delete "expiration date of license" under item 17.
 Delete "title of issuing official" under item 20.
 Delete "confidential information" under items 27 through 30b.

U.S. STANDARD CERTIFICATE OF DIVORCE, DISSOLUTION OF MARRIAGE, OR ANNULMENT.

Change title to "certificate of dissolution, declaration of invalidity of marriage or legal separation."
 Add check boxes for "type of decree."
 Add "inside city limits" for both parties.
 Delete "date couple last resided in same household" under item 11.
 Change "number of children under eighteen in this household as of this date" to "number of children born alive of this marriage" under item 12.
 Delete check boxes for "petitioner" under item 13.
 Delete section "number of children under eighteen whose physical custody was awarded to" under item 18.
 Delete "title of court" under item 20.
 Delete "title of certifying official" under item 22.
 Delete "date signed" under item 23.
 Delete "confidential information" under items 24 through 27b.

WSR 88-16-108
PROPOSED RULES
BOARD OF HEALTH
 [Filed August 3, 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 the amending of WAC 248-124-010 Certificate of live birth and certificate of fetal death; adopting WAC 248-124-015 Confidentiality; and repealing WAC 248-40-070;

that the agency will at 9:30 a.m., Wednesday, September 14, 1988, in the Richland City Hall, Council Chambers, 505 Swift Boulevard, Richland, 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 70.58.200.

The specific statute these rules are intended to implement is RCW 70.58.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 14, 1988, 1112 South Quince, Eastside Plaza A, ET-23, Olympia, WA 98504.

Dated: July 28, 1988
 By: Rick deVilla
 for Thelma Struck
 Assistant Secretary

STATEMENT OF PURPOSE

These statements are filed pursuant to RCW 34.04.045.

Re: Amending WAC 248-124-010.

Amendment of this rule is necessary to implement RCW 70.58.200.

Statutory Authority: Chapter 70.58 RCW.

Summary of the Rule Change: The rule outlines the authority of the Board of Health to amend and approve the 1988 revision of the United States standard certificates of live birth and fetal death, effective January 1, 1989.

Re: Repealing WAC 248-40-070.

Repeal of this rule is necessary to implement RCW 70.58.200.

Statutory Authority: Chapter 70.58 RCW.

Summary of the Rule Change: Chapters 248-40 and 248-124 WAC have similar titles. Since chapter 248-40 WAC discusses the proper handling of deceased persons, all vital statistics regulations are being consolidated in chapter 248-124 WAC.

Re: Adopting WAC 248-124-015.

Adoption of this rule is necessary to implement RCW 70.58.200.

Statutory Authority: Chapter 70.58 RCW.

Summary of the Rule Change: This rule provides confidentiality for the medical section of the live birth and fetal death certificates.

Person or Persons Responsible for Drafting, Implementation and Enforcement of the Rule: Sharon George, Program Manager, Division of Health, phone 586-2774.

Rules were proposed by DSHS, Division of Health.

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

AMENDATORY SECTION (Amending Order 270, filed 12/23/83)

WAC 248-124-010 ADOPTION OF UNITED STATES STANDARD CERTIFICATES AND REPORT—MODIFICATIONS. Pursuant to ~~((the authority in it vested by the laws of the state of Washington, particularly))~~ RCW 70.58.200, the Washington state board of health ((does hereby)) adopts and approves for use in the state of Washington, effective ~~((January 1, 1984))~~ January 1, 1989, the ~~((1978))~~ 1988 revisions of the United States Standard ~~((Certificate of Live Birth, Fetal Death, Death (combined physician=coroner form), Marriage, and Absolute Divorce or Annulment as promulgated))~~ forms of live birth and fetal death. These forms are developed by the United States Department of Health ~~((Education, and Welfare - Public Health Service as annexed hereto including))~~ and Human Services, National Center for Health Statistics. The board of health shall make the following modifications to the confidential section of the U.S. standard certificate of live birth and U.S. standard report of fetal death:

U.S. STANDARD CERTIFICATE OF LIVE BIRTH

~~((=delete item 18 "Education Mother" and item 19 "Education Father"))~~

~~License and Certificate of Marriage - delete item 21 "Race - Groom"; delete item 22 "Number of this Marriage"; delete items 23a and 23b "If Previously Married, Last Marriage Ended By Death, Divorce, Dissolution, or Annulment, Date"; delete item 24 "Education"; delete item 25 "Race - Bride"; delete item 26 "Number of this Marriage"; delete items 27a and 27b "If Previously Married, Last Marriage Ended By Death, Divorce or Annulment, Date"; delete item 28 "Education."~~

~~Certificate of Divorce, Dissolution of Marriage or Annulment—delete item 10 "Date Couple Separated", delete item 11b "Children Under 18 in this Family", delete item 15 "Race—Husband", delete item 16 "Number of this Marriage", delete items 17a and 17b "If Previously Married, How Many Ended By Death, Divorce, Dissolution or Annulment", delete item 18 "Education", delete item 19 "Race—Wife", delete item 20 "Number of this Marriage", delete items 21a and 21b "If Previously Married, How Many Ended By Death, Divorce, Dissolution or Annulment", delete item 22 "Education."~~

~~Provided that when a decree of separate maintenance is granted the Certificate of Divorce, Dissolution of Marriage or Annulment form as herein above provided shall be used with the following modification:~~

~~Title — "Certificate of Separate Maintenance"~~
~~Item 14a — "I certify that the following decree was granted on":~~
~~Item 14b — insert "separate maintenance")~~
Add "or descent" to "of Hispanic origin."
Add "Asian-Pacific Islander" to "race."
Add "occupation" and "type of business or industry" for both parents.
Add "parental identification of ethnicity and race of child" (optional).
Add "more than twenty weeks, less than twenty weeks" to "pregnancy history."
Add under the heading "medical risk factors for this pregnancy," "polyhydramnios, first trimester bleeding, epilepsy, genital herpes, syphilis, rubella—test positive."
Add under the heading "method of delivery," "C-section with no labor, C-section with trial of labor."
Add under the heading "abnormal conditions of the newborn," "sepsis, asphyxia/depression, drug withdrawal syndrome in newborn, Erb's palsy, jaundice (greater than ten in first forty-eight hours)."
~~Delete under 38a "hydramnios."~~
~~Delete under item 37b "name of facility infant transferred to."~~

U.S. STANDARD REPORT OF FETAL DEATH

Add "more than twenty weeks, less than twenty weeks" to "other pregnancy outcomes."
Add "polyhydramnios, first trimester bleeding, epilepsy, genital herpes, syphilis, rubella—test positive."
Add "fetal hemorrhage, placenta and cord conditions (specify), hemolytic disease, fetal hydrops, shoulder dystocia, other (specify), and none."
Add "C-section with no labor" and "C-section with trial of labor."
~~Delete under item 23a "hydramnios and uterine bleeding."~~
~~Delete under item 26 "hysterotomy/hysterectomy."~~

NEW SECTION

WAC 248-124-015 CONFIDENTIAL INFORMATION ON STATE OF WASHINGTON LIVE BIRTH AND FETAL DEATH CERTIFICATES PURSUANT TO RCW 70.58.200. The confidential sections of the certificate of live birth and the certificate of fetal death shall not be subject to public inspection and shall not be included on certified copies of the record except upon order of a court.

WSR 88-16-109
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed August 3, 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 the amending of WAC 308-124A-020, 308-124A-025, 308-124A-120, 308-124A-430 and 308-124A-440;

that the agency will at 9:00 a.m., Monday, September 12, 1988, in the Camlin Hotel, Garden Terrace Room,

1619 Ninth Avenue, Seattle, WA 98101, 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 18.85.040.

The specific statute these rules are intended to implement is RCW 18.85.040.

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

Dated: August 3, 1988

By: Joyce Roper Dolliver
 Assistant Attorney General

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 308-124A-020 Application for a licensee—Fingerprinting; 308-124A-025 Notice required of intention to take examination; 308-124A-120 Application for license by employing broker; 308-124A-430 Grading of examinations; and 308-124A-440 Reexamination.

Statutory Authority and Specific Statute that the Rule is Intended to Implement: RCW 18.85.040.

Summary of Rule and Reasons Supporting the Rule: To address changes in examination and licensing procedures arising from a change in examination contractors.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Mary Faulk, Director, Department of Licensing, Fourth Floor, Highways—Licenses Building, Olympia, WA 98504, 234-5029 scan, 753-5029 comm; Bob Van Schoorl, Assistant Director, Business and Professions, First Floor, Eastside Plaza Building, 1300 Quince Street, Olympia, WA 98502, 234-2241 scan, 753-2241 comm; and Sydney Beckett, Program Manager, Professional Program Management Division, Fourth Floor, Eastside Plaza Building, 1300 Quince Street, Olympia, WA 98502, 234-0775 scan, 753-0775 comm.

Name of Person or Organization that is Proposing this Rule: Department of Licensing.

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

This rule is not necessary to comply with a federal law or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

The department has reviewed the impact that the adoption of this rule would have on real estate brokers and salespersons and schools offering real estate courses. Real estate brokers and salespersons are most appropriately classed in SIC Code 6531. They account for more than 10 percent of the firms and individuals in this area. They are less than 20 percent of all firms and individuals in all industries. Cost for small business is estimated to be zero. Any impact that this proposed rule may have in intended to fall equally on all real estate brokers and salespersons.

AMENDATORY SECTION (Amending Order PM 683, filed 10/7/87)

WAC 308-124A-020 APPLICATION FOR A LICENSE—FINGERPRINTING. All persons who have been convicted of a ~~((felony))~~ crime within ten years of application must submit fingerprint identification, on a form provided by the department ~~((when making application))~~ prior to issuance of a license for:

- (1) A real estate salesperson license;
- (2) An individual broker license;
- (3) A corporation or partnership broker license;
- (4) An associate real estate broker license; or
- (5) A land development representative registration.

AMENDATORY SECTION (Amending Order PM 683, filed 10/7/87)

WAC 308-124A-025 ~~((NOTICE REQUIRED OF INTENTION))~~ APPLICATION PROCESS TO TAKE EXAMINATION.

(1) Any person desiring to take an examination for a real estate broker or real estate salesperson license, except candidates who are actively licensed in another jurisdiction or were so licensed in the preceding six months, who have received clockhours in another jurisdiction, or candidates applying for waiver under WAC 308-124A-420, must ((fit)) submit a completed examination application together with the ((correct)) examination fee and supporting documents ((with the licensing division of the department of licensing)) to the testing service approved by the department. ((Dishonored checks will be considered as an incomplete application.))

(2) Any person desiring to take an examination for a real estate broker or real estate salesperson license who is actively licensed in another jurisdiction or was so licensed in the preceding six months, who has received clockhours in another jurisdiction, or candidates applying for waiver under WAC 308-124A-420, must submit a completed examination application with supporting documents to the licensing division of the department of licensing. After the qualifications for the examination have been verified by the department, the candidate shall submit the completed examination application and examination fee to the testing service approved by the department.

(3) The examination fee shall be paid in the form of a cashier's check or money order made payable to the testing service approved by the department.

(4) The applicant will be assigned to the first available examination subsequent to determination of eligibility. The cutoff date for eligibility for any specific examination is available to the applicant upon request. Any application postmarked after the cutoff date will not be accepted for that examination, but will be assigned to the next available examination.

(5) An examination candidate who has a completed examination application with the examination walk-in fee and supporting documents may walk-in to an examination if there are adequate space and test booklets after accommodating all candidates who have pre-applied under section (2) of this rule. The examination walk-in fee shall be paid in the form of a cashier's check or money order made payable to the testing service approved by the department.

(6) An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the department of licensing.

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 PM 683, filed 10/7/87)

WAC 308-124A-120 APPLICATION FOR LICENSE ~~((BY EMPLOYING BROKER))~~ —INTERIM LICENSE. (1) A person who desires to be licensed as a real estate salesperson or associate broker, or broker shall make application on a form ~~((furnished))~~ approved by the director and the real estate salesperson and associate broker application shall be signed by the broker or designated broker to whom the license will be issued. The branch manager may sign for the broker or designated broker for licenses to be issued to that branch office. All signatures must be original signatures of the signators, unless signed under authority of a written power of attorney.

(2) Upon receipt of notice of passage of the examination and the license application form, applicants for a real estate salesperson license

may commence working upon the postmark date to the department or date of hand delivery to the licensing division of the department of the signed, dated and completed license application form with the license fee. The completed license application form, if submitted with the license fee, shall serve as an interim license for a period up to forty-five days after the postmark date or date of hand delivery to the department, unless grounds exist to take disciplinary action against the license under RCW 18.85.230. If the applicant's birthdate occurs during the forty-five days of the interim license, then the interim license shall expire on the applicant's birthdate and the applicant shall submit a renewal fee.

(3) There are no interim licenses for designated brokers for corporations or partnership, individual real estate brokers or associate brokers. Upon notification of passage of the examination, applicants for associate broker licenses, individual broker licenses, or designated broker licenses for corporations or partnerships must submit a complete license application with the license fee to the department of licensing and qualify for the license under chapter 18.85 RCW and the rules.

(4) All license fees shall be paid in the form of a cashier's check or money order made payable to the state treasurer if paid by mail. If paid in person, all license fees shall be paid in the form of a cashier's check or money order made payable to the state treasurer or in cash.

AMENDATORY SECTION (Amending Order PM 595, filed 5/12/86)

WAC 308-124A-430 GRADING OF EXAMINATIONS. (1) ~~((The salesperson examination consists of 100 national questions and 40 questions on Washington law and practices.))~~ A minimum scaled score of ~~((90))~~ 70 is required to pass the real estate salesperson examination.

(2) ~~((The brokers examination consists of 100 national questions, 40 questions on Washington law and practices and 10 questions on a closing problem.))~~ A minimum scaled score of ~~((+2))~~ 75 is required to pass the real estate broker examination.

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 PM 595, filed 5/12/86)

WAC 308-124A-440 REEXAMINATION. An applicant who has failed the examination or failed to appear for a scheduled examination may apply for reexamination, provided the required reexamination fee is submitted.

An applicant who has failed the examination or failed to appear for a scheduled examination may walk in to an examination upon payment of the reexamination walk-in fee if there are adequate space and test booklets and upon presentation of the failure notice or exam admission ticket. The failure notice or exam admission ticket shall be valid for walk-in testing for a period of no more than six months after date of issuance. Broker exam applicants who applied for a waiver and failed the examination must comply with the provisions of WAC 308-124A-040.

~~((An applicant for the broker or salesperson examination may choose to submit two exam fees. The double fee will result in the applicant being automatically scheduled for the next examination should the applicant fail or fail to appear. If the applicant passes the first exam, the second fee will be applied to the first license fee at the time of license application. The license may not be applied for until after the examination results have been mailed and received by the applicant.))~~

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- NEW = New section not previously codified
- OBJEC = Notice of objection by Joint Administrative Rules Review Committee
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of previously adopted rule
- STMT = Statement regarding previously adopted rule

Suffixes:

- P = Proposed action
- C = Continuance of previous proposal
- E = Emergency action
- W = Withdrawal of proposed action
- No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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4-25-190	NEW	88-06-021	16-228-185	AMD-P	88-09-077	16-231-145	AMD	88-09-013
16-28-010	REP	88-05-003	16-228-185	AMD	88-14-074	16-231-150	REP-P	88-06-071
16-28-020	REP	88-05-003	16-228-190	AMD-P	88-09-077	16-231-150	REP-E	88-07-038
16-28-030	REP	88-05-003	16-228-190	AMD	88-14-074	16-231-150	REP	88-09-013
16-28-040	REP	88-05-003	16-228-210	AMD-P	88-09-077	16-231-225	AMD	88-05-033
16-28-050	REP	88-05-003	16-228-210	AMD	88-14-074	16-231-240	REP-P	88-06-071
16-28-060	REP	88-05-003	16-228-215	AMD-P	88-09-077	16-231-240	REP-E	88-07-038
16-28-069	REP	88-05-003	16-228-215	AMD	88-14-074	16-231-240	REP	88-09-013
16-28-070	REP	88-05-003	16-228-220	AMD-P	88-09-077	16-231-345	REP-P	88-06-071
16-28-080	REP	88-05-003	16-228-220	AMD	88-14-074	16-231-345	REP-E	88-07-038
16-28-090	REP	88-05-003	16-228-222	NEW-P	88-09-077	16-231-345	REP	88-09-013
16-30	AMD	88-05-003	16-228-227	NEW-P	88-09-077	16-231-430	REP-P	88-06-071
16-30-010	AMD	88-05-003	16-228-227	NEW	88-14-074	16-231-430	REP-E	88-07-038
16-30-020	AMD	88-05-003	16-228-228	NEW-P	88-09-077	16-231-430	REP	88-09-013
16-30-030	AMD	88-05-003	16-228-232	NEW-P	88-09-077	16-231-535	REP-P	88-06-071
16-30-040	AMD	88-05-003	16-228-232	NEW	88-14-074	16-231-535	REP-E	88-07-038
16-30-050	AMD	88-05-003	16-228-400	NEW-E	88-07-033	16-231-535	REP	88-09-013
16-30-060	AMD	88-05-003	16-228-410	NEW-E	88-07-033	16-231-625	REP-P	88-06-071
16-30-070	AMD	88-05-003	16-228-420	NEW-E	88-07-033	16-231-625	REP-E	88-07-038
16-30-080	AMD	88-05-003	16-228-430	NEW-E	88-07-033	16-231-625	REP	88-09-013
16-30-090	AMD	88-05-003	16-228-440	NEW-E	88-07-033	16-231-730	REP-P	88-06-071
16-54-010	AMD	88-05-003	16-228-450	NEW-E	88-07-033	16-231-730	REP-E	88-07-038
16-54-082	AMD	88-05-003	16-228-460	NEW-E	88-07-033	16-231-730	REP	88-09-013
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16-86-030	AMD	88-05-003	16-228-480	NEW-E	88-07-033	16-231-845	REP-E	88-07-038
16-86-095	AMD	88-05-003	16-228-490	NEW-E	88-07-033	16-231-845	REP	88-09-013
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16-156-001	NEW	88-07-024	16-228-510	NEW-E	88-07-033	16-231-940	REP-P	88-06-071
16-156-005	NEW-P	88-04-073	16-228-520	NEW-E	88-07-033	16-231-940	REP-E	88-07-038
16-156-005	NEW	88-07-024	16-228-600	NEW-E	88-13-025	16-231-940	REP	88-09-013
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16-156-010	NEW	88-07-024	16-230-030	AMD	88-08-050	16-231-950	NEW-E	88-07-038
16-156-020	NEW-P	88-04-073	16-230-079	NEW-P	88-05-055	16-231-950	NEW	88-09-013
16-156-020	NEW	88-07-024	16-230-079	NEW	88-08-050	16-232-010	AMD	88-05-033
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16-156-060	NEW	88-07-024	16-231-035	REP-P	88-06-071	16-232-035	AMD	88-09-013
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16-228-003	REP	88-14-074	16-231-035	REP	88-09-013	16-232-040	REP-P	88-06-071
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16-228-010	AMD	88-14-074	16-231-119	NEW	88-05-033	16-232-040	REP	88-09-013
16-228-157	NEW-P	88-09-077	16-231-125	AMD	88-05-033	16-232-130	REP-P	88-06-071
16-228-157	NEW	88-14-074	16-231-130	AMD-P	88-06-071	16-232-130	REP-E	88-07-038
16-228-160	AMD-P	88-09-077	16-231-130	AMD-E	88-07-038	16-232-130	REP	88-09-013
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16-232-320	REP-P	88-06-071	16-436-185	AMD	88-11-048	16-750-010	REP	88-07-016
16-232-320	REP-E	88-07-038	16-436-190	AMD-P	88-08-071	16-750-011	NEW-P	88-03-057
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16-304-050	AMD-P	88-07-114	16-470-015	AMD-E	88-12-082	16-750-015	NEW	88-07-016
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16-316-040	REP	88-11-042	16-470-605	NEW-E	88-09-002	16-752-125	NEW	88-04-044
16-316-045	REP-P	88-07-114	16-470-605	NEW-E	88-12-082	16-752-130	NEW	88-04-044
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16-316-060	REP-P	88-07-114	16-470-610	NEW	88-16-016	16-752-160	NEW	88-04-044
16-316-060	REP	88-11-042	16-470-615	NEW-E	88-09-002	16-752-165	NEW	88-04-044
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16-316-195	AMD	88-11-042	16-470-615	NEW-P	88-12-083	16-752-201	NEW	88-04-044
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16-316-370	AMD	88-11-042	16-470-625	NEW	88-16-016	44-10-040	NEW	88-04-081
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16-316-525	AMD	88-11-042	16-470-630	NEW-P	88-12-083	44-10-055	NEW	88-04-081
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16-316-800	AMD-P	88-07-114	16-495-085	AMD-P	88-07-114	44-10-160	NEW	88-04-081
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16-403-195	AMD-P	88-11-068	16-620-240	AMD	88-12-036	44-10-230	NEW-P	88-09-062
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51-12-305	AMD-P 88-14-114	118-40-040	NEW-P 88-15-074	132E-12-284	REP-P 88-13-097
51-12-402	AMD-P 88-14-114	118-40-050	NEW-P 88-15-074	132E-12-287	REP-P 88-13-097
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67-10-060	AMD 88-09-006	132E-12-060	REP-P 88-13-097	132E-12-380	REP-P 88-13-097
67-25-120	AMD-P 88-04-016	132E-12-063	REP-P 88-13-097	132E-12-383	REP-P 88-13-097
67-25-120	AMD 88-09-006	132E-12-066	REP-P 88-13-097	132E-12-386	REP-P 88-13-097
67-25-400	AMD-P 88-04-016	132E-12-069	REP-P 88-13-097	132E-12-389	REP-P 88-13-097
67-25-400	AMD 88-09-006	132E-12-072	REP-P 88-13-097	132E-12-392	REP-P 88-13-097
67-25-404	AMD-P 88-04-016	132E-12-075	REP-P 88-13-097	132E-12-395	REP-P 88-13-097
67-25-404	AMD 88-09-006	132E-12-078	REP-P 88-13-097	132E-12-398	REP-P 88-13-097
67-25-570	AMD-P 88-04-016	132E-12-084	REP-P 88-13-097	132E-12-401	REP-P 88-13-097
67-25-570	AMD 88-09-006	132E-12-087	REP-P 88-13-097	132E-12-404	REP-P 88-13-097
82-50-021	AMD-P 88-13-092	132E-12-096	REP-P 88-13-097	132E-12-407	REP-P 88-13-097
82-50-021	AMD 88-16-027	132E-12-120	REP-P 88-13-097	132E-12-410	REP-P 88-13-097
82-50-031	AMD-P 88-13-092	132E-12-144	REP-P 88-13-097	132E-12-413	REP-P 88-13-097
82-50-031	AMD 88-16-027	132E-12-147	REP-P 88-13-097	132E-12-416	REP-P 88-13-097
82-50-041	REP-P 88-13-092	132E-12-150	REP-P 88-13-097	132E-12-419	REP-P 88-13-097
82-50-041	REP 88-16-027	132E-12-153	REP-P 88-13-097	132E-12-422	REP-P 88-13-097
98-11-005	NEW-P 88-03-062	132E-12-165	REP-P 88-13-097	132E-12-425	REP-P 88-13-097
98-11-005	NEW 88-07-032	132E-12-168	REP-P 88-13-097	132E-12-428	REP-P 88-13-097
98-40-050	AMD-P 88-03-062	132E-12-171	REP-P 88-13-097	132E-12-431	REP-P 88-13-097
98-40-050	AMD 88-07-032	132E-12-174	REP-P 88-13-097	132E-12-434	REP-P 88-13-097
100-100-050	AMD-P 88-11-076	132E-12-177	REP-P 88-13-097	132E-112-010	REP-P 88-06-020
100-100-050	AMD-E 88-11-077	132E-12-180	REP-P 88-13-097	132E-112-010	REP 88-10-014
106-116-850	NEW-P 88-07-017	132E-12-183	REP-P 88-13-097	132E-112-020	REP-P 88-06-020
106-116-850	NEW-E 88-11-065	132E-12-186	REP-P 88-13-097	132E-112-020	REP 88-10-014
106-116-850	NEW 88-11-066	132E-12-189	REP-P 88-13-097	132E-112-030	REP-P 88-06-020
106-116-853	NEW-P 88-07-017	132E-12-192	REP-P 88-13-097	132E-112-030	REP 88-10-014
106-116-853	NEW-E 88-11-065	132E-12-195	REP-P 88-13-097	132E-112-040	REP-P 88-06-020
106-116-853	NEW 88-11-066	132E-12-198	REP-P 88-13-097	132E-112-040	REP 88-10-014
106-116-856	NEW-P 88-07-017	132E-12-201	REP-P 88-13-097	132E-112-050	REP-P 88-06-020
106-116-856	NEW-E 88-11-065	132E-12-204	REP-P 88-13-097	132E-112-050	REP 88-10-014
106-116-856	NEW 88-11-066	132E-12-207	REP-P 88-13-097	132E-112-060	REP-P 88-06-020
106-116-859	NEW-P 88-07-017	132E-12-210	REP-P 88-13-097	132E-112-060	REP 88-10-014
106-116-859	NEW-E 88-11-065	132E-12-212	REP-P 88-13-097	132E-112-070	REP-P 88-06-020
106-116-859	NEW 88-11-066	132E-12-215	REP-P 88-13-097	132E-112-070	REP 88-10-014
106-116-901	AMD-P 88-07-017	132E-12-228	REP-P 88-13-097	132E-112-080	REP-P 88-06-020
106-116-901	AMD-E 88-11-065	132E-12-231	REP-P 88-13-097	132E-112-080	REP 88-10-014
106-116-901	AMD 88-11-066	132E-12-261	REP-P 88-13-097	132E-112-090	REP-P 88-06-020
113-12-200	AMD-P 88-05-058	132E-12-264	REP-P 88-13-097	132E-112-090	REP 88-10-014
113-12-200	AMD-P 88-14-040	132E-12-267	REP-P 88-13-097	132E-112-100	REP-P 88-06-020
114-12-160	AMD-P 88-14-095	132E-12-270	REP-P 88-13-097	132E-112-100	REP 88-10-014

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
132E-112-110	REP-P	88-06-020	132I-14-030	REP	88-07-119	132I-120-430	NEW-P	88-03-048
132E-112-110	REP	88-10-014	132I-14-040	REP-P	88-03-047	132I-120-430	NEW	88-07-120
132E-112-120	REP-P	88-06-020	132I-14-040	REP	88-07-119	132I-120-435	NEW-P	88-03-048
132E-112-120	REP	88-10-014	132I-14-050	REP-P	88-03-047	132I-120-435	NEW	88-07-120
132E-112-130	REP-P	88-06-020	132I-14-050	REP	88-07-119	132I-120-440	NEW-P	88-03-048
132E-112-130	REP	88-10-014	132I-14-060	REP-P	88-03-047	132I-120-440	NEW	88-07-120
132E-112-140	REP-P	88-06-020	132I-14-060	REP	88-07-119	132I-120-445	NEW-P	88-03-048
132E-112-140	REP	88-10-014	132I-14-070	REP-P	88-03-047	132I-120-445	NEW	88-07-120
132E-112-150	REP-P	88-06-020	132I-14-070	REP	88-07-119	132I-120-500	NEW-P	88-03-048
132E-112-150	REP	88-10-014	132I-14-080	REP-P	88-03-047	132I-120-500	NEW	88-07-120
132E-112-160	REP-P	88-06-020	132I-14-080	REP	88-07-119	132I-120-510	NEW-P	88-03-048
132E-112-160	REP	88-10-014	132I-14-090	REP-P	88-03-047	132I-120-510	NEW	88-07-120
132E-112-170	REP-P	88-06-020	132I-14-090	REP	88-07-119	132I-120-520	NEW-P	88-03-048
132E-112-170	REP	88-10-014	132I-14-100	REP-P	88-03-047	132I-120-520	NEW	88-07-120
132E-112-180	REP-P	88-06-020	132I-14-100	REP	88-07-119	132N-20-010	NEW-P	88-11-047
132E-112-180	REP	88-10-014	132I-14-110	REP-P	88-03-047	132N-20-010	NEW	88-16-068
132E-112-190	REP-P	88-06-020	132I-14-110	REP	88-07-119	132N-20-020	NEW-P	88-11-047
132E-112-190	REP	88-10-014	132I-14-120	REP-P	88-03-047	132N-20-020	NEW	88-16-068
132E-112-200	REP-P	88-06-020	132I-14-120	REP	88-07-119	132N-20-030	NEW-P	88-11-047
132E-112-200	REP	88-10-014	132I-14-130	REP-P	88-03-047	132N-20-030	NEW	88-16-068
132E-112-210	REP-P	88-06-020	132I-14-130	REP	88-07-119	132N-20-040	NEW-P	88-11-047
132E-112-210	REP	88-10-014	132I-14-140	REP-P	88-03-047	132N-20-040	NEW	88-16-068
132E-112-220	REP-P	88-06-020	132I-14-140	REP	88-07-119	132N-20-050	NEW-P	88-11-047
132E-112-220	REP	88-10-014	132I-14-150	REP-P	88-03-047	132N-20-050	NEW	88-16-068
132E-112-230	REP-P	88-06-020	132I-14-150	REP	88-07-119	132N-20-060	NEW-P	88-11-047
132E-112-230	REP	88-10-014	132I-14-160	REP-P	88-03-047	132N-20-060	NEW	88-16-068
132E-120-050	REP-P	88-13-001	132I-14-160	REP	88-07-119	132N-20-070	NEW-P	88-11-047
132E-120-060	REP-P	88-13-001	132I-14-170	REP-P	88-03-047	132N-20-070	NEW	88-16-068
132E-120-070	REP-P	88-13-001	132I-14-170	REP	88-07-119	132N-20-080	NEW-P	88-11-047
132E-120-080	REP-P	88-13-001	132I-14-180	REP-P	88-03-047	132N-20-080	NEW	88-16-068
132E-121-010	NEW-P	88-13-096	132I-14-180	REP	88-07-119	132N-20-090	NEW-P	88-11-047
132E-124-030	REP-P	88-08-022	132I-14-190	REP-P	88-03-047	132N-20-090	NEW	88-16-068
132E-124-030	REP	88-12-004	132I-14-190	REP	88-07-119	132P-40-001	NEW-P	88-04-024
132E-124-040	REP-P	88-08-022	132I-14-200	REP-P	88-03-047	132P-40-001	NEW	88-12-012
132E-124-040	REP	88-12-004	132I-14-200	REP	88-07-119	132R-210-015	REP-P	88-15-001
132E-124-050	REP-P	88-08-022	132I-14-210	REP-P	88-03-047	132R-210-020	REP-P	88-15-001
132E-124-050	REP	88-12-004	132I-14-210	REP	88-07-119	132R-210-030	REP-P	88-15-001
132E-124-060	REP-P	88-08-022	132I-120-010	NEW-P	88-03-048	132R-210-040	REP-P	88-15-001
132E-124-060	REP	88-12-004	132I-120-010	NEW	88-07-120	132R-210-060	REP-P	88-15-001
132E-168-010	REP-P	88-08-019	132I-120-020	NEW-P	88-03-048	132R-210-070	REP-P	88-15-001
132E-168-010	REP	88-12-006	132I-120-020	NEW	88-07-120	132R-210-110	REP-P	88-15-001
132E-168-020	REP-P	88-08-019	132I-120-030	NEW-P	88-03-048	132R-210-120	REP-P	88-15-001
132E-168-020	REP	88-12-006	132I-120-030	NEW	88-07-120	132R-210-130	REP-P	88-15-001
132E-168-030	REP-P	88-08-019	132I-120-100	NEW-P	88-03-048	132R-210-140	REP-P	88-15-001
132E-168-030	REP	88-12-006	132I-120-100	NEW	88-07-120	132R-210-150	REP-P	88-15-001
132E-168-040	REP-P	88-08-019	132I-120-300	NEW-P	88-03-048	132R-210-160	REP-P	88-15-001
132E-168-040	REP	88-12-006	132I-120-300	NEW	88-07-120	132R-210-170	REP-P	88-15-001
132E-168-050	REP-P	88-08-019	132I-120-305	NEW-P	88-03-048	132R-210-175	REP-P	88-15-001
132E-168-050	REP	88-12-006	132I-120-305	NEW	88-07-120	132R-210-180	REP-P	88-15-001
132E-168-060	REP-P	88-08-019	132I-120-310	NEW-P	88-03-048	132R-210-210	REP-P	88-15-001
132E-168-060	REP	88-12-006	132I-120-310	NEW	88-07-120	132R-210-220	REP-P	88-15-001
132E-168-070	REP-P	88-08-019	132I-120-315	NEW-P	88-03-048	132R-210-230	REP-P	88-15-001
132E-168-070	REP	88-12-006	132I-120-315	NEW	88-07-120	132R-210-240	REP-P	88-15-001
132E-168-080	REP-P	88-08-019	132I-120-320	NEW-P	88-03-048	132R-210-250	REP-P	88-15-001
132E-168-080	REP	88-12-006	132I-120-320	NEW	88-07-120	132R-210-260	REP-P	88-15-001
132E-168-090	REP-P	88-08-019	132I-120-325	NEW-P	88-03-048	132R-210-265	REP-P	88-15-001
132E-168-090	REP	88-12-006	132I-120-325	NEW	88-07-120	132R-210-270	REP-P	88-15-001
132E-276-030	AMD-P	88-08-053	132I-120-330	NEW-P	88-03-048	132R-210-275	REP-P	88-15-001
132E-276-030	AMD	88-12-005	132I-120-330	NEW	88-07-120	132R-210-280	REP-P	88-15-001
132E-276-060	AMD-P	88-10-023	132I-120-335	NEW-P	88-03-048	132R-210-310	REP-P	88-15-001
132E-276-060	AMD	88-14-013	132I-120-335	NEW	88-07-120	132R-210-320	REP-P	88-15-001
132E-276-070	AMD-P	88-10-023	132I-120-340	NEW-P	88-03-048	132R-210-330	REP-P	88-15-001
132E-276-070	AMD	88-14-013	132I-120-340	NEW	88-07-120	132R-210-335	REP-P	88-15-001
132F-120-090	AMD-P	88-03-044	132I-120-345	NEW-P	88-03-048	132R-210-340	REP-P	88-15-001
132F-120-090	AMD	88-08-069	132I-120-345	NEW	88-07-120	132R-210-350	REP-P	88-15-001
132H-105-140	AMD-P	88-06-058	132I-120-400	NEW-P	88-03-048	132R-210-360	REP-P	88-15-001
132H-105-140	AMD-P	88-07-089	132I-120-400	NEW	88-07-120	132R-210-405	REP-P	88-15-001
132H-105-140	AMD	88-13-047	132I-120-405	NEW-P	88-03-048	132R-210-410	REP-P	88-15-001
132H-200-200	NEW-P	88-04-059	132I-120-405	NEW	88-07-120	132R-210-415	REP-P	88-15-001
132H-200-200	NEW	88-07-036	132I-120-410	NEW-P	88-03-048	132R-210-420	REP-P	88-15-001
132H-200-250	NEW-P	88-07-088	132I-120-410	NEW	88-07-120	132R-210-425	REP-P	88-15-001
132H-200-250	NEW	88-13-048	132I-120-415	NEW-P	88-03-048	132R-210-430	REP-P	88-15-001
132I-14-010	REP-P	88-03-047	132I-120-415	NEW	88-07-120	132R-210-435	REP-P	88-15-001
132I-14-010	REP	88-07-119	132I-120-420	NEW-P	88-03-048	132R-210-440	REP-P	88-15-001
132I-14-020	REP-P	88-03-047	132I-120-420	NEW	88-07-120	132R-210-445	REP-P	88-15-001
132I-14-020	REP	88-07-119	132I-120-425	NEW-P	88-03-048	132R-210-450	REP-P	88-15-001
132I-14-030	REP-P	88-03-047	132I-120-425	NEW	88-07-120	132R-210-455	REP-P	88-15-001

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132U-80-340	REP 88-15-005	132U-120-270	NEW 88-15-005	132U-300	NEW-C 88-12-020
132U-80-350	REP-P 88-07-029	132U-120-280	NEW-P 88-07-029	132U-300-010	NEW-P 88-07-029
132U-80-350	REP 88-15-005	132U-120-280	NEW 88-15-005	132U-300-010	NEW 88-15-005
132U-80-360	REP-P 88-07-029	132U-120-290	NEW-P 88-07-029	132U-300-020	NEW-P 88-07-029
132U-80-360	REP 88-15-005	132U-120-290	NEW 88-15-005	132U-300-020	NEW 88-15-005
132U-80-370	REP-P 88-07-029	132U-120-300	NEW-P 88-07-029	132U-325	NEW-C 88-12-020
132U-80-370	REP 88-15-005	132U-120-300	NEW 88-15-005	132U-325-010	NEW-P 88-07-029
132U-104	NEW-C 88-12-020	132U-120-310	NEW-P 88-07-029	132U-325-010	NEW 88-15-005
132U-104-010	NEW-P 88-07-029	132U-120-310	NEW 88-15-005	132Y-20-010	REP-P 88-06-023
132U-104-010	NEW 88-15-005	132U-120-320	NEW-P 88-07-029	132Y-140-001	REP-P 88-06-024
132U-104-020	NEW-P 88-07-029	132U-120-320	NEW 88-15-005	132Y-140-001	REP 88-13-013
132U-104-020	NEW 88-15-005	132U-120-330	NEW-P 88-07-029	132Y-140-101	REP-P 88-06-024
132U-104-030	NEW-P 88-07-029	132U-120-330	NEW 88-15-005	132Y-140-101	REP 88-13-013
132U-104-030	NEW 88-15-005	132U-122	NEW-C 88-12-020	132Y-140-108	REP-P 88-06-024
132U-116-010	NEW-E 88-02-047	132U-122-010	NEW-P 88-07-029	132Y-140-108	REP 88-13-013
132U-116-010	NEW-P 88-04-070	132U-122-010	NEW 88-15-005	132Y-140-112	REP-P 88-06-024
132U-116-010	NEW 88-07-057	132U-122-020	NEW-P 88-07-029	132Y-140-112	REP 88-13-013
132U-116-020	NEW-E 88-02-047	132U-122-020	NEW 88-15-005	132Y-140-116	REP-P 88-06-024
132U-116-020	NEW-P 88-04-070	132U-140	NEW-C 88-12-020	132Y-140-116	REP 88-13-013
132U-116-020	NEW 88-07-057	132U-140-010	NEW-P 88-07-029	136-15-010	NEW-P 88-12-079
132U-116-030	NEW-E 88-02-047	132U-140-010	NEW 88-15-005	136-15-010	NEW 88-16-017
132U-116-030	NEW-P 88-04-070	132U-140-020	NEW-P 88-07-029	136-15-020	NEW-P 88-12-079
132U-116-030	NEW 88-07-057	132U-140-020	NEW 88-15-005	136-15-020	NEW 88-16-017
132U-116-030	NEW 88-07-057	132U-140-030	NEW-P 88-07-029	136-15-030	NEW-P 88-12-079
132U-120	NEW-C 88-12-020	132U-140-030	NEW 88-15-005	136-15-030	NEW 88-16-017
132U-120-010	NEW-P 88-07-029	132U-140-040	NEW-P 88-07-029	136-15-040	NEW-P 88-12-079
132U-120-010	NEW 88-15-005	132U-140-040	NEW 88-15-005	136-15-040	NEW 88-16-017
132U-120-020	NEW-P 88-07-029	132U-140-050	NEW-P 88-07-029	136-15-050	NEW-P 88-12-079
132U-120-020	NEW 88-15-005	132U-140-050	NEW 88-15-005	136-15-050	NEW 88-16-017
132U-120-030	NEW-P 88-07-029	132U-140-060	NEW-P 88-07-029	136-15-060	NEW-P 88-12-079
132U-120-030	NEW 88-15-005	132U-140-060	NEW 88-15-005	136-15-060	NEW 88-16-017
132U-120-040	NEW-P 88-07-029	132U-140-070	NEW-P 88-07-029	136-130-050	AMD-C 88-09-034
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132U-120-050	NEW-P 88-07-029	132U-140-070	NEW 88-15-005	136-130-060	AMD 88-05-040
132U-120-050	NEW 88-15-005	132U-276	NEW-C 88-12-020	136-130-070	AMD 88-05-040
132U-120-060	NEW-P 88-07-029	132U-276-100	NEW-P 88-07-029	136-160-050	AMD 88-05-040
132U-120-060	NEW 88-15-005	132U-276-100	NEW 88-15-005	136-160-060	AMD-P 88-12-079
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132U-120-070	NEW 88-15-005	132U-276-110	NEW 88-15-005	136-160-065	NEW 88-05-040
132U-120-080	NEW-P 88-07-029	132U-276-120	NEW-P 88-07-029	136-220-020	AMD-P 88-12-079
132U-120-080	NEW 88-15-005	132U-276-120	NEW 88-15-005	136-220-020	AMD 88-16-017
132U-120-090	NEW-P 88-07-029	132U-276-130	NEW-P 88-07-029	136-220-030	AMD-P 88-12-079
132U-120-090	NEW 88-15-005	132U-276-130	NEW 88-15-005	136-220-030	AMD 88-16-017
132U-120-100	NEW-P 88-07-029	132U-276-140	NEW-P 88-07-029	137-60-040	AMD-W 88-04-043
132U-120-100	NEW 88-15-005	132U-276-140	NEW 88-15-005	137-78-010	NEW-P 88-12-002
132U-120-110	NEW-P 88-07-029	132U-276-150	NEW-P 88-07-029	137-78-020	NEW-P 88-12-002
132U-120-110	NEW 88-15-005	132U-276-150	NEW 88-15-005	137-78-030	NEW-P 88-12-002
132U-120-120	NEW-P 88-07-029	132U-276-160	NEW-P 88-07-029	137-78-040	NEW-P 88-12-002
132U-120-120	NEW 88-15-005	132U-276-160	NEW 88-15-005	137-78-050	NEW-P 88-12-002
132U-120-130	NEW-P 88-07-029	132U-276-170	NEW-P 88-07-029	137-78-060	NEW-P 88-12-002
132U-120-130	NEW 88-15-005	132U-276-170	NEW 88-15-005	137-78-070	NEW-P 88-12-002
132U-120-140	NEW-P 88-07-029	132U-276-180	NEW-P 88-07-029	137-78-080	NEW-P 88-12-002
132U-120-140	NEW 88-15-005	132U-276-180	NEW 88-15-005	139-05-810	NEW-P 88-15-028
132U-120-150	NEW-P 88-07-029	132U-276-190	NEW-P 88-07-029	139-25-110	NEW-P 88-15-029
132U-120-150	NEW 88-15-005	132U-276-190	NEW 88-15-005	154-04-040	AMD-P 88-09-075
132U-120-160	NEW-P 88-07-029	132U-276-200	NEW-P 88-07-029	154-04-040	AMD 88-12-028
132U-120-160	NEW 88-15-005	132U-276-200	NEW 88-15-005	154-12-015	AMD-P 88-09-075
132U-120-170	NEW-P 88-07-029	132U-276-210	NEW-P 88-07-029	154-12-015	AMD 88-12-028
132U-120-170	NEW 88-15-005	132U-276-210	NEW 88-15-005	154-12-020	AMD-P 88-09-075
132U-120-180	NEW-P 88-07-029	132U-276-220	NEW-P 88-07-029	154-12-020	AMD 88-12-028
132U-120-180	NEW 88-15-005	132U-276-220	NEW 88-15-005	154-12-030	AMD-P 88-09-075
132U-120-190	NEW-P 88-07-029	132U-276-230	NEW-P 88-07-029	154-12-030	AMD 88-12-028
132U-120-190	NEW 88-15-005	132U-276-230	NEW 88-15-005	154-12-110	AMD-P 88-09-075
132U-120-200	NEW-P 88-07-029	132U-276-240	NEW-P 88-07-029	154-12-110	AMD 88-12-028
132U-120-200	NEW 88-15-005	132U-276-240	NEW 88-15-005	154-24-010	AMD-P 88-09-075
132U-120-210	NEW-P 88-07-029	132U-280	NEW-C 88-12-020	154-24-010	AMD 88-12-028
132U-120-210	NEW 88-15-005	132U-280-010	NEW-P 88-07-029	154-110-010	NEW-P 88-07-104
132U-120-220	NEW-P 88-07-029	132U-280-010	NEW 88-15-005	154-110-010	NEW 88-11-028
132U-120-220	NEW 88-15-005	132U-280-015	NEW-P 88-07-029	154-110-015	NEW-P 88-07-104
132U-120-230	NEW-P 88-07-029	132U-280-015	NEW 88-15-005	154-110-015	NEW 88-11-028
132U-120-230	NEW 88-15-005	132U-280-020	NEW-P 88-07-029	154-110-020	NEW-P 88-07-104
132U-120-240	NEW-P 88-07-029	132U-280-020	NEW 88-15-005	154-110-020	NEW 88-11-028
132U-120-240	NEW 88-15-005	132U-280-025	NEW-P 88-07-029	154-110-030	NEW-P 88-07-104
132U-120-250	NEW-P 88-07-029	132U-280-025	NEW 88-15-005	154-110-030	NEW 88-11-028
132U-120-250	NEW 88-15-005	132U-280-030	NEW-P 88-07-029	154-120-010	NEW-P 88-07-104
132U-120-260	NEW-P 88-07-029	132U-280-030	NEW 88-15-005	154-120-010	NEW 88-11-028
132U-120-260	NEW 88-15-005	132U-280-035	NEW-P 88-07-029		

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154-120-015	NEW 88-11-028	162-18-090	REP-P 88-09-080	173-95-120	NEW 88-14-125
154-120-020	NEW-P 88-07-104	162-18-100	REP-P 88-09-080	173-95-130	NEW-P 88-09-076
154-120-020	NEW 88-11-028	162-18-110	NEW-P 88-09-080	173-95-130	NEW 88-14-125
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154-120-025	NEW 88-11-028	162-18-130	NEW-P 88-09-080	173-95-140	NEW 88-14-125
154-120-030	NEW-P 88-07-104	162-18-140	NEW-P 88-09-080	173-95-150	NEW-P 88-09-076
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154-120-035	NEW 88-11-028	162-19-010	NEW-P 88-09-080	173-95-160	NEW 88-14-125
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154-120-040	NEW 88-11-028	162-19-030	NEW-P 88-09-080	173-100-050	AMD 88-13-037
154-120-045	NEW-P 88-07-104	162-19-040	NEW-P 88-09-080	173-100-160	NEW-P 88-09-054
154-120-045	NEW 88-11-028	162-19-060	NEW-P 88-09-080	173-100-160	NEW 88-13-037
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154-120-050	NEW 88-11-028	162-19-080	NEW-P 88-09-080	173-110-010	NEW-E 88-14-126
154-120-055	NEW-P 88-07-104	162-19-090	NEW-P 88-09-080	173-110-020	NEW-E 88-08-020
154-120-055	NEW 88-11-028	173-14	AMD-C 88-04-091	173-110-020	NEW-E 88-14-126
154-130-010	NEW-P 88-07-104	173-14-030	AMD-W 88-07-006	173-110-030	NEW-E 88-08-020
154-130-010	NEW 88-11-028	173-14-030	AMD-P 88-12-067	173-110-030	NEW-E 88-14-126
154-130-020	NEW-P 88-07-104	173-14-060	AMD-W 88-07-006	173-110-040	NEW-E 88-08-020
154-130-020	NEW 88-11-028	173-14-061	NEW-W 88-07-006	173-110-040	NEW-E 88-14-126
154-130-030	NEW-P 88-07-104	173-18-280	AMD 88-03-070	173-110-050	NEW-E 88-08-020
154-130-030	NEW 88-11-028	173-19-130	AMD 88-07-009	173-110-050	NEW-E 88-14-126
154-140-010	NEW-P 88-07-104	173-19-210	AMD-P 88-16-104	173-110-060	NEW-E 88-08-020
154-140-010	NEW 88-11-028	173-19-220	AMD-P 88-03-069	173-110-060	NEW-E 88-14-126
154-140-020	NEW-P 88-07-104	173-19-220	AMD-P 88-08-063	173-110-070	NEW-E 88-08-020
154-140-020	NEW 88-11-028	173-19-220	AMD 88-08-089	173-110-070	NEW-E 88-14-126
154-140-030	NEW-P 88-07-104	173-19-220	AMD-C 88-14-091	173-110-080	NEW-E 88-08-020
154-140-030	NEW 88-11-028	173-19-2201	AMD-P 88-08-064	173-110-080	NEW-E 88-14-126
154-150-010	NEW-P 88-07-104	173-19-2201	AMD-C 88-14-091	173-110-090	NEW-E 88-08-020
154-150-010	NEW 88-11-028	173-19-2202	AMD-P 88-08-065	173-110-090	NEW-E 88-14-126
154-150-020	NEW-P 88-07-104	173-19-2202	AMD-C 88-14-091	173-110-100	NEW-E 88-08-020
154-150-020	NEW 88-11-028	173-19-2204	AMD-P 88-08-066	173-110-100	NEW-E 88-14-126
154-150-030	NEW-P 88-07-104	173-19-2204	AMD-C 88-14-091	173-124-06001	REP-P 88-09-054
154-150-030	NEW 88-11-028	173-19-2207	AMD-P 88-08-067	173-124-06001	REP 88-13-037
154-150-040	NEW-P 88-07-104	173-19-2207	AMD-C 88-14-091	173-124-070	NEW-P 88-09-054
154-150-040	NEW 88-11-028	173-19-2208	AMD-P 88-08-068	173-124-070	NEW 88-13-037
154-150-050	NEW-P 88-07-104	173-19-2208	AMD-C 88-14-091	173-124-080	NEW-P 88-09-054
154-150-050	NEW 88-11-028	173-19-2507	AMD-C 88-04-092	173-124-080	NEW 88-13-037
154-160-010	NEW-P 88-07-104	173-19-2507	AMD 88-07-008	173-128A-060	NEW-P 88-09-054
154-160-010	NEW 88-11-028	173-19-2516	AMD-P 88-12-068	173-128A-060	NEW 88-13-037
154-160-020	NEW-P 88-07-104	173-19-2601	AMD-P 88-16-103	173-130A-215	NEW-P 88-09-054
154-160-020	NEW 88-11-028	173-19-310	AMD-W 88-02-053	173-130A-215	NEW 88-13-037
154-170-010	NEW-P 88-07-104	173-19-310	AMD-P 88-02-054	173-130A-217	NEW-P 88-09-054
154-170-010	NEW 88-11-028	173-19-310	AMD 88-07-010	173-130A-217	NEW 88-13-037
154-180-010	NEW-P 88-07-104	173-19-3302	AMD 88-02-064	173-130A-220	AMD-P 88-09-054
154-180-010	NEW 88-11-028	173-19-3501	AMD-P 88-05-066	173-130A-220	AMD 88-13-037
154-180-020	NEW-P 88-07-104	173-19-3501	AMD 88-10-059	173-132-060	NEW-P 88-09-054
154-180-020	NEW 88-11-028	173-19-3512	AMD-C 88-02-063	173-132-060	NEW 88-13-037
154-180-030	NEW-P 88-07-104	173-19-3512	AMD-C 88-04-093	173-134A-150	AMD-P 88-09-054
154-180-030	NEW 88-11-028	173-19-3512	AMD 88-07-007	173-134A-150	AMD 88-13-037
154-180-040	NEW-P 88-07-104	173-19-360	AMD-P 88-12-069	173-134A-165	NEW-P 88-09-054
154-180-040	NEW 88-11-028	173-19-360	AMD-C 88-13-119	173-134A-165	NEW 88-13-037
154-180-050	NEW-P 88-07-104	173-22-0648	AMD 88-03-070	173-134A-170	AMD-P 88-09-054
154-180-050	NEW 88-11-028	173-95-010	NEW-P 88-09-076	173-134A-170	AMD 88-13-037
154-180-060	NEW-P 88-07-104	173-95-010	NEW 88-14-125	173-136-095	NEW-P 88-09-054
154-180-060	NEW 88-11-028	173-95-020	NEW-P 88-09-076	173-136-095	NEW 88-13-037
154-180-070	NEW-P 88-07-104	173-95-020	NEW 88-14-125	173-136-100	AMD-P 88-09-054
154-180-070	NEW 88-11-028	173-95-030	NEW-P 88-09-076	173-136-100	AMD 88-13-037
154-190-010	NEW-P 88-07-104	173-95-030	NEW 88-14-125	173-136-110	NEW-P 88-09-054
154-190-010	NEW 88-11-028	173-95-040	NEW-P 88-09-076	173-136-110	NEW 88-13-037
154-200-010	NEW-P 88-07-104	173-95-040	NEW 88-14-125	173-150-125	NEW-P 88-09-054
154-200-010	NEW 88-11-028	173-95-050	NEW-P 88-09-076	173-150-125	NEW 88-13-037
154-200-020	NEW-P 88-07-104	173-95-050	NEW 88-14-125	173-150-130	AMD-P 88-09-054
154-200-020	NEW 88-11-028	173-95-060	NEW-P 88-09-076	173-150-130	AMD 88-13-037
154-200-030	NEW-P 88-07-104	173-95-060	NEW 88-14-125	173-150-135	NEW-P 88-09-054
154-200-030	NEW 88-11-028	173-95-070	NEW-P 88-09-076	173-150-135	NEW 88-13-037
154-200-040	NEW-P 88-07-104	173-95-070	NEW 88-14-125	173-154-095	NEW-P 88-09-054
154-200-040	NEW 88-11-028	173-95-080	NEW-P 88-09-076	173-154-095	NEW 88-13-037
162-18-010	REP-P 88-09-080	173-95-080	NEW 88-14-125	173-154-100	AMD-P 88-09-054
162-18-020	REP-P 88-09-080	173-95-090	NEW-P 88-09-076	173-154-100	AMD 88-13-037
162-18-030	REP-P 88-09-080	173-95-090	NEW 88-14-125	173-154-105	NEW-P 88-09-054
162-18-040	REP-P 88-09-080	173-95-100	NEW-P 88-09-076	173-154-105	NEW 88-13-037
162-18-050	REP-P 88-09-080	173-95-100	NEW 88-14-125	173-158-010	NEW-P 88-05-042
162-18-060	REP-P 88-09-080	173-95-110	NEW-P 88-09-076	173-158-010	NEW 88-10-058
162-18-070	REP-P 88-09-080	173-95-110	NEW 88-14-125	173-158-020	NEW-P 88-05-042

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173-158-030	NEW-P	88-05-042	173-160-330	REP	88-08-070	173-220-090	AMD-P	88-13-095
173-158-030	NEW	88-10-058	173-160-335	NEW	88-08-070	173-220-100	AMD-P	88-13-095
173-158-040	NEW-P	88-05-042	173-160-340	REP	88-08-070	173-220-120	AMD-P	88-13-095
173-158-040	NEW	88-10-058	173-160-345	NEW	88-08-070	173-220-130	AMD-P	88-13-095
173-158-050	NEW-P	88-05-042	173-160-350	REP	88-08-070	173-220-140	AMD-P	88-13-095
173-158-050	NEW	88-10-058	173-160-355	NEW	88-08-070	173-220-150	AMD-P	88-07-103
173-158-060	NEW-P	88-05-042	173-160-360	REP	88-08-070	173-220-150	AMD	88-12-035
173-158-060	NEW	88-10-058	173-160-365	NEW	88-08-070	173-220-150	AMD-P	88-13-095
173-158-070	NEW-P	88-05-042	173-160-370	REP	88-08-070	173-220-160	AMD-P	88-13-095
173-158-070	NEW	88-10-058	173-160-375	NEW	88-08-070	173-220-180	AMD-P	88-13-095
173-158-080	NEW-P	88-05-042	173-160-380	REP	88-08-070	173-220-190	AMD-P	88-13-095
173-158-080	NEW	88-10-058	173-160-385	NEW	88-08-070	173-220-200	AMD-P	88-13-095
173-158-090	NEW-P	88-05-042	173-160-395	NEW	88-08-070	173-220-210	AMD-P	88-13-095
173-158-090	NEW	88-10-058	173-160-405	NEW	88-08-070	173-220-220	REP-P	88-13-095
173-158-100	NEW-P	88-05-042	173-160-415	NEW	88-08-070	173-220-225	AMD-P	88-13-095
173-158-100	NEW	88-10-058	173-160-420	NEW	88-08-070	173-222-015	AMD-P	88-07-103
173-158-110	NEW-P	88-05-042	173-160-425	NEW	88-08-070	173-222-015	AMD	88-12-035
173-158-110	NEW	88-10-058	173-160-435	NEW	88-08-070	173-223-015	NEW-P	88-07-103
173-158-120	NEW-P	88-05-042	173-160-445	NEW	88-08-070	173-223-015	NEW	88-12-035
173-158-120	NEW	88-10-058	173-160-455	NEW	88-08-070	173-223-020	NEW-P	88-07-103
173-160	AMD-C	88-04-071	173-160-465	NEW	88-08-070	173-223-020	NEW	88-12-035
173-160	AMD	88-08-070	173-160-475	NEW	88-08-070	173-223-030	NEW-P	88-07-103
173-160-010	AMD	88-08-070	173-160-500	NEW	88-08-070	173-223-030	NEW	88-12-035
173-160-020	AMD	88-08-070	173-160-510	NEW	88-08-070	173-223-040	NEW-P	88-07-103
173-160-030	AMD	88-08-070	173-160-520	NEW	88-08-070	173-223-040	NEW	88-12-035
173-160-040	AMD	88-08-070	173-160-530	NEW	88-08-070	173-223-050	NEW-P	88-07-103
173-160-050	AMD	88-08-070	173-160-540	NEW	88-08-070	173-223-050	NEW	88-12-035
173-160-055	NEW	88-08-070	173-160-550	NEW	88-08-070	173-223-060	NEW-P	88-07-103
173-160-060	REP	88-08-070	173-160-560	NEW	88-08-070	173-223-060	NEW	88-12-035
173-160-065	NEW	88-08-070	173-162	AMD-C	88-04-071	173-223-070	NEW-P	88-07-103
173-160-070	REP	88-08-070	173-162	AMD	88-08-070	173-223-070	NEW	88-12-035
173-160-075	NEW	88-08-070	173-162-010	AMD	88-08-070	173-223-080	NEW-P	88-07-103
173-160-080	REP	88-08-070	173-162-020	AMD	88-08-070	173-223-080	NEW	88-12-035
173-160-085	NEW	88-08-070	173-162-030	AMD	88-08-070	173-223-090	NEW-P	88-07-103
173-160-090	REP	88-08-070	173-162-040	AMD	88-08-070	173-223-090	NEW	88-12-035
173-160-09001	REP	88-08-070	173-162-050	AMD	88-08-070	173-223-100	NEW-P	88-07-103
173-160-095	NEW	88-08-070	173-162-060	AMD	88-08-070	173-223-100	NEW	88-12-035
173-160-100	REP	88-08-070	173-162-100	AMD	88-08-070	173-223-110	NEW	88-12-035
173-160-105	NEW	88-08-070	173-162-110	REP	88-08-070	173-223-120	NEW-P	88-07-103
173-160-110	REP	88-08-070	173-162-130	AMD	88-08-070	173-303	AMD-C	88-03-074
173-160-115	NEW	88-08-070	173-162-140	AMD	88-08-070	173-303	AMD-C	88-06-041
173-160-120	REP	88-08-070	173-162-150	REP	88-08-070	173-303-120	AMD	88-07-039
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173-160-130	REP	88-08-070	173-162-170	AMD	88-08-070	173-303-140	AMD	88-02-057
173-160-135	NEW	88-08-070	173-162-180	REP	88-08-070	173-303-170	AMD	88-02-057
173-160-140	REP	88-08-070	173-162-190	AMD	88-08-070	173-303-280	AMD	88-02-057
173-160-150	REP	88-08-070	173-162-200	NEW	88-08-070	173-303-281	NEW-P	88-13-116
173-160-160	REP	88-08-070	173-162-210	NEW	88-08-070	173-303-283	NEW-P	88-13-116
173-160-170	REP	88-08-070	173-162-220	NEW	88-08-070	173-303-284	NEW	88-07-039
173-160-180	REP	88-08-070	173-164-050	AMD-P	88-09-054	173-303-284	REP-P	88-13-116
173-160-190	REP	88-08-070	173-164-050	AMD	88-13-037	173-303-285	NEW	88-07-039
173-160-200	REP	88-08-070	173-164-080	NEW-P	88-09-054	173-303-285	REP-P	88-13-116
173-160-205	NEW	88-08-070	173-164-080	NEW	88-13-037	173-303-286	NEW	88-07-039
173-160-210	REP	88-08-070	173-166-070	NEW-P	88-09-054	173-303-286	REP-P	88-13-116
173-160-215	NEW	88-08-070	173-166-070	NEW	88-13-037	173-303-400	AMD	88-02-057
173-160-220	REP	88-08-070	173-201	AMD	88-02-058	173-303-420	AMD	88-07-039
173-160-225	NEW	88-08-070	173-201-010	AMD	88-02-058	173-303-420	AMD-P	88-13-116
173-160-230	REP	88-08-070	173-201-025	AMD	88-02-058	173-303-430	AMD	88-07-039
173-160-235	NEW	88-08-070	173-201-035	AMD	88-02-058	173-303-440	AMD	88-07-039
173-160-240	REP	88-08-070	173-201-045	AMD	88-02-058	173-303-510	AMD	88-07-039
173-160-245	NEW	88-08-070	173-201-047	NEW	88-02-058	173-303-510	AMD-P	88-13-116
173-160-250	REP	88-08-070	173-201-070	AMD	88-02-058	173-303-520	AMD	88-07-039
173-160-255	NEW	88-08-070	173-201-080	AMD	88-02-058	173-303-520	AMD-P	88-13-116
173-160-260	REP	88-08-070	173-201-090	AMD	88-02-058	173-303-560	AMD	88-07-039
173-160-265	NEW	88-08-070	173-201-100	AMD	88-02-058	173-303-560	AMD-P	88-13-116
173-160-270	REP	88-08-070	173-202-020	AMD-P	88-12-097	173-303-600	AMD	88-07-039
173-160-275	NEW	88-08-070	173-216-130	AMD-P	88-07-103	173-303-600	AMD-P	88-13-116
173-160-280	REP	88-08-070	173-216-130	AMD	88-12-035	173-303-650	AMD	88-07-039
173-160-285	NEW	88-08-070	173-220-010	AMD-P	88-13-095	173-303-650	AMD-P	88-13-116
173-160-290	REP	88-08-070	173-220-020	AMD-P	88-13-095	173-303-665	AMD	88-02-057
173-160-295	NEW	88-08-070	173-220-030	AMD-P	88-13-095	173-303-800	AMD	88-07-039
173-160-300	REP	88-08-070	173-220-040	AMD-P	88-13-095	173-303-800	AMD-P	88-13-116
173-160-305	NEW	88-08-070	173-220-045	AMD-P	88-13-095	173-303-802	AMD	88-07-039
173-160-310	REP	88-08-070	173-220-050	AMD-P	88-13-095	173-303-802	AMD-P	88-13-116
173-160-315	NEW	88-08-070	173-220-060	AMD-P	88-13-095	173-303-805	AMD	88-07-039
173-160-320	REP	88-08-070	173-220-070	AMD-P	88-13-095	173-303-805	AMD-P	88-13-116

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173-303-806	AMD-P	88-13-116	173-309-090	NEW-E	88-09-050	173-435-040	AMD-P	88-10-053
173-303-901	NEW	88-07-039	173-309-090	NEW-C	88-11-067	173-435-050	AMD-P	88-10-053
173-303-901	REP-P	88-13-116	173-309-090	NEW-E	88-15-057	173-435-060	AMD-P	88-10-053
173-303-905	NEW-P	88-13-116	173-326-010	AMD-P	88-15-071	173-435-070	AMD-P	88-10-053
173-303-910	AMD	88-02-057	173-326-040	AMD-P	88-15-071	173-470-030	AMD-P	88-10-053
173-304	AMD-C	88-08-062	173-335-010	NEW-E	88-12-070	173-470-100	AMD-P	88-10-053
173-304-100	AMD-P	88-04-074	173-335-010	NEW-P	88-12-071	173-500-010	AMD-P	88-09-054
173-304-100	AMD-W	88-14-109	173-335-020	NEW-E	88-12-070	173-500-010	AMD	88-13-037
173-304-100	AMD-P	88-14-110	173-335-020	NEW-P	88-12-071	173-500-030	AMD-P	88-09-054
173-304-400	AMD-P	88-04-074	173-335-030	NEW-E	88-12-070	173-500-030	AMD	88-13-037
173-304-400	AMD-W	88-14-109	173-335-030	NEW-P	88-12-071	173-500-070	NEW-P	88-09-054
173-304-400	AMD-P	88-14-110	173-335-040	NEW-E	88-12-070	173-500-070	NEW	88-13-037
173-304-405	AMD-P	88-04-074	173-335-040	NEW-P	88-12-071	173-501-090	AMD-P	88-09-054
173-304-405	AMD-W	88-14-109	173-335-050	NEW-E	88-12-070	173-501-090	AMD	88-13-037
173-304-405	AMD-P	88-14-110	173-335-050	NEW-P	88-12-071	173-501-095	NEW-P	88-09-054
173-304-407	NEW-P	88-04-074	173-336-010	NEW-P	88-11-072	173-501-095	NEW	88-13-037
173-304-407	NEW-W	88-14-109	173-336-010	NEW	88-15-038	173-501-100	AMD-P	88-09-054
173-304-407	NEW-P	88-14-110	173-336-020	NEW-P	88-11-072	173-501-100	AMD	88-13-037
173-304-430	AMD-P	88-04-074	173-336-020	NEW	88-15-038	173-507-020	AMD-P	88-09-054
173-304-430	AMD-W	88-14-109	173-336-030	NEW-P	88-11-072	173-507-020	AMD	88-13-037
173-304-430	AMD-P	88-14-110	173-336-030	NEW	88-15-038	173-507-070	AMD-P	88-09-054
173-304-450	AMD-P	88-04-074	173-338-010	NEW-P	88-11-073	173-507-070	AMD	88-13-037
173-304-450	AMD-W	88-14-109	173-338-010	NEW	88-15-037	173-507-075	NEW-P	88-09-054
173-304-450	AMD-P	88-14-110	173-338-020	NEW-P	88-11-073	173-507-075	NEW	88-13-037
173-304-460	AMD-P	88-04-074	173-338-020	NEW	88-15-037	173-507-080	AMD-P	88-09-054
173-304-460	AMD-W	88-14-109	173-338-030	NEW-P	88-11-073	173-507-080	AMD	88-13-037
173-304-460	AMD-P	88-14-110	173-338-030	NEW	88-15-037	173-508-070	AMD-P	88-09-054
173-304-467	NEW-P	88-04-074	173-338-040	NEW-P	88-11-073	173-508-070	AMD	88-13-037
173-304-467	NEW-W	88-14-109	173-338-040	NEW	88-15-037	173-508-090	AMD-P	88-09-054
173-304-467	NEW-P	88-14-110	173-338-050	NEW-P	88-11-073	173-508-090	AMD	88-13-037
173-304-468	NEW-P	88-14-110	173-338-050	NEW	88-15-037	173-508-095	NEW-P	88-09-054
173-304-600	AMD-P	88-04-074	173-340-010	NEW-P	88-07-105	173-508-095	NEW	88-13-037
173-304-600	AMD-W	88-14-109	173-340-010	NEW-E	88-07-106	173-508-100	AMD-P	88-09-054
173-304-600	AMD-P	88-14-110	173-340-010	NEW-C	88-10-055	173-508-100	AMD	88-13-037
173-306-010	NEW-P	88-12-072	173-340-010	NEW	88-13-036	173-509-030	AMD-P	88-09-054
173-306-010	NEW-E	88-12-073	173-340-010	NEW-E	88-13-085	173-509-030	AMD	88-13-037
173-306-020	NEW-P	88-12-072	173-340-020	NEW-P	88-07-105	173-509-080	AMD-P	88-09-054
173-306-020	NEW-E	88-12-073	173-340-020	NEW-E	88-07-106	173-509-080	AMD	88-13-037
173-306-030	NEW-P	88-12-072	173-340-020	NEW-C	88-10-055	173-509-085	NEW-P	88-09-054
173-306-030	NEW-E	88-12-073	173-340-020	NEW	88-13-036	173-509-085	NEW	88-13-037
173-306-040	NEW-P	88-12-072	173-340-020	NEW-E	88-13-085	173-509-090	AMD-P	88-09-054
173-306-040	NEW-E	88-12-073	173-340-030	NEW-P	88-07-105	173-509-090	AMD	88-13-037
173-306-050	NEW-P	88-12-072	173-340-030	NEW-E	88-07-106	173-510-030	AMD-P	88-09-054
173-306-050	NEW-E	88-12-073	173-340-030	NEW-C	88-10-055	173-510-030	AMD	88-13-037
173-309-010	NEW-P	88-09-049	173-340-030	NEW	88-13-036	173-510-090	AMD-P	88-09-054
173-309-010	NEW-E	88-09-050	173-340-030	NEW-E	88-13-085	173-510-090	AMD	88-13-037
173-309-010	NEW-C	88-11-067	173-340-040	NEW-P	88-07-105	173-510-095	NEW-P	88-09-054
173-309-010	NEW-E	88-15-057	173-340-040	NEW-E	88-07-106	173-510-095	NEW	88-13-037
173-309-020	NEW-P	88-09-049	173-340-040	NEW-C	88-10-055	173-510-100	AMD-P	88-09-054
173-309-020	NEW-E	88-09-050	173-340-040	NEW	88-13-036	173-510-100	AMD	88-13-037
173-309-020	NEW-C	88-11-067	173-340-040	NEW-E	88-13-085	173-511-090	AMD-P	88-09-054
173-309-020	NEW-E	88-15-057	173-340-050	NEW-P	88-07-105	173-511-090	AMD	88-13-037
173-309-030	NEW-P	88-09-049	173-340-050	NEW-E	88-07-106	173-511-095	NEW-P	88-09-054
173-309-030	NEW-E	88-09-050	173-340-050	NEW-C	88-10-055	173-511-095	NEW	88-13-037
173-309-030	NEW-C	88-11-067	173-340-050	NEW	88-13-036	173-511-100	AMD-P	88-09-054
173-309-030	NEW-E	88-15-057	173-340-050	NEW-E	88-13-085	173-511-100	AMD	88-13-037
173-309-040	NEW-P	88-09-049	173-400-115	AMD-P	88-10-053	173-512-070	AMD-P	88-09-054
173-309-040	NEW-E	88-09-050	173-403-030	AMD-P	88-10-053	173-512-070	AMD	88-13-037
173-309-040	NEW-C	88-11-067	173-403-050	AMD-P	88-10-053	173-512-075	NEW-P	88-09-054
173-309-040	NEW-E	88-15-057	173-403-080	AMD-P	88-10-053	173-512-075	NEW	88-13-037
173-309-050	NEW-P	88-09-049	173-425-030	AMD-P	88-10-053	173-512-080	AMD-P	88-09-054
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173-309-050	NEW-C	88-11-067	173-425-036	NEW-P	88-10-053	173-513-090	AMD-P	88-09-054
173-309-050	NEW-E	88-15-057	173-425-045	AMD-P	88-10-053	173-513-090	AMD	88-13-037
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173-309-060	NEW-E	88-09-050	173-425-075	AMD-P	88-10-053	173-513-095	NEW	88-13-037
173-309-060	NEW-C	88-11-067	173-425-085	AMD-P	88-10-053	173-513-100	AMD-P	88-09-054
173-309-060	NEW-E	88-15-057	173-425-095	AMD-P	88-10-053	173-513-100	AMD	88-13-037
173-309-070	NEW-P	88-09-049	173-425-130	AMD-P	88-10-053	173-514-080	AMD-P	88-09-054
173-309-070	NEW-E	88-09-050	173-433-030	AMD-P	88-10-052	173-514-080	AMD	88-13-037
173-309-070	NEW-C	88-11-067	173-433-100	AMD-P	88-10-052	173-514-085	NEW-P	88-09-054
173-309-070	NEW-E	88-15-057	173-433-100	AMD-E	88-15-069	173-514-085	NEW	88-13-037
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173-309-080	NEW-C	88-11-067	173-435-010	AMD-P	88-10-053	173-515-090	AMD-P	88-09-054
173-309-080	NEW-E	88-15-057	173-435-020	AMD-P	88-10-053	173-515-090	AMD	88-13-037

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173-515-095	NEW	88-13-037	173-590-140	AMD-P	88-09-054	174-107-380	REP-P	88-14-102
173-515-100	AMD-P	88-09-054	173-590-140	AMD	88-13-037	174-107-400	REP-P	88-14-101
173-515-100	AMD	88-13-037	173-590-180	AMD-P	88-09-054	174-107-400	REP-P	88-14-102
173-522-020	AMD-P	88-09-054	173-590-180	AMD	88-13-037	174-107-410	REP-P	88-14-101
173-522-020	AMD	88-13-037	173-590-190	NEW-P	88-09-054	174-107-410	REP-P	88-14-102
173-522-070	NEW-P	88-09-054	173-590-190	NEW	88-13-037	174-107-420	REP-P	88-14-101
173-522-070	NEW	88-13-037	173-591-060	AMD-P	88-09-054	174-107-420	REP-P	88-14-102
173-522-080	NEW-P	88-09-054	173-591-060	AMD	88-13-037	174-107-430	REP-P	88-14-101
173-522-080	NEW	88-13-037	173-591-070	AMD-P	88-09-054	174-107-430	REP-P	88-14-102
173-522-090	NEW-P	88-09-054	173-591-070	AMD	88-13-037	174-107-440	REP-P	88-14-101
173-522-090	NEW	88-13-037	173-591-115	NEW-P	88-09-054	174-107-440	REP-P	88-14-102
173-530-910	REP-P	88-09-054	173-591-115	NEW	88-13-037	174-107-450	REP-P	88-14-101
173-530-910	REP	88-13-037	173-591-120	AMD-P	88-09-054	174-107-450	REP-P	88-14-102
173-530-920	REP-P	88-09-054	173-591-120	AMD	88-13-037	174-107-460	REP-P	88-14-101
173-530-920	REP	88-13-037	173-592-060	AMD-P	88-09-054	174-107-460	REP-P	88-14-102
173-530-930	REP-P	88-09-054	173-592-060	AMD	88-13-037	174-107-470	REP-P	88-14-101
173-530-930	REP	88-13-037	173-592-070	AMD-P	88-09-054	174-107-470	REP-P	88-14-102
173-530-940	REP-P	88-09-054	173-592-070	AMD	88-13-037	174-107-500	REP-P	88-14-101
173-530-940	REP	88-13-037	173-592-110	AMD-P	88-09-054	174-107-500	REP-P	88-14-102
173-530-950	REP-P	88-09-054	173-592-110	AMD	88-13-037	174-107-510	REP-P	88-14-101
173-530-950	REP	88-13-037	173-592-115	NEW-P	88-09-054	174-107-510	REP-P	88-14-102
173-530-960	REP-P	88-09-054	173-592-115	NEW	88-13-037	174-107-520	REP-P	88-14-101
173-530-960	REP	88-13-037	173-592-115	NEW	88-13-037	174-107-520	REP-P	88-14-102
173-531A-080	NEW-P	88-09-054	173-596-010	REP-P	88-09-054	174-107-530	REP-P	88-14-101
173-531A-080	NEW	88-13-037	173-596-010	REP	88-13-037	174-107-530	REP-P	88-14-102
173-531A-090	NEW-P	88-09-054	173-596-015	REP	88-13-037	174-107-540	REP-P	88-14-101
173-531A-090	NEW	88-13-037	173-596-015	REP	88-09-054	174-107-540	REP-P	88-14-102
173-532-090	NEW-P	88-09-054	173-596-020	REP	88-13-037	174-107-550	REP-P	88-14-101
173-532-090	NEW	88-13-037	173-596-025	REP-P	88-09-054	174-107-550	REP-P	88-14-102
173-532-100	NEW-P	88-09-054	173-596-025	REP	88-13-037	174-116-020	AMD-P	88-16-088
173-532-100	NEW	88-13-037	173-596-030	REP-P	88-09-054	174-116-040	AMD-P	88-16-088
173-532-110	NEW-P	88-09-054	173-596-030	REP	88-13-037	174-116-043	AMD-P	88-16-088
173-532-110	NEW	88-13-037	173-596-035	REP-P	88-09-054	174-116-045	REP-P	88-16-088
173-545-090	AMD-P	88-09-054	173-596-035	REP	88-13-037	174-116-119	AMD-P	88-16-088
173-545-090	AMD	88-13-037	173-596-040	REP-P	88-09-054	174-120-010	NEW-P	88-14-102
173-545-095	NEW-P	88-09-054	173-596-040	REP	88-13-037	174-120-020	NEW-P	88-14-102
173-545-095	NEW	88-13-037	173-596-045	REP-P	88-09-054	174-120-030	NEW-P	88-14-102
173-545-100	AMD-P	88-09-054	173-596-045	REP	88-13-037	174-120-040	NEW-P	88-14-102
173-545-100	AMD	88-13-037	173-596-050	REP-P	88-09-054	174-120-050	NEW-P	88-14-102
173-548-080	NEW-P	88-09-054	173-596-050	REP	88-13-037	174-120-060	NEW-P	88-14-102
173-548-080	NEW	88-13-037	173-596-055	REP-P	88-09-054	174-120-070	NEW-P	88-14-102
173-548-090	NEW-P	88-09-054	173-596-055	REP	88-13-037	174-120-080	NEW-P	88-14-102
173-548-090	NEW	88-13-037	173-596-060	REP-P	88-09-054	174-120-090	NEW-P	88-14-102
173-548-100	NEW-P	88-09-054	173-596-060	REP	88-13-037	174-124-020	REP-P	88-14-101
173-548-100	NEW	88-13-037	173-596-065	REP-P	88-09-054	174-124-020	REP-P	88-14-102
173-549-090	AMD-P	88-09-054	173-596-065	REP	88-13-037	174-124-030	REP-P	88-14-101
173-549-090	AMD	88-13-037	174-107-100	REP-P	88-14-101	174-124-030	REP-P	88-14-102
173-549-095	NEW-P	88-09-054	174-107-100	REP-P	88-14-102	174-124-040	REP-P	88-14-101
173-549-095	NEW	88-13-037	174-107-110	REP-P	88-14-101	174-124-040	REP-P	88-14-102
173-549-100	AMD-P	88-09-054	174-107-110	REP-P	88-14-102	174-124-050	REP-P	88-14-102
173-549-100	AMD	88-13-037	174-107-120	REP-P	88-14-101	174-124-120	REP-P	88-14-101
173-555-080	NEW-P	88-09-054	174-107-120	REP-P	88-14-102	174-124-120	REP-P	88-14-102
173-555-080	NEW	88-13-037	174-107-130	REP-P	88-14-101	174-130-010	NEW-P	88-14-101
173-555-090	NEW-P	88-09-054	174-107-130	REP-P	88-14-102	174-130-020	NEW-P	88-14-101
173-555-090	NEW	88-13-037	174-107-140	REP-P	88-14-101	174-130-030	NEW-P	88-14-101
173-555-100	NEW-P	88-09-054	174-107-140	REP-P	88-14-102	174-130-040	NEW-P	88-14-101
173-555-100	NEW	88-13-037	174-107-150	REP-P	88-14-101	174-130-050	NEW-P	88-14-101
173-559-080	NEW-P	88-09-054	174-107-150	REP-P	88-14-102	174-130-060	NEW-P	88-14-101
173-559-080	NEW	88-13-037	174-107-160	REP-P	88-14-101	174-130-070	NEW-P	88-14-101
173-559-090	NEW-P	88-09-054	174-107-160	REP-P	88-14-102	174-130-080	NEW-P	88-14-101
173-559-090	NEW	88-13-037	174-107-170	REP-P	88-14-101	174-130-090	NEW-P	88-14-101
173-559-100	NEW-P	88-09-054	174-107-170	REP-P	88-14-102	174-136-300	NEW-P	88-14-103
173-559-100	NEW	88-13-037	174-107-180	REP-P	88-14-101	174-136-310	NEW-P	88-14-103
173-563-050	AMD-P	88-09-054	174-107-180	REP-P	88-14-102	174-136-320	NEW-P	88-14-103
173-563-050	AMD	88-13-037	174-107-190	REP-P	88-14-101	174-136-330	NEW-P	88-14-103
173-563-070	AMD-P	88-09-054	174-107-190	REP-P	88-14-102	180-16-223	AMD-P	88-05-024
173-563-070	AMD	88-13-037	174-107-200	REP-P	88-14-101	180-16-223	AMD-P	88-05-050
173-563-075	NEW-P	88-09-054	174-107-200	REP-P	88-14-102	180-16-223	AMD	88-08-045
173-563-075	NEW	88-13-037	174-107-210	REP-P	88-14-101	180-57-050	AMD-P	88-08-072
173-563-080	AMD-P	88-09-054	174-107-210	REP-P	88-14-102	180-57-050	AMD	88-13-026
173-563-080	AMD	88-13-037	174-107-220	REP-P	88-14-101	180-75-085	AMD-P	88-08-073
173-563-090	AMD-P	88-09-054	174-107-220	REP-P	88-14-102	180-75-085	AMD	88-13-009
173-563-090	AMD	88-13-037	174-107-360	REP-P	88-14-101	180-78	AMD-C	88-03-025
173-590-090	AMD-P	88-09-054	174-107-360	REP-P	88-14-102	180-78	AMD	88-07-002
173-590-090	AMD	88-13-037	174-107-370	REP-P	88-14-101	180-78-007	NEW	88-07-002
173-590-110	AMD-P	88-09-054	174-107-370	REP-P	88-14-102			

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180-78-026	NEW	88-07-002	180-79-013	REP	88-05-047	180-110-052	NEW	88-06-002
180-78-027	REP	88-07-002	180-79-014	REP	88-05-047	180-110-053	NEW	88-06-002
180-78-028	NEW	88-07-002	180-79-045	AMD	88-05-047	180-110-055	NEW	88-06-002
180-78-029	NEW	88-07-002	180-79-049	NEW	88-05-047	180-110-060	NEW	88-06-002
180-78-030	REP	88-07-002	180-79-060	AMD	88-05-047	180-110-065	NEW	88-06-002
180-78-033	NEW	88-07-002	180-79-062	NEW	88-05-047	180-115-005	NEW-E	88-05-046
180-78-035	REP	88-07-002	180-79-063	NEW	88-05-047	180-115-005	NEW-P	88-05-052
180-78-036	NEW	88-07-002	180-79-065	AMD	88-05-047	180-115-005	NEW	88-08-044
180-78-037	NEW	88-07-002	180-79-080	AMD	88-05-047	180-115-010	NEW-E	88-05-046
180-78-040	REP	88-07-002	180-79-086	AMD	88-05-047	180-115-010	NEW-P	88-05-052
180-78-047	NEW	88-07-002	180-79-100	REP	88-05-047	180-115-010	NEW	88-08-044
180-78-050	REP	88-07-002	180-79-115	AMD	88-05-047	180-115-015	NEW-E	88-05-046
180-78-055	REP	88-07-002	180-79-115	AMD-E	88-12-013	180-115-015	NEW-P	88-05-052
180-78-057	AMD	88-07-002	180-79-116	NEW-E	88-05-045	180-115-015	NEW	88-08-044
180-78-060	AMD	88-07-002	180-79-116	NEW-P	88-05-051	180-115-020	NEW-E	88-05-052
180-78-063	NEW	88-07-002	180-79-116	NEW	88-08-046	180-115-020	NEW-P	88-05-052
180-78-065	NEW	88-07-002	180-79-117	NEW	88-05-047	180-115-020	NEW	88-08-044
180-78-068	NEW	88-07-002	180-79-120	AMD	88-05-047	180-115-025	NEW-E	88-05-046
180-78-070	NEW	88-07-002	180-79-122	NEW	88-05-047	180-115-025	NEW-P	88-05-052
180-78-073	NEW	88-07-002	180-79-125	AMD	88-05-047	180-115-025	NEW	88-08-044
180-78-074	NEW	88-07-002	180-79-127	NEW	88-05-047	180-115-030	NEW-E	88-05-046
180-78-075	NEW	88-07-002	180-79-129	NEW-E	88-05-045	180-115-030	NEW-P	88-05-052
180-78-080	NEW	88-07-002	180-79-129	NEW-P	88-05-051	180-115-030	NEW	88-08-044
180-78-085	NEW	88-07-002	180-79-129	NEW	88-08-046	180-115-035	NEW-E	88-05-046
180-78-090	NEW	88-07-002	180-79-130	REP	88-05-047	180-115-035	NEW-P	88-05-052
180-78-095	NEW	88-07-002	180-79-131	NEW	88-05-047	180-115-035	NEW	88-08-044
180-78-100	NEW	88-07-002	180-79-135	REP	88-05-047	180-115-040	NEW-E	88-05-046
180-78-105	NEW	88-07-002	180-79-136	NEW	88-05-047	180-115-040	NEW-P	88-05-052
180-78-110	NEW	88-07-002	180-79-140	NEW	88-05-047	180-115-040	NEW	88-08-044
180-78-115	NEW	88-07-002	180-79-150	REP	88-05-047	180-115-045	NEW-E	88-05-046
180-78-120	NEW	88-07-002	180-79-155	REP	88-05-047	180-115-045	NEW-P	88-05-052
180-78-125	NEW	88-07-002	180-79-160	REP	88-05-047	180-115-045	NEW	88-08-044
180-78-130	NEW	88-07-002	180-79-170	REP	88-05-047	180-115-050	NEW-E	88-05-046
180-78-140	NEW	88-07-002	180-79-175	REP	88-05-047	180-115-050	NEW-P	88-05-052
180-78-145	NEW	88-07-002	180-79-180	REP-E	88-12-014	180-115-050	NEW	88-08-044
180-78-150	NEW	88-07-002	180-79-185	REP	88-05-047	180-115-055	NEW-E	88-05-046
180-78-155	NEW	88-07-002	180-79-190	REP	88-05-047	180-115-055	NEW-P	88-05-052
180-78-160	NEW	88-07-002	180-79-195	REP	88-05-047	180-115-055	NEW	88-08-044
180-78-160	AMD-E	88-12-015	180-79-200	REP	88-05-047	180-115-060	NEW-E	88-05-046
180-78-165	NEW	88-07-002	180-79-205	REP	88-05-047	180-115-060	NEW-P	88-05-052
180-78-170	NEW	88-07-002	180-79-210	REP	88-05-047	180-115-060	NEW	88-08-044
180-78-175	NEW	88-07-002	180-79-215	REP	88-05-047	180-115-065	NEW-E	88-05-046
180-78-180	NEW	88-07-002	180-79-230	AMD	88-05-047	180-115-065	NEW-P	88-05-052
180-78-185	NEW	88-07-002	180-79-245	AMD	88-05-047	180-115-065	NEW	88-08-044
180-78-190	NEW	88-07-002	180-79-250	REP	88-05-047	180-115-070	NEW-E	88-05-046
180-78-193	AMD	88-07-002	180-80-205	REP	88-05-048	180-115-070	NEW-P	88-05-052
180-78-194	AMD	88-07-002	180-80-210	REP	88-05-048	180-115-070	NEW	88-08-044
180-78-199	AMD	88-07-002	180-80-215	REP	88-05-048	180-115-075	NEW-E	88-05-046
180-78-205	NEW	88-07-002	180-80-280	REP	88-05-048	180-115-075	NEW-P	88-05-052
180-78-210	NEW	88-07-002	180-80-285	REP	88-05-048	180-115-075	NEW	88-08-044
180-78-215	NEW	88-07-002	180-80-290	REP	88-05-048	180-115-080	NEW-E	88-05-046
180-78-220	NEW	88-07-002	180-80-295	REP	88-05-048	180-115-080	NEW-P	88-05-052
180-78-225	NEW	88-07-002	180-80-300	REP	88-05-048	180-115-080	NEW	88-08-044
180-78-230	NEW	88-07-002	180-80-301	REP	88-05-048	180-115-085	NEW-E	88-05-046
180-78-235	NEW	88-07-002	180-80-302	REP	88-05-048	180-115-085	NEW-P	88-05-052
180-78-240	NEW	88-07-002	180-80-303	REP	88-05-048	180-115-085	NEW	88-08-044
180-78-245	NEW	88-07-002	180-80-312	REP	88-05-048	180-115-090	NEW-E	88-05-046
180-78-250	NEW	88-07-002	180-80-530	REP	88-05-048	180-115-090	NEW-P	88-05-052
180-78-255	NEW	88-07-002	180-80-705	REP	88-05-048	180-115-090	NEW	88-08-044
180-78-260	NEW	88-07-002	180-84-015	REP	88-05-049	180-115-095	NEW-E	88-05-046
180-78-265	NEW	88-07-002	180-84-020	REP	88-05-049	180-115-095	NEW-P	88-05-052
180-78-270	NEW	88-07-002	180-84-025	REP	88-05-049	180-115-095	NEW	88-08-044
180-78-275	NEW	88-07-002	180-84-050	REP	88-05-049	180-115-100	NEW-E	88-05-046
180-78-280	NEW	88-07-002	180-84-055	REP	88-05-049	180-115-100	NEW-P	88-05-052
180-78-285	NEW	88-07-002	180-84-060	REP	88-05-049	180-115-100	NEW	88-08-044
180-78-290	NEW	88-07-002	180-84-075	REP	88-05-049	180-115-105	NEW-E	88-05-046
180-78-295	NEW	88-07-002	180-84-080	REP	88-05-049	180-115-105	NEW-P	88-05-052
180-78-300	NEW	88-07-002	180-84-090	REP	88-05-049	180-115-105	NEW	88-08-044
180-78-305	NEW	88-07-002	180-110-010	NEW	88-06-002	182-12-115	AMD-P	88-09-058
180-78-310	NEW	88-07-002	180-110-015	NEW	88-06-002	182-12-115	AMD	88-12-034
180-78-315	NEW	88-07-002	180-110-017	NEW	88-06-002	182-12-115	AMD-P	88-16-050
180-78-320	NEW	88-07-002	180-110-020	NEW	88-06-002	182-12-115	AMD-E	88-16-051
180-78-325	NEW	88-07-002	180-110-030	NEW	88-06-002	182-12-120	REP-P	88-09-058
180-79-007	AMD-E	88-05-045	180-110-035	NEW	88-06-002	182-12-120	REP	88-12-034
180-79-007	AMD-P	88-05-051	180-110-040	NEW	88-06-002	182-12-127	AMD-P	88-16-050

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182-12-165	AMD	88-12-034	204-08-020	AMD	88-03-031	204-91-180	REP-P	88-13-058
182-12-210	AMD-P	88-16-050	204-08-030	AMD	88-03-031	204-91-180	REP-W	88-16-021
192-12-019	AMD-P	88-13-127	204-08-040	AMD	88-03-031	204-91-190	REP-P	88-13-058
192-12-019	AMD	88-16-077	204-08-050	AMD	88-03-031	204-91-190	REP-W	88-16-021
192-12-205	NEW-P	88-13-126	204-29-010	NEW-E	88-14-022	204-91-200	REP-P	88-13-058
192-16-057	NEW-P	88-07-108	204-36-010	AMD-P	88-11-012	204-91-200	REP-W	88-16-021
192-16-057	NEW	88-10-020	204-36-010	AMD	88-15-052	204-91A-010	NEW-P	88-13-058
192-16-061	NEW	88-05-034	204-36-020	AMD-P	88-11-012	204-91A-010	NEW-W	88-16-021
192-16-065	NEW-E	88-07-107	204-36-020	AMD	88-15-052	204-91A-020	NEW-P	88-13-058
192-16-065	NEW-P	88-07-108	204-36-030	AMD-P	88-11-012	204-91A-020	NEW-W	88-16-021
192-16-065	NEW	88-10-020	204-36-030	AMD	88-15-052	204-91A-030	NEW-P	88-13-058
192-18-012	NEW-P	88-13-072	204-36-040	AMD-P	88-11-012	204-91A-030	NEW-W	88-16-021
192-18-012	NEW-E	88-13-073	204-36-040	AMD	88-15-052	204-91A-041	NEW-P	88-13-058
192-18-012	NEW	88-16-076	204-36-050	AMD-P	88-11-012	204-91A-041	NEW-W	88-16-021
192-28-105	AMD-P	88-07-109	204-36-050	AMD	88-15-052	204-91A-051	NEW-P	88-13-058
192-28-105	AMD	88-10-021	204-36-060	AMD-P	88-11-012	204-91A-051	NEW-W	88-16-021
192-28-110	AMD-P	88-07-109	204-36-060	AMD	88-15-052	204-91A-081	NEW-P	88-13-058
192-28-110	AMD	88-10-021	204-36-070	AMD-P	88-11-012	204-91A-081	NEW-W	88-16-021
192-28-120	AMD-P	88-07-109	204-36-070	AMD	88-15-052	204-91A-100	NEW-P	88-13-058
192-28-120	AMD	88-10-021	204-38-010	AMD-P	88-11-013	204-91A-100	NEW-W	88-16-021
192-28-130	NEW-P	88-07-109	204-38-010	AMD	88-15-055	204-91A-110	NEW-P	88-13-058
192-28-130	NEW	88-10-021	204-38-050	AMD-P	88-11-013	204-91A-110	NEW-W	88-16-021
192-42-005	NEW-P	88-07-110	204-38-050	AMD	88-15-055	204-91A-120	NEW-P	88-13-058
192-42-005	NEW	88-12-051	204-40-010	AMD-P	88-11-014	204-91A-120	NEW-W	88-16-021
192-42-010	NEW-P	88-07-110	204-40-010	AMD	88-15-049	204-91A-130	NEW-P	88-13-058
192-42-010	NEW	88-12-051	204-40-030	AMD-P	88-11-014	204-91A-130	NEW-W	88-16-021
192-42-020	NEW-P	88-07-110	204-40-030	AMD	88-15-049	204-91A-140	NEW-P	88-13-058
192-42-020	NEW	88-12-051	204-50-040	AMD-P	88-11-015	204-91A-140	NEW-W	88-16-021
192-42-030	NEW-P	88-07-110	204-50-040	AMD	88-15-050	204-91A-150	NEW-P	88-13-058
192-42-030	NEW	88-12-051	204-50-050	AMD-P	88-11-015	204-91A-150	NEW-W	88-16-021
192-42-040	NEW-P	88-07-110	204-50-050	AMD	88-15-050	204-91A-160	NEW-P	88-13-058
192-42-040	NEW	88-12-051	204-74-010	AMD-P	88-11-016	204-91A-160	NEW-W	88-16-021
192-42-050	NEW-P	88-07-110	204-74-010	AMD	88-15-051	204-91A-170	NEW-P	88-13-058
192-42-050	NEW	88-12-051	204-74-040	AMD-P	88-11-016	204-91A-170	NEW-W	88-16-021
192-42-060	NEW-P	88-07-110	204-74-040	AMD	88-15-051	204-91A-180	NEW-P	88-13-058
192-42-060	NEW	88-12-051	204-80-010	AMD-P	88-11-017	204-91A-180	NEW-W	88-16-021
192-42-070	NEW-P	88-07-110	204-80-010	AMD	88-15-054	204-91A-190	NEW-P	88-13-058
192-42-070	NEW	88-12-051	204-80-060	NEW-P	88-11-017	204-91A-190	NEW-W	88-16-021
192-42-080	NEW-P	88-07-110	204-80-060	NEW	88-15-054	212-17-001	AMD-P	88-03-014
192-42-080	NEW	88-12-051	204-88-010	AMD-P	88-11-018	212-17-001	AMD	88-08-027
192-44-010	NEW-P	88-11-091	204-88-010	AMD	88-15-053	212-17-010	AMD-P	88-03-014
192-44-020	NEW-P	88-11-091	204-88-030	AMD-P	88-11-018	212-17-010	AMD	88-08-027
192-44-030	NEW-P	88-11-091	204-88-030	AMD	88-15-053	212-17-060	AMD-P	88-03-014
192-44-040	NEW-P	88-11-091	204-88-070	AMD-P	88-11-018	212-17-060	AMD	88-08-027
192-44-050	NEW-P	88-11-091	204-88-070	AMD	88-15-053	212-17-065	AMD-P	88-03-014
192-44-060	NEW-P	88-11-091	204-91-010	REP-P	88-13-058	212-17-065	AMD	88-08-027
192-44-070	NEW-P	88-11-091	204-91-010	REP-W	88-16-021	212-17-070	AMD-P	88-03-014
192-44-080	NEW-P	88-11-091	204-91-020	REP-P	88-13-058	212-17-070	AMD	88-08-027
192-44-090	NEW-P	88-11-091	204-91-020	REP-W	88-16-021	212-17-085	AMD-P	88-03-014
192-44-100	NEW-P	88-11-091	204-91-030	REP-P	88-13-058	212-17-085	AMD	88-08-027
192-44-110	NEW-P	88-11-091	204-91-030	REP-W	88-16-021	212-17-115	AMD-P	88-03-014
192-44-120	NEW-P	88-11-091	204-91-040	REP-P	88-13-058	212-17-115	AMD	88-08-027
192-44-130	NEW-P	88-11-091	204-91-040	REP-W	88-16-021	212-17-120	AMD-P	88-03-014
192-44-140	NEW-P	88-11-091	204-91-050	REP-P	88-13-058	212-17-120	AMD	88-08-027
192-44-150	NEW-P	88-11-091	204-91-050	REP-W	88-16-021	212-17-125	AMD-P	88-03-014
192-44-160	NEW-P	88-11-091	204-91-060	REP-P	88-13-058	212-17-125	AMD	88-08-027
192-44-170	NEW-P	88-11-091	204-91-060	REP-W	88-16-021	212-17-135	AMD-P	88-03-014
192-44-180	NEW-P	88-11-091	204-91-070	REP-P	88-13-058	212-17-135	AMD	88-08-027
192-44-190	NEW-P	88-11-091	204-91-070	REP-W	88-16-021	212-17-140	AMD-P	88-03-014
196-04-025	NEW-E	88-05-064	204-91-080	REP-P	88-13-058	212-17-140	AMD	88-08-027
196-04-025	NEW-P	88-07-094	204-91-080	REP-W	88-16-021	212-17-170	AMD-P	88-03-014
196-04-025	NEW	88-12-044	204-91-100	REP-P	88-13-058	212-17-170	AMD	88-08-027
196-04-030	AMD-E	88-05-064	204-91-100	REP-W	88-16-021	212-17-185	AMD-P	88-03-014
196-04-030	AMD-P	88-07-094	204-91-110	REP-P	88-13-058	212-17-185	AMD	88-08-027
196-04-030	AMD	88-12-044	204-91-110	REP-W	88-16-021	212-17-195	AMD-P	88-03-014
196-12-010	AMD-E	88-05-064	204-91-120	REP-P	88-13-058	212-17-195	AMD	88-08-027
196-12-010	AMD-P	88-07-094	204-91-120	REP-W	88-16-021	212-17-203	AMD-P	88-03-014
196-12-010	AMD	88-12-044	204-91-130	REP-P	88-13-058	212-17-203	AMD	88-08-027
196-12-085	AMD-E	88-05-064	204-91-130	REP-W	88-16-021	212-17-225	AMD-P	88-03-014
196-12-085	AMD-P	88-07-094	204-91-140	REP-P	88-13-058	212-17-225	AMD	88-08-027
196-12-085	AMD	88-12-044	204-91-140	REP-W	88-16-021	212-17-230	AMD-P	88-03-014
196-16-007	AMD-E	88-05-064	204-91-150	REP-P	88-13-058	212-17-230	AMD	88-08-027
196-16-007	AMD-P	88-07-094	204-91-150	REP-W	88-16-021	212-17-235	AMD-P	88-03-014
196-16-007	AMD	88-12-044	204-91-160	REP-P	88-13-058	212-17-235	AMD	88-08-027
196-20-010	AMD-E	88-05-064	204-91-160	REP-W	88-16-021	212-17-245	AMD-P	88-03-014
196-20-010	AMD-P	88-07-094	204-91-170	REP-P	88-13-058	212-17-245	AMD	88-08-027

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212-17-250	AMD 88-08-027	220-33-001	NEW-P 88-14-136	220-52-05100A	NEW-E 88-16-045
212-17-260	AMD-P 88-03-014	220-33-005	NEW-P 88-14-136	220-52-05300U	NEW-E 88-12-003
212-17-260	AMD 88-08-027	220-33-010	NEW-P 88-14-136	220-52-05300U	REP-E 88-13-071
212-17-265	AMD-P 88-03-014	220-33-020	NEW-P 88-14-136	220-52-05300V	NEW-E 88-13-071
212-17-265	AMD 88-08-027	220-33-030	NEW-P 88-14-136	220-52-05300V	REP-E 88-14-071
212-17-270	AMD-P 88-03-014	220-33-040	NEW-P 88-14-136	220-52-05300W	NEW-E 88-14-071
212-17-270	AMD 88-08-027	220-33-050	NEW-P 88-14-136	220-55-040	AMD 88-05-002
212-17-335	AMD-P 88-03-014	220-33-060	NEW-P 88-14-136	220-55-060	AMD 88-05-002
212-17-335	AMD 88-08-027	220-36-021	AMD-P 88-14-135	220-55-065	AMD 88-05-002
212-17-345	AMD-P 88-03-014	220-36-02100T	NEW-E 88-14-024	220-55-06500A	NEW-E 88-02-048
212-17-345	AMD 88-08-027	220-36-022	REP-P 88-14-135	220-55-070	AMD 88-05-002
212-17-352	NEW-P 88-03-014	220-36-024	REP-P 88-14-135	220-55-07000A	NEW-E 88-02-048
212-17-352	NEW 88-08-027	220-40-021	AMD-P 88-14-135	220-55-075	AMD 88-05-002
212-17-362	NEW-P 88-03-014	220-40-02100F	NEW-E 88-14-024	220-55-07500A	NEW-E 88-02-048
212-17-362	NEW 88-08-027	220-40-022	REP-P 88-14-135	220-55-07600A	NEW-E 88-02-048
220-12-020	AMD-P 88-07-111	220-40-024	REP-P 88-14-135	220-55-080	AMD 88-05-002
220-12-020	AMD-C 88-10-041	220-40-025	REP-P 88-14-135	220-55-085	REP 88-05-002
220-12-020	AMD 88-12-025	220-44-03000C	NEW-E 88-13-070	220-55-090	AMD 88-05-002
220-16-040	AMD-P 88-14-136	220-44-050	AMD-P 88-09-051	220-55-095	REP 88-05-002
220-16-085	AMD-P 88-03-076	220-44-050	AMD 88-14-020	220-55-105	AMD 88-05-002
220-16-085	AMD 88-10-012	220-44-05000M	NEW-E 88-09-004	220-55-110	AMD 88-05-002
220-16-08500A	NEW-E 88-08-002	220-44-05000N	NEW-E 88-14-132	220-55-115	AMD 88-05-002
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232-32-040	AMD-P 88-14-121	248-63-020	REP 88-10-027	248-97-070	NEW-P 88-10-005
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248-18-718	AMD 88-16-086	248-63-040	REP-P 88-06-092	248-97-100	NEW 88-13-125
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248-18-99902	AMD 88-16-086	248-63-045	NEW-P 88-06-092	248-97-110	NEW 88-13-125
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248-25-030	AMD-P 88-12-029	248-63-070	REP 88-10-027	248-97-170	NEW-P 88-10-005
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248-40-040	AMD-E 88-15-047	248-63-100	REP-P 88-06-092	248-100-026	NEW-P 88-03-022
248-40-050	AMD-P 88-10-044	248-63-100	REP 88-10-027	248-100-026	NEW 88-07-063
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248-100-163	REP	88-07-063	250-60-080	AMD	88-10-003	251-14-020	AMD-C	88-13-112
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248-100-196	NEW	88-07-063	250-66-010	NEW	88-14-088	251-17-140	REP	88-13-018
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248-100-440	REP	88-07-063	250-67-040	NEW-P	88-11-075	260-34-050	NEW-P	88-06-052
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275-38-586	NEW-P 88-07-122	275-38-886	AMD 88-12-087	296-14-300	NEW 88-14-011
275-38-586	NEW 88-12-087	275-38-887	NEW-P 88-07-122	296-14-350	NEW-P 88-09-071
275-38-600	AMD-P 88-07-122	275-38-887	NEW 88-12-087	296-14-350	NEW 88-14-011
275-38-600	AMD 88-12-087	275-38-888	NEW-P 88-07-122	296-14-400	NEW-P 88-09-071
275-38-605	AMD-P 88-07-122	275-38-888	NEW 88-12-087	296-14-400	NEW 88-14-011
275-38-605	AMD 88-12-087	275-38-889	NEW-P 88-07-122	296-14-600	NEW-P 88-09-071
275-38-610	AMD-P 88-07-122	275-38-889	NEW 88-12-087	296-14-600	NEW 88-14-011
275-38-610	AMD 88-12-087	275-38-890	AMD-P 88-07-122	296-14-900	NEW-P 88-04-050
275-38-615	AMD-P 88-07-122	275-38-890	AMD 88-12-087	296-14-900	NEW 88-08-026
275-38-615	AMD 88-12-087	275-38-892	AMD-P 88-07-122	296-14-910	NEW-P 88-04-050
275-38-620	AMD-P 88-07-122	275-38-892	AMD 88-12-087	296-14-910	NEW 88-08-026
275-38-620	AMD 88-12-087	275-38-900	AMD-P 88-07-122	296-14-920	NEW-P 88-04-050

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296-14-930	NEW-P	88-04-050	296-17-598	REP-P	88-06-072	296-17-895	AMD-P	88-02-060
296-14-930	NEW	88-08-026	296-17-598	REP-P	88-06-076	296-17-895	AMD	88-06-047
296-14-940	NEW-P	88-04-050	296-17-598	REP	88-12-050	296-17-895	AMD-P	88-06-072
296-14-940	NEW	88-08-026	296-17-630	AMD-P	88-06-072	296-17-895	AMD-P	88-06-076
296-14-950	NEW-P	88-04-050	296-17-630	AMD	88-12-050	296-17-895	AMD	88-12-050
296-14-950	NEW	88-08-026	296-17-643	AMD-P	88-06-072	296-17-895	AMD	88-12-065
296-14-960	NEW-P	88-04-050	296-17-643	AMD	88-12-050	296-17-910	AMD	88-12-048
296-14-960	NEW	88-08-026	296-17-64901	AMD-P	88-06-072	296-17-916	AMD	88-12-048
296-15-020	AMD-P	88-07-100	296-17-64901	AMD	88-12-050	296-17-91601	NEW-P	88-07-102
296-15-020	AMD	88-12-096	296-17-64902	AMD-P	88-06-072	296-17-91601	NEW	88-12-049
296-15-022	AMD-P	88-07-100	296-17-64902	AMD	88-12-050	296-17-91901	AMD-P	88-09-070
296-15-022	AMD	88-12-096	296-17-677	AMD-P	88-06-072	296-17-91901	AMD-E	88-14-075
296-15-023	AMD-P	88-07-100	296-17-677	AMD	88-12-050	296-17-91901	AMD	88-14-107
296-15-023	AMD	88-12-096	296-17-680	AMD-P	88-06-072	296-17-91902	AMD-P	88-09-070
296-15-030	AMD-P	88-07-100	296-17-680	AMD	88-12-050	296-17-91902	AMD-E	88-14-075
296-15-030	AMD	88-12-096	296-17-731	AMD-P	88-06-076	296-17-91902	AMD	88-14-107
296-15-065	AMD-P	88-07-100	296-17-731	AMD	88-12-065	296-17-91903	AMD-P	88-09-070
296-15-065	AMD	88-12-096	296-17-73101	NEW-P	88-06-076	296-17-91903	AMD-E	88-14-075
296-15-070	AMD-P	88-07-100	296-17-73101	NEW	88-12-065	296-17-91903	AMD	88-14-107
296-15-070	AMD	88-12-096	296-17-73102	NEW-P	88-06-076	296-17-91904	AMD-P	88-09-070
296-15-170	AMD-P	88-07-100	296-17-73102	NEW	88-12-065	296-17-91904	AMD-E	88-14-075
296-15-170	AMD	88-12-096	296-17-73103	NEW-P	88-06-076	296-17-91904	AMD	88-14-107
296-15-190	AMD-P	88-07-100	296-17-73103	NEW	88-12-065	296-17-91905	AMD-P	88-09-070
296-15-190	AMD	88-12-096	296-17-73104	NEW-P	88-06-076	296-17-91905	AMD-E	88-14-075
296-15-215	AMD-P	88-07-100	296-17-73104	NEW	88-12-065	296-17-91905	AMD	88-14-107
296-15-215	AMD	88-12-096	296-17-736	AMD-P	88-06-072	296-18A-440	AMD-P	88-16-091
296-15-250	AMD-P	88-07-100	296-17-736	AMD	88-12-050	296-18A-445	AMD-P	88-07-100
296-15-250	AMD	88-12-096	296-17-757	AMD-P	88-06-072	296-18A-445	AMD	88-12-096
296-16-010	AMD-P	88-16-091	296-17-757	AMD	88-12-050	296-18A-450	AMD-P	88-09-071
296-17-310	AMD-P	88-06-072	296-17-758	AMD-P	88-06-072	296-18A-450	AMD	88-14-011
296-17-310	AMD-P	88-09-073	296-17-758	AMD	88-12-050	296-18A-460	AMD-P	88-16-091
296-17-310	AMD	88-12-050	296-17-759	AMD-P	88-06-072	296-18A-465	AMD-P	88-16-091
296-17-310	AMD-C	88-15-008	296-17-759	AMD	88-12-050	296-18A-480	AMD-P	88-16-091
296-17-310	AMD	88-16-012	296-17-760	AMD-P	88-06-072	296-18A-500	AMD-P	88-07-100
296-17-349	NEW-P	88-02-059	296-17-760	AMD	88-12-050	296-18A-500	AMD	88-12-096
296-17-349	NEW	88-06-048	296-17-761	AMD-P	88-06-072	296-18A-520	AMD-P	88-09-071
296-17-350	AMD-C	88-06-046	296-17-761	AMD	88-12-050	296-18A-520	AMD	88-14-011
296-17-350	AMD-P	88-06-076	296-17-762	AMD-P	88-06-072	296-20-03001	AMD-W	88-04-049
296-17-350	AMD	88-12-065	296-17-762	AMD	88-12-050	296-20-045	AMD-C	88-04-051
296-17-350	AMD-C	88-12-095	296-17-76201	NEW-P	88-06-072	296-20-045	AMD-C	88-06-036
296-17-350	AMD	88-14-076	296-17-76201	NEW	88-12-050	296-20-210	AMD-P	88-09-072
296-17-450	AMD-P	88-06-072	296-17-76202	NEW-P	88-06-072	296-20-210	AMD	88-14-012
296-17-450	AMD	88-12-050	296-17-76202	NEW	88-12-050	296-21-035	AMD-P	88-09-072
296-17-455	AMD-P	88-06-072	296-17-76203	NEW-P	88-06-072	296-21-035	AMD	88-14-012
296-17-455	AMD	88-12-050	296-17-76203	NEW	88-12-050	296-21-128	AMD	88-04-052
296-17-519	AMD-P	88-06-072	296-17-76204	NEW-P	88-06-072	296-23-620	REP-C	88-04-051
296-17-519	AMD	88-12-050	296-17-76204	NEW	88-12-050	296-23-620	REP-C	88-06-036
296-17-520	AMD-P	88-06-072	296-17-76205	NEW-P	88-06-072	296-24-19515	REP-P	88-09-074
296-17-520	AMD	88-12-050	296-17-76205	NEW	88-12-050	296-24-19515	REP	88-14-108
296-17-52102	AMD-P	88-06-072	296-17-76206	NEW-P	88-06-072	296-24-21701	AMD-P	88-09-074
296-17-52102	AMD	88-12-050	296-17-76206	NEW	88-12-050	296-24-21701	AMD	88-14-108
296-17-52106	NEW-P	88-06-072	296-17-76207	NEW-P	88-06-072	296-24-21707	AMD-P	88-06-073
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296-17-52701	AMD	88-12-050	296-17-76210	NEW	88-12-050	296-24-605	REP	88-11-021
296-17-536	AMD-P	88-06-072	296-17-76211	NEW-P	88-06-072	296-24-63399	AMD-P	88-09-074
296-17-536	AMD	88-12-050	296-17-76211	NEW	88-12-050	296-24-63399	AMD	88-14-108
296-17-552	AMD-P	88-06-072	296-17-76212	NEW-P	88-06-072	296-24-68203	AMD-P	88-06-073
296-17-552	AMD	88-12-050	296-17-76212	NEW	88-12-050	296-24-68203	AMD	88-11-021
296-17-55201	NEW-P	88-02-060	296-17-773	AMD-P	88-06-076	296-24-78009	AMD-P	88-06-073
296-17-55201	NEW	88-06-047	296-17-773	AMD	88-12-065	296-24-78009	AMD	88-11-021
296-17-563	AMD-P	88-06-072	296-17-86502	NEW-P	88-09-073	296-27-15501	AMD-P	88-09-074
296-17-563	AMD	88-12-050	296-17-86502	NEW-C	88-15-008	296-27-15501	AMD	88-14-108
296-17-56402	NEW-P	88-06-072	296-17-86502	NEW	88-16-012	296-45-65025	REP-P	88-06-073
296-17-56402	NEW	88-12-050	296-17-870	AMD-P	88-09-073	296-45-65025	REP	88-11-021
296-17-567	AMD-P	88-06-072	296-17-870	AMD-C	88-15-008	296-45-65026	NEW-P	88-06-073
296-17-567	AMD	88-12-050	296-17-870	AMD	88-16-012	296-45-65026	NEW	88-11-021
296-17-580	AMD-P	88-06-072	296-17-885	AMD-P	88-02-060	296-45-65037	AMD-P	88-06-073
296-17-580	AMD	88-12-050	296-17-885	AMD	88-06-047	296-45-65037	AMD	88-11-021
296-17-582	AMD-P	88-06-072	296-17-885	AMD-P	88-06-072	296-46-316	AMD-P	88-11-086
296-17-582	AMD	88-12-050	296-17-885	AMD-P	88-06-076	296-46-316	AMD-E	88-11-087
296-17-594	AMD-P	88-06-072	296-17-885	AMD	88-12-050	296-46-316	AMD	88-15-063

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296-46-420	AMD-E 88-11-087	296-62-05405	AMD 88-14-108	296-62-07533	NEW-P 88-09-074
296-46-420	AMD 88-15-063	296-62-05407	AMD-P 88-09-074	296-62-07533	NEW-W 88-14-141
296-56-60001	AMD-P 88-09-074	296-62-05407	AMD 88-14-108	296-62-07533	NEW-E 88-16-044
296-56-60001	AMD 88-14-108	296-62-05409	AMD-P 88-09-074	296-62-07533	NEW-P 88-16-092
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296-56-60249	AMD 88-14-108	296-62-05413	AMD-P 88-09-074	296-62-07540	NEW-P 88-16-092
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296-59-001	NEW 88-14-108	296-62-05415	AMD-P 88-09-074	296-62-07542	NEW-W 88-14-141
296-59-003	NEW-P 88-09-074	296-62-05415	AMD-W 88-14-141	296-62-07542	NEW-E 88-16-044
296-59-003	NEW 88-14-108	296-62-05417	AMD-P 88-09-074	296-62-07542	NEW-P 88-16-092
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296-59-005	NEW 88-14-108	296-62-05421	AMD 88-14-108	296-62-07544	NEW-E 88-16-044
296-59-007	NEW-P 88-09-074	296-62-05421	AMD 88-14-108	296-62-07544	NEW-P 88-09-074
296-59-007	NEW 88-14-108	296-62-05423	AMD-P 88-09-074	296-62-07544	NEW-E 88-16-092
296-59-010	NEW-P 88-09-074	296-62-05423	AMD 88-14-108	296-62-07546	NEW-P 88-09-074
296-59-010	NEW 88-14-108	296-62-05425	AMD-P 88-09-074	296-62-07546	NEW-W 88-14-141
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296-59-025	NEW 88-14-108	296-62-07336	NEW-P 88-06-073	296-62-07548	NEW-P 88-16-092
296-59-027	NEW-P 88-09-074	296-62-07336	NEW 88-11-021	296-62-07550	NEW-P 88-09-074
296-59-027	NEW 88-14-108	296-62-07337	NEW-P 88-06-073	296-62-07550	NEW-W 88-14-141
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296-59-035	NEW 88-14-108	296-62-07339	NEW-P 88-06-073	296-62-14541	AMD 88-14-108
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296-59-040	NEW 88-14-108	296-62-07340	NEW-P 88-06-073	296-62-300	NEW-W 88-14-141
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296-59-055	NEW-P 88-09-074	296-62-07341	REP 88-11-021	296-62-3010	NEW-P 88-09-074
296-59-055	NEW 88-14-108	296-62-07342	NEW-P 88-06-073	296-62-3010	NEW-W 88-14-141
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296-59-065	NEW 88-14-108	296-62-07344	NEW-P 88-06-073	296-62-3020	NEW-W 88-14-141
296-59-070	NEW-P 88-09-074	296-62-07344	NEW 88-11-021	296-62-3020	NEW-E 88-16-044
296-59-070	NEW 88-14-108	296-62-07345	REP-P 88-06-073	296-62-3020	NEW-P 88-16-092
296-59-075	NEW-P 88-09-074	296-62-07345	REP 88-11-021	296-62-3030	NEW-P 88-09-074
296-59-075	NEW 88-14-108	296-62-07346	NEW-P 88-06-073	296-62-3030	NEW-W 88-14-141
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296-59-080	NEW 88-14-108	296-62-07383	AMD-P 88-09-074	296-62-3030	NEW-P 88-16-092
296-59-085	NEW-P 88-09-074	296-62-07383	AMD 88-14-108	296-62-3040	NEW-P 88-09-074
296-59-085	NEW 88-14-108	296-62-07385	AMD-P 88-09-074	296-62-3040	NEW-W 88-14-141
296-59-090	NEW-P 88-09-074	296-62-07385	AMD 88-14-108	296-62-3040	NEW-E 88-16-044
296-59-090	NEW 88-14-108	296-62-07387	AMD-P 88-09-074	296-62-3040	NEW-P 88-16-092
296-59-095	NEW-P 88-09-074	296-62-07387	AMD 88-14-108	296-62-3050	NEW-P 88-09-074
296-59-095	NEW 88-14-108	296-62-07389	AMD-P 88-09-074	296-62-3050	NEW-W 88-14-141
296-59-100	NEW-P 88-09-074	296-62-07389	AMD 88-14-108	296-62-3050	NEW-E 88-16-044
296-59-100	NEW 88-14-108	296-62-07515	AMD-P 88-09-074	296-62-3050	NEW-P 88-16-092
296-59-102	NEW-P 88-09-074	296-62-07515	AMD 88-14-108	296-62-3060	NEW-P 88-09-074
296-59-102	NEW 88-14-108	296-62-07521	AMD-P 88-09-074	296-62-3060	NEW-W 88-14-141
296-59-103	NEW-P 88-09-074	296-62-07521	AMD 88-14-108	296-62-3060	NEW-E 88-16-044
296-59-103	NEW 88-14-108	296-62-07523	NEW-P 88-09-074	296-62-3060	NEW-P 88-16-092
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296-59-105	NEW 88-14-108	296-62-07523	NEW-E 88-16-044	296-62-3070	NEW-W 88-14-141
296-59-107	NEW-P 88-09-074	296-62-07523	NEW-P 88-16-092	296-62-3070	NEW-E 88-16-044
296-59-107	NEW 88-14-108	296-62-07525	NEW-P 88-09-074	296-62-3070	NEW-P 88-16-092
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296-59-120	NEW 88-14-108	296-62-07527	NEW-E 88-16-044	296-62-3090	NEW-W 88-14-141
296-59-125	NEW-P 88-09-074	296-62-07527	NEW-P 88-16-092	296-62-3090	NEW-E 88-16-044
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296-59-130	NEW-P 88-09-074	296-62-07529	NEW-W 88-14-141	296-62-3100	NEW-P 88-09-074
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296-62-3120	NEW-P	88-09-074	296-127-022	NEW-E	88-16-013	296-305-06301	REP	88-14-108
296-62-3120	NEW-W	88-14-141	296-127-023	NEW-P	88-16-090	296-305-06303	REP-P	88-09-074
296-62-3120	NEW-E	88-16-044	296-127-025	NEW-P	88-16-090	296-305-06303	REP	88-14-108
296-62-3120	NEW-P	88-16-092	296-127-026	NEW-P	88-16-090	296-305-06305	REP-P	88-09-074
296-62-3130	NEW-P	88-09-074	296-127-040	AMD-P	88-16-090	296-305-06305	REP	88-14-108
296-62-3130	NEW-W	88-14-141	296-127-045	AMD-P	88-16-090	296-305-06307	REP-P	88-09-074
296-62-3130	NEW-E	88-16-044	296-130-010	NEW-P	88-14-105	296-305-06307	REP	88-14-108
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296-62-3152	NEW-P	88-09-074	296-150B-015	AMD-P	88-14-104	296-305-06505	AMD	88-14-108
296-62-3152	NEW-W	88-14-141	296-150B-220	AMD-P	88-14-104	296-305-06507	AMD-P	88-09-074
296-62-3152	NEW-E	88-16-044	296-150B-225	AMD-P	88-14-104	296-305-06507	AMD	88-14-108
296-62-3152	NEW-P	88-16-092	296-150B-245	AMD-P	88-14-104	296-305-06509	AMD-P	88-09-074
296-62-3160	NEW-P	88-09-074	296-155-160	AMD-P	88-09-074	296-305-06509	AMD	88-14-108
296-62-3160	NEW-W	88-14-141	296-155-160	AMD	88-14-108	296-305-06509	AMD	88-14-108
296-62-3160	NEW-E	88-16-044	296-155-425	REP-P	88-06-073	296-305-07001	AMD-P	88-09-074
296-62-3160	NEW-P	88-16-092	296-155-425	REP	88-11-021	296-305-07001	AMD	88-14-108
296-62-3170	NEW-P	88-09-074	296-155-426	NEW-P	88-06-073	296-305-07003	AMD-P	88-09-074
296-62-3170	NEW-W	88-14-141	296-155-426	NEW	88-11-021	296-305-07003	AMD	88-14-108
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296-62-3180	NEW-W	88-14-141	296-155-429	NEW	88-11-021	296-305-9901	REP	88-14-108
296-62-3180	NEW-E	88-16-044	296-155-430	REP-P	88-06-073	296-305-9902	REP-P	88-09-074
296-62-3180	NEW-P	88-16-092	296-155-430	REP	88-11-021	296-305-9902	REP	88-14-108
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296-116-020	AMD-C	88-05-016	296-155-440	REP	88-11-021	296-306-010	AMD	88-14-108
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296-116-083	NEW	88-10-038	296-155-450	REP-P	88-06-073	296-401-080	AMD	88-16-002
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296-116-120	AMD	88-09-027	296-155-452	NEW-P	88-06-073	296-401-085	NEW	88-16-002
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308-12-050	AMD	88-09-066	308-34-170	NEW	88-14-009	308-51-220	NEW	88-11-011
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308-61-240	AMD	88-06-025	308-91-100	REP-P	88-03-067	308-120-185	AMD-P	88-12-042
308-61-260	AMD-E	88-04-026	308-91-100	REP	88-06-061	308-120-185	AMD	88-16-034
308-61-260	AMD	88-06-025	308-91-110	REP-E	88-03-030	308-120-186	AMD	88-05-010
308-61-330	AMD-E	88-04-026	308-91-110	REP-P	88-03-067	308-120-275	AMD-P	88-15-039
308-61-330	AMD	88-06-025	308-91-110	REP	88-06-061	308-120-275	AMD-E	88-15-042
308-61-430	AMD-E	88-04-026	308-91-120	NEW-E	88-03-030	308-120-275	AMD-P	88-15-098
308-61-430	AMD	88-06-025	308-91-120	NEW-P	88-03-067	308-120-275	AMD-P	88-16-099
308-72-502	NEW-P	88-04-029	308-91-120	NEW	88-06-061	308-120-275	AMD-E	88-16-105
308-72-502	NEW	88-07-095	308-91-130	NEW-E	88-03-030	308-120-335	AMD	88-07-049
308-72-504	NEW-P	88-04-029	308-91-130	NEW-P	88-03-067	308-120-338	NEW-P	88-12-042
308-72-504	NEW	88-07-095	308-91-130	NEW	88-06-061	308-120-338	NEW	88-16-034
308-72-506	NEW-P	88-04-029	308-91-140	NEW-E	88-03-030	308-120-360	AMD-P	88-12-042
308-72-506	NEW	88-07-095	308-91-140	NEW-P	88-03-067	308-120-505	AMD-P	88-12-042
308-72-508	NEW-P	88-04-029	308-91-140	NEW	88-06-061	308-120-505	AMD	88-16-034
308-72-508	NEW	88-07-095	308-91-150	NEW-E	88-03-030	308-120-506	AMD-P	88-12-042
308-72-512	NEW-P	88-04-029	308-91-150	NEW-P	88-03-067	308-120-506	AMD	88-16-034
308-72-512	NEW	88-07-095	308-91-150	NEW	88-06-061	308-120-507	REP-P	88-12-042
308-72-540	AMD-P	88-04-029	308-91-160	NEW-E	88-03-030	308-120-507	REP	88-16-034
308-72-540	AMD	88-07-095	308-91-160	NEW-P	88-03-067	308-120-508	REP-P	88-12-042
308-90-010	REP-E	88-03-001	308-91-160	NEW	88-06-061	308-120-508	REP	88-16-034
308-90-010	REP	88-03-038	308-91-170	NEW-E	88-03-030	308-120-509	REP-P	88-12-042
308-90-020	REP-E	88-03-001	308-91-170	NEW-P	88-03-067	308-120-509	REP	88-16-034
308-90-020	REP	88-03-038	308-91-170	NEW	88-06-061	308-120-510	REP-P	88-12-042
308-90-030	AMD-E	88-03-001	308-96A-065	AMD-P	88-07-116	308-120-510	REP	88-16-034
308-90-030	AMD	88-03-038	308-96A-065	AMD	88-12-043	308-120-511	REP-P	88-12-042
308-90-040	AMD-E	88-03-001	308-96A-066	NEW-P	88-07-116	308-120-511	REP	88-16-034
308-90-040	AMD	88-03-038	308-96A-450	NEW-E	88-14-038	308-120-512	REP-P	88-12-042
308-90-050	REP-E	88-03-001	308-96A-450	NEW-P	88-14-111	308-120-512	REP	88-16-034
308-90-050	REP	88-03-038	308-96A-460	NEW-E	88-14-038	308-120-513	REP-P	88-12-042
308-90-060	AMD-E	88-03-001	308-96A-460	NEW-P	88-14-111	308-120-513	REP	88-16-034
308-90-060	AMD	88-03-038	308-96A-470	NEW-E	88-14-038	308-120-514	REP-P	88-12-042
308-90-070	AMD-E	88-03-001	308-96A-470	NEW-P	88-14-111	308-120-514	REP	88-16-034
308-90-070	AMD	88-03-038	308-96A-480	NEW-E	88-14-038	308-120-515	REP-P	88-12-042
308-90-080	AMD-E	88-03-001	308-96A-480	NEW-P	88-14-111	308-120-515	REP	88-16-034
308-90-080	AMD	88-03-038	308-115-220	NEW-P	88-08-035	308-120-516	REP-P	88-12-042
308-90-090	AMD-E	88-03-001	308-115-220	NEW	88-12-040	308-120-516	REP	88-16-034
308-90-090	AMD	88-03-038	308-115-230	NEW-P	88-08-035	308-120-517	REP-P	88-12-042
308-90-110	AMD-E	88-03-001	308-115-230	NEW	88-12-040	308-120-517	REP	88-16-034
308-90-110	AMD	88-03-038	308-115-240	NEW-P	88-08-035	308-120-518	REP-P	88-12-042
308-90-120	NEW-E	88-03-001	308-115-240	NEW	88-12-040	308-120-518	REP	88-16-034
308-90-120	NEW	88-03-038	308-115-250	NEW-P	88-08-035	308-120-519	REP-P	88-12-042
308-90-130	NEW-E	88-03-001	308-115-250	NEW	88-12-040	308-120-519	REP	88-16-034
308-90-130	NEW	88-03-038	308-115-260	NEW-P	88-15-043	308-120-520	REP-P	88-12-042
308-90-140	NEW-E	88-03-001	308-115-270	NEW-P	88-15-043	308-120-520	REP	88-16-034
308-90-140	NEW	88-03-038	308-115-280	NEW-P	88-15-043	308-120-521	REP-P	88-12-042
308-90-150	NEW-E	88-03-001	308-115-290	NEW-P	88-15-043	308-120-521	REP	88-16-034
308-90-150	NEW	88-03-038	308-115-310	NEW-P	88-15-043	308-120-522	REP-P	88-12-042
308-90-160	NEW-E	88-03-001	308-115-320	NEW-P	88-15-043	308-120-522	REP	88-16-034
308-90-160	NEW	88-03-038	308-115-330	NEW-P	88-15-043	308-120-525	NEW-P	88-12-042
308-91-010	AMD-E	88-03-030	308-115-340	NEW-P	88-15-043	308-120-525	NEW	88-16-034
308-91-010	AMD-P	88-03-067	308-115-350	NEW-P	88-15-043	308-120-530	NEW-P	88-12-042
308-91-010	AMD	88-06-061	308-117-030	AMD-P	88-04-077	308-120-530	NEW	88-16-034
308-91-020	REP-E	88-03-030	308-117-030	AMD	88-08-034	308-120-535	NEW-P	88-12-042
308-91-020	REP-P	88-03-067	308-117-030	AMD-P	88-13-094	308-120-535	NEW	88-16-034
308-91-020	REP	88-06-061	308-117-040	AMD-P	88-13-094	308-120-540	NEW-P	88-12-042
308-91-030	AMD-E	88-03-030	308-117-050	AMD-P	88-13-094	308-120-540	NEW	88-16-034
308-91-030	AMD-P	88-03-067	308-117-080	AMD	88-05-011	308-120-545	NEW-P	88-12-042
308-91-030	AMD	88-06-061	308-117-090	AMD-P	88-13-094	308-120-545	NEW	88-16-034
308-91-040	AMD-E	88-03-030	308-117-095	NEW-P	88-13-094	308-120-550	NEW-P	88-12-042
308-91-040	AMD-P	88-03-067	308-117-100	AMD-P	88-13-094	308-120-550	NEW	88-16-034
308-91-040	AMD	88-06-061	308-117-105	NEW-P	88-13-094	308-120-555	NEW-P	88-12-042
308-91-050	AMD-E	88-03-030	308-117-410	NEW-P	88-13-094	308-120-555	NEW	88-16-034
308-91-050	AMD-P	88-03-067	308-117-420	NEW-P	88-13-094	308-120-560	NEW-P	88-12-042

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-120-560	NEW	88-16-034	308-128D-060	AMD-P	88-08-087	308-173-050	NEW-P	88-15-043
308-120-565	NEW-P	88-12-042	308-128D-070	AMD-P	88-08-087	308-173-060	NEW-P	88-15-043
308-120-565	NEW	88-16-034	308-128D-080	NEW-P	88-08-087	308-173-070	NEW-P	88-15-043
308-120-570	NEW-P	88-12-042	308-128E-010	REP-P	88-08-087	308-173-080	NEW-P	88-15-043
308-120-570	NEW	88-16-034	308-128E-011	NEW-P	88-08-087	308-173-090	NEW-P	88-15-043
308-120-575	NEW-P	88-12-042	308-128F-010	AMD-P	88-08-087	308-175-080	REP-P	88-14-094
308-120-575	NEW	88-16-034	308-128F-020	AMD-P	88-08-087	308-177-010	NEW-P	88-15-043
308-121-070	NEW-P	88-15-039	308-128F-030	REP-P	88-08-087	308-177-020	NEW-P	88-15-043
308-121-070	NEW-E	88-15-042	308-128F-040	AMD-P	88-08-087	308-177-030	NEW-P	88-15-043
308-121-070	NEW-P	88-15-098	308-128F-050	AMD-P	88-08-087	308-177-040	NEW-P	88-15-043
308-121-070	NEW-P	88-16-099	308-128F-070	AMD-P	88-08-087	308-177-050	NEW-P	88-15-043
308-121-070	NEW-E	88-16-105	308-130-320	NEW-P	88-15-043	308-177-060	NEW-P	88-15-043
308-122-200	AMD-P	88-06-007	308-130-330	NEW-P	88-15-043	308-177-070	NEW-P	88-15-043
308-122-200	AMD	88-09-029	308-130-340	NEW-P	88-15-043	308-177-080	NEW-P	88-15-043
308-122-215	AMD-P	88-06-007	308-130-350	NEW-P	88-15-043	308-177-090	NEW-P	88-15-043
308-122-215	AMD	88-09-029	308-130-360	NEW-P	88-15-043	308-180-120	AMD-P	88-02-061
308-122-235	NEW-P	88-06-007	308-130-370	NEW-P	88-15-043	308-180-120	AMD	88-07-031
308-122-235	NEW	88-09-029	308-130-380	NEW-P	88-15-043	308-180-210	AMD-P	88-02-061
308-122-640	AMD-P	88-06-007	308-130-390	NEW-P	88-15-043	308-180-210	AMD	88-07-031
308-122-640	AMD	88-09-029	308-130-400	NEW-P	88-15-043	308-180-220	AMD-P	88-02-061
308-122-720	NEW-P	88-06-007	308-138-055	AMD-P	88-03-035	308-180-220	AMD	88-07-031
308-122-720	NEW	88-09-029	308-138-055	AMD	88-09-030	308-180-250	AMD-P	88-02-061
308-124A-020	AMD-P	88-16-109	308-138-055	AMD-P	88-11-088	308-180-250	AMD	88-07-031
308-124A-025	AMD-P	88-16-109	308-138-055	AMD	88-14-113	308-180-260	AMD-P	88-11-026
308-124A-100	REP-P	88-16-097	308-138-320	AMD-P	88-03-035	308-180-260	AMD	88-15-030
308-124A-110	AMD-P	88-16-097	308-138-320	AMD	88-09-030	308-180-270	NEW-P	88-02-061
308-124A-115	REP-P	88-16-097	308-138-340	NEW-P	88-11-088	308-180-270	NEW	88-07-031
308-124A-120	AMD-P	88-16-109	308-138-340	NEW	88-14-113	308-180-280	NEW-P	88-02-061
308-124A-130	AMD-P	88-02-051	308-138A-020	AMD-P	88-03-035	308-180-280	NEW	88-07-031
308-124A-130	AMD	88-06-039	308-138A-020	AMD	88-09-030	308-180-290	NEW-P	88-15-043
308-124A-200	AMD-P	88-16-097	308-138A-020	AMD-P	88-11-088	308-180-300	NEW-P	88-15-043
308-124A-420	AMD-P	88-16-097	308-138A-020	AMD	88-14-113	308-180-310	NEW-P	88-15-043
308-124A-425	NEW-P	88-16-097	308-138A-025	AMD-P	88-03-035	308-180-320	NEW-P	88-15-043
308-124A-430	AMD-P	88-16-109	308-138A-025	AMD	88-09-030	308-180-330	NEW-P	88-15-043
308-124A-440	AMD-P	88-16-109	308-140-010	REP-P	88-11-027	308-180-340	NEW-P	88-15-043
308-124B-010	REP-E	88-02-050	308-140-010	REP	88-15-031	308-180-350	NEW-P	88-15-043
308-124B-010	REP-P	88-02-051	308-140-020	REP-P	88-11-027	308-180-360	NEW-P	88-15-043
308-124B-010	REP	88-06-039	308-140-020	REP	88-15-031	308-180-370	NEW-P	88-15-043
308-124B-010	AMD-E	88-02-050	308-140-030	REP-P	88-11-027	308-183-010	NEW-P	88-15-043
308-124B-130	AMD-P	88-02-051	308-140-030	REP	88-15-031	308-183-020	NEW-P	88-15-043
308-124B-130	AMD	88-06-039	308-140-040	REP-P	88-11-027	308-183-030	NEW-P	88-15-043
308-124B-150	NEW-E	88-02-050	308-140-040	REP	88-15-031	308-183-040	NEW-P	88-15-043
308-124B-150	NEW-P	88-02-051	308-140-070	REP-P	88-11-027	308-183-050	NEW-P	88-15-043
308-124B-150	NEW	88-06-039	308-140-070	REP	88-15-031	308-183-060	NEW-P	88-15-043
308-124D-040	AMD-P	88-16-097	308-140-100	REP-P	88-11-027	308-183-070	NEW-P	88-15-043
308-124E-011	REP-P	88-02-049	308-140-100	REP	88-15-031	308-183-080	NEW-P	88-15-043
308-124E-011	REP	88-06-040	308-140-250	REP-P	88-11-027	308-183-090	NEW-P	88-16-071
308-124E-012	NEW-P	88-02-049	308-140-250	REP	88-15-031	308-183-100	NEW-P	88-16-071
308-124E-012	NEW	88-06-040	308-140-270	REP-P	88-11-027	308-183-110	NEW-P	88-16-071
308-124E-013	NEW-P	88-02-049	308-140-270	REP	88-15-031	308-183-120	NEW-P	88-16-071
308-124E-013	NEW	88-06-040	308-140-300	REP-P	88-11-027	308-183-130	NEW-P	88-16-071
308-124E-013	AMD-E	88-10-057	308-140-300	REP	88-15-031	308-183-140	NEW-P	88-16-071
308-124E-013	AMD-P	88-11-089	308-150-013	AMD-P	88-05-041	308-183-150	NEW-P	88-16-071
308-124E-013	AMD-P	88-16-097	308-150-013	AMD	88-08-033	308-183-160	NEW-P	88-16-071
308-124E-013	AMD	88-16-102	308-151-080	AMD-P	88-05-041	308-183-170	NEW-P	88-16-071
308-124E-014	NEW-P	88-02-049	308-151-080	AMD	88-08-033	308-183-180	NEW-P	88-16-071
308-124E-014	NEW	88-06-040	308-151-090	AMD-P	88-05-041	308-190-030	NEW-P	88-05-059
308-127-150	REP	88-15-017	308-151-090	AMD	88-08-033	308-190-030	NEW	88-11-024
308-127-155	NEW	88-15-017	308-153-020	AMD-P	88-05-041	308-190-040	NEW-P	88-05-059
308-128A-010	AMD-P	88-08-087	308-153-020	AMD	88-08-033	308-190-040	NEW	88-11-024
308-128A-020	AMD-P	88-08-087	308-153-030	AMD-P	88-05-041	308-190-050	NEW-P	88-05-059
308-128A-030	AMD-P	88-08-087	308-153-030	AMD	88-08-033	308-190-050	NEW	88-11-024
308-128A-040	AMD-P	88-08-087	308-156-060	AMD-P	88-05-041	308-190-060	NEW-P	88-15-043
308-128B-010	AMD-P	88-08-087	308-156-060	AMD	88-08-033	308-190-070	NEW-P	88-15-043
308-128B-020	AMD-P	88-08-087	308-156-090	AMD-P	88-05-041	308-190-080	NEW-P	88-15-043
308-128B-030	AMD-P	88-08-087	308-156-090	AMD	88-08-033	308-190-090	NEW-P	88-15-043
308-128B-040	REP-P	88-08-087	308-156-100	AMD-P	88-05-041	308-190-100	NEW-P	88-15-043
308-128B-050	AMD-P	88-08-087	308-156-100	AMD	88-08-033	308-190-110	NEW-P	88-15-043
308-128B-060	AMD-P	88-08-087	308-171-010	AMD-P	88-05-061	308-190-120	NEW-P	88-15-043
308-128B-090	NEW-P	88-08-087	308-171-010	AMD	88-09-031	308-190-130	NEW-P	88-15-043
308-128C-010	REP-P	88-08-087	308-171-020	AMD-P	88-05-061	308-190-140	NEW-P	88-15-043
308-128C-040	AMD-P	88-08-087	308-171-020	AMD	88-09-031	308-195-020	NEW-P	88-03-034
308-128C-050	AMD-P	88-08-087	308-171-103	AMD-P	88-09-048	308-195-020	NEW	88-10-015
308-128D-010	AMD-P	88-08-087	308-173-010	NEW-P	88-15-043	308-195-030	NEW-P	88-03-034
308-128D-020	AMD-P	88-08-087	308-173-020	NEW-P	88-15-043	308-195-030	NEW	88-10-015
308-128D-030	AMD-P	88-08-087	308-173-030	NEW-P	88-15-043	308-195-040	NEW-P	88-03-034
308-128D-040	AMD-P	88-08-087	308-173-040	NEW-P	88-15-043	308-195-040	NEW	88-10-015

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
308-195-050	NEW-P	88-03-034	308-230-060	NEW-P	88-15-043
308-195-050	NEW	88-10-015	308-230-070	NEW-P	88-15-043
308-195-060	NEW-P	88-03-034	308-230-080	NEW-P	88-15-043
308-195-060	NEW	88-10-015	308-230-090	NEW-P	88-15-043
308-195-070	NEW-P	88-03-034	308-230-100	NEW-P	88-15-043
308-195-070	NEW	88-10-015	308-230-110	NEW-P	88-15-043
308-195-080	NEW-P	88-03-034	308-230-120	NEW-P	88-15-043
308-195-080	NEW	88-10-015	308-230-130	NEW-P	88-15-043
308-195-090	NEW-P	88-03-034	308-230-140	NEW-P	88-15-043
308-195-090	NEW	88-10-015	308-310-010	NEW-P	88-16-032
308-195-100	NEW-P	88-03-034	308-310-010	NEW-E	88-16-033
308-195-100	NEW	88-10-015	308-310-010	NEW-E	88-16-106
308-195-110	NEW-P	88-03-034	308-400	AMD-E	88-14-044
308-195-110	NEW-P	88-14-006	308-400	AMD-P	88-14-045
308-195-110	NEW-E	88-14-008	308-400-010	AMD-E	88-14-044
308-195-120	NEW-P	88-15-043	308-400-010	AMD-P	88-14-045
308-195-130	NEW-P	88-15-043	308-400-020	AMD-E	88-14-044
308-195-140	NEW-P	88-15-043	308-400-020	AMD-P	88-14-045
308-195-150	NEW-P	88-15-043	308-400-025	REP-E	88-14-044
308-195-160	NEW-P	88-15-043	308-400-025	REP-P	88-14-045
308-195-170	NEW-P	88-15-043	308-400-030	AMD-E	88-14-044
308-195-180	NEW-P	88-15-043	308-400-030	AMD-P	88-14-045
308-195-190	NEW-P	88-15-043	308-400-044	REP-E	88-14-044
308-210-010	NEW-P	88-05-060	308-400-044	REP-P	88-14-045
308-210-010	NEW	88-11-025	308-400-047	AMD-E	88-14-044
308-210-020	NEW-P	88-05-060	308-400-047	AMD-P	88-14-045
308-210-020	NEW	88-11-025	308-400-048	AMD-E	88-14-044
308-210-030	NEW-P	88-05-060	308-400-048	AMD-P	88-14-045
308-210-030	NEW	88-11-025	308-400-050	REP-E	88-14-044
308-210-040	NEW-P	88-05-060	308-400-050	REP-P	88-14-045
308-210-040	NEW	88-11-025	308-400-052	AMD-E	88-14-044
308-210-050	NEW-P	88-05-060	308-400-052	AMD-P	88-14-045
308-210-050	NEW	88-11-025	308-400-058	AMD-E	88-14-044
308-210-060	NEW-P	88-05-060	308-400-058	AMD-P	88-14-045
308-210-060	NEW	88-11-025	308-400-059	AMD-E	88-14-044
308-210-080	NEW-P	88-15-043	308-400-059	AMD-P	88-14-045
308-210-090	NEW-P	88-15-043	308-400-080	REP-E	88-14-044
308-210-100	NEW-P	88-15-043	308-400-080	REP-P	88-14-045
308-210-110	NEW-P	88-15-043	308-400-095	AMD-E	88-14-044
308-210-120	NEW-P	88-15-043	308-400-095	AMD-P	88-14-045
308-210-130	NEW-P	88-15-043	308-400-120	NEW-E	88-14-044
308-210-140	NEW-P	88-15-043	308-400-120	NEW-P	88-14-045
308-210-150	NEW-P	88-15-043	308-410-010	NEW	88-03-037
308-210-160	NEW-P	88-15-043	308-410-020	NEW	88-03-037
308-220-010	NEW-P	88-05-062	308-410-030	NEW	88-03-037
308-220-010	NEW	88-11-079	308-410-040	NEW	88-03-037
308-220-020	NEW-P	88-05-062	308-410-050	NEW	88-03-037
308-220-020	NEW	88-11-079	308-410-060	NEW	88-03-037
308-220-030	NEW-P	88-05-062	308-410-070	NEW	88-03-037
308-220-030	NEW	88-11-079	314-08-080	AMD-P	88-06-056
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308-220-050	NEW	88-11-079	314-12-038	NEW-P	88-06-054
308-220-060	NEW	88-11-079	314-12-038	NEW-P	88-13-003
308-220-070	NEW-P	88-05-062	314-12-040	AMD-P	88-13-066
308-220-070	NEW	88-11-079	314-12-040	AMD	88-16-025
308-220-080	NEW-P	88-05-062	314-12-100	AMD	88-04-028
308-220-090	NEW-P	88-15-043	314-12-145	AMD-E	88-07-076
308-220-100	NEW-P	88-15-043	314-12-145	AMD-P	88-07-091
308-220-110	NEW-P	88-15-043	314-12-145	AMD-C	88-09-061
308-220-120	NEW-P	88-15-043	314-12-145	AMD	88-10-049
308-220-130	NEW-P	88-15-043	314-12-170	AMD-P	88-14-036
308-220-140	NEW-P	88-15-043	314-16-190	AMD-P	88-04-082
308-220-150	NEW-P	88-15-043	314-16-190	AMD	88-07-058
308-220-160	NEW-P	88-15-043	314-20-020	AMD-P	88-12-075
308-220-170	NEW-P	88-15-043	314-20-020	AMD	88-14-131
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308-230-040	NEW	88-11-078	314-26-010	AMD	88-13-118
308-230-050	NEW-P	88-05-063	314-36-010	AMD-P	88-04-087
308-230-050	NEW	88-11-078	314-36-010	AMD	88-07-025
314-36-020	AMD-P	88-04-087	314-36-020	AMD	88-07-025
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314-36-030	AMD-P	88-04-087	314-36-030	AMD	88-07-025
314-36-040	AMD-P	88-04-087	314-36-040	AMD	88-07-025
314-36-040	AMD	88-07-025	314-36-050	AMD-P	88-04-087
314-36-050	AMD-P	88-04-087	314-36-050	AMD	88-07-025
314-36-060	AMD-P	88-04-087	314-36-060	AMD-P	88-04-087
314-36-060	AMD	88-07-025	314-36-060	AMD	88-07-025
314-36-070	AMD-P	88-04-087	314-36-070	AMD-P	88-04-087
314-36-070	AMD	88-07-025	314-36-070	AMD	88-07-025
314-36-080	AMD-P	88-04-087	314-36-080	AMD-P	88-04-087
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314-36-100	AMD	88-07-025	314-36-110	AMD-P	88-04-087
314-36-110	AMD-P	88-04-087	314-36-110	AMD	88-07-025
314-36-110	AMD	88-07-025	314-36-120	REP-P	88-04-087
314-36-120	REP-P	88-04-087	314-36-120	REP	88-07-025
314-36-130	AMD-P	88-04-087	314-36-130	AMD-P	88-04-087
314-36-130	AMD	88-07-025	314-36-130	AMD	88-07-025
314-40-040	AMD-P	88-06-055	314-40-040	AMD-P	88-04-083
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314-40-080	AMD-P	88-06-055	314-40-080	AMD-P	88-06-055
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314-60-030	AMD	88-16-026	314-60-030	AMD	88-16-026
314-64-030	AMD-P	88-11-084	314-64-030	AMD-P	88-11-084
314-64-030	AMD	88-14-001	314-64-030	AMD	88-14-001
314-64-050	AMD-P	88-11-084	314-64-050	AMD-P	88-11-084
314-64-050	AMD	88-14-001	314-64-050	AMD	88-14-001
314-70-020	AMD-P	88-13-065	314-70-020	AMD-P	88-13-065
314-70-020	AMD	88-16-040	314-70-020	AMD	88-16-040
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315-10-030	AMD-P	88-13-122	315-10-030	AMD-P	88-13-122
315-11-310	NEW-P	88-02-062	315-11-310	NEW-P	88-02-062
315-11-310	NEW	88-06-031	315-11-310	NEW	88-06-031
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315-11-311	NEW	88-06-031	315-11-311	NEW	88-06-031
315-11-312	NEW-P	88-02-062	315-11-312	NEW-P	88-02-062
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315-11-332	NEW-P	88-09-069	315-11-332	NEW-P	88-09-069
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315-11-342	NEW-P	88-13-122	315-11-342	NEW-P	88-13-122
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315-20-090	AMD-P	88-02-062	315-20-090	AMD-P	88-02-062
315-20-090	AMD	88-06-031	315-20-090	AMD	88-06-031
315-30-080	AMD-P	88-02-062	315-30-080	AMD-P	88-02-062
315-32-050	AMD	88-05-030	315-32-050	AMD	88-05-030
316-02-350	AMD-P	88-06-057	316-02-350	AMD-P	88-06-057
316-02-350	AMD	88-10-019	316-02-350	AMD	88-10-019
316-02-820	AMD-P	88-06-057	316-02-820	AMD-P	88-06-057
316-02-820	AMD	88-10-019	316-02-820	AMD	88-10-019
316-45-110	AMD-P	88-06-057	316-45-110	AMD-P	88-06-057
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320-18-030	NEW	88-14-112	332-26-087	NEW-E	88-16-067	356-05-461	NEW-C	88-13-056
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326-02-030	AMD-P	88-09-060	332-30-166	AMD	88-13-082	356-05-465	AMD-P	88-08-009
326-02-030	AMD	88-12-060	344-12-043	NEW-P	88-07-115	356-10-030	AMD-C	88-11-038
326-02-040	NEW-P	88-14-129	344-12-043	NEW	88-14-026	356-05-465	AMD	88-14-070
326-02-050	NEW-P	88-14-129	344-12-050	AMD-P	88-07-115	356-10-030	AMD-P	88-10-031
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326-20-090	REP	88-06-030	352-12-020	AMD-P	88-04-075	356-14-240	AMD	88-08-008
326-20-091	NEW-E	88-06-043	352-12-020	AMD	88-07-074	356-14-240	AMD-C	88-11-039
326-20-091	NEW-P	88-06-074	352-32-035	AMD-P	88-04-075	356-14-240	AMD-C	88-13-068
326-20-091	NEW-C	88-09-010	352-32-035	AMD	88-07-074	356-15-020	AMD	88-05-028
326-20-091	NEW	88-09-047	352-32-045	AMD-P	88-04-075	356-15-063	NEW-P	88-14-066
326-20-092	NEW-E	88-06-043	352-32-045	AMD	88-07-074	356-15-063	NEW-E	88-14-068
326-20-092	NEW-P	88-06-074	352-32-095	NEW-P	88-16-089	356-15-063	NEW-E	88-15-061
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326-20-093	NEW-P	88-06-074	352-32-250	AMD	88-07-074	356-15-090	AMD-P	88-08-008
326-20-093	NEW-C	88-09-010	352-32-251	AMD-P	88-16-089	356-15-090	AMD-C	88-11-039
326-20-093	NEW	88-09-047	352-32-252	AMD-P	88-16-089	356-15-090	AMD-C	88-13-068
326-20-094	NEW-E	88-06-043	352-32-285	AMD-P	88-12-066	356-15-100	AMD-P	88-04-033
326-20-094	NEW-P	88-06-074	352-32-285	AMD	88-15-068	356-15-110	AMD-P	88-04-033
326-20-094	NEW-C	88-09-010	352-36-040	AMD-P	88-06-095	356-15-115	NEW-P	88-04-033
326-20-094	NEW	88-09-047	352-36-040	AMD	88-10-017	356-18-030	AMD-P	88-06-022
326-20-095	NEW-E	88-06-043	352-74-030	AMD-P	88-04-075	356-18-030	AMD-C	88-09-035
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326-20-095	NEW-C	88-09-010	352-74-040	AMD-P	88-04-075	356-18-030	AMD	88-11-036
326-20-095	NEW	88-09-047	352-74-040	AMD	88-07-074	356-18-114	NEW-P	88-04-032
326-20-096	NEW-E	88-06-043	352-74-060	AMD-P	88-04-075	356-18-114	NEW-C	88-07-041
326-20-096	NEW-P	88-06-074	352-74-060	AMD	88-07-074	356-18-120	AMD-P	88-04-034
326-20-096	NEW-C	88-09-010	352-74-070	AMD-P	88-04-075	356-18-120	AMD	88-07-046
326-20-096	NEW	88-09-047	352-74-070	AMD	88-07-074	356-18-130	REP-E	88-04-030
326-20-097	NEW-E	88-06-043	356-05-005	REP-P	88-04-066	356-18-130	REP-P	88-04-065
326-20-097	NEW-P	88-06-074	356-05-123	NEW-C	88-06-014	356-18-130	REP	88-07-045
326-20-097	NEW-C	88-09-010	356-05-123	NEW-C	88-07-040	356-18-190	AMD-P	88-04-068
326-20-097	NEW	88-09-047	356-05-128	NEW	88-03-042	356-18-190	AMD-P	88-14-065
326-20-098	NEW-E	88-06-043	356-05-145	REP-P	88-04-066	356-26-050	AMD-P	88-04-068
326-20-098	NEW-P	88-06-074	356-05-311	NEW-P	88-04-032	356-26-050	AMD-P	88-14-065
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326-20-098	NEW	88-09-047	356-05-320	AMD-P	88-04-068	356-26-080	AMD-P	88-04-068
326-20-140	AMD-P	88-14-129	356-05-320	AMD-P	88-14-065	356-26-080	AMD-P	88-14-065
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326-20-171	AMD-C	88-09-010	356-05-360	AMD	88-03-041	356-30-015	AMD-P	88-14-065
326-20-171	AMD	88-09-047	356-05-415	AMD-P	88-04-068	356-30-020	REP-P	88-04-066
326-20-172	AMD-P	88-06-074	356-05-415	AMD-P	88-14-065	356-30-030	REP-P	88-04-066
326-20-172	AMD-C	88-09-010	356-05-450	REP-C	88-07-044	356-30-040	REP-P	88-04-066
326-20-172	AMD	88-09-047	356-05-450	REP-P	88-10-030	356-30-050	REP-P	88-04-066
326-20-173	NEW-P	88-14-129	356-05-450	REP-C	88-13-056	356-30-065	AMD-P	88-04-068
326-20-180	AMD-P	88-06-074	356-05-450	REP-C	88-15-059	356-30-065	AMD-P	88-14-065
326-20-180	AMD-C	88-09-010	356-05-451	NEW-C	88-07-044	356-30-067	NEW-P	88-04-068
326-20-180	AMD	88-09-047	356-05-451	NEW-P	88-10-030	356-30-067	NEW-P	88-14-065
326-20-185	AMD-P	88-06-074	356-05-451	NEW-C	88-13-056	356-30-070	REP-P	88-04-066
326-20-185	AMD-C	88-09-010	356-05-451	NEW-C	88-15-059	356-30-080	REP-P	88-04-066
326-20-185	AMD	88-09-047	356-05-452	NEW-C	88-07-044	356-30-140	AMD-P	88-04-068
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326-30-060	AMD-P	88-14-047	356-05-452	NEW-C	88-15-059	356-30-145	AMD-P	88-14-065
326-30-060	AMD-E	88-14-048	356-05-455	REP-C	88-07-044	356-30-260	AMD-C	88-03-039
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332-26-040	NEW-E	88-16-023	356-05-455	REP-C	88-15-059	356-30-305	AMD	88-06-001
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332-26-060	NEW-E	88-16-023	356-05-456	NEW-P	88-10-030	356-30-330	AMD-P	88-14-065
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356-34-150	REP	88-11-037	360-08-070	REP	88-06-026	360-46-030	AMD-P	88-16-070
356-34-170	AMD-P	88-08-058	360-08-080	REP-P	88-03-036	360-46-040	AMD-P	88-11-082
356-34-170	AMD	88-11-037	360-08-080	REP	88-06-026	360-46-040	AMD-P	88-13-093
356-42-010	AMD-C	88-07-044	360-08-090	REP-P	88-03-036	360-46-040	AMD-W	88-14-029
356-42-010	AMD-P	88-10-030	360-08-090	REP	88-06-026	360-46-040	AMD-P	88-16-070
356-42-010	AMD-C	88-13-056	360-08-100	REP-P	88-03-036	360-46-050	AMD-P	88-11-082
356-42-010	AMD-C	88-15-059	360-08-100	REP	88-06-026	360-46-050	AMD-P	88-13-093
356-42-020	AMD-C	88-07-043	360-08-110	REP-P	88-03-036	360-46-050	AMD-W	88-14-029
356-42-020	AMD-P	88-10-029	360-08-110	REP	88-06-026	360-46-050	AMD-P	88-16-070
356-42-020	AMD-C	88-13-054	360-08-120	REP-P	88-03-036	360-46-060	AMD-P	88-11-082
356-42-020	AMD-C	88-15-058	360-08-120	REP	88-06-026	360-46-060	AMD-P	88-13-093
356-42-042	NEW-C	88-07-043	360-08-130	REP-P	88-03-036	360-46-060	AMD-W	88-14-029
356-42-042	NEW-P	88-10-029	360-08-130	REP	88-06-026	360-46-060	AMD-P	88-16-070
356-42-042	NEW-C	88-13-054	360-08-140	REP-P	88-03-036	360-46-070	AMD-P	88-11-082
356-42-042	NEW-C	88-15-058	360-08-140	REP	88-06-026	360-46-070	AMD-P	88-13-093
356-42-043	AMD-C	88-07-043	360-08-410	REP-P	88-03-036	360-46-070	AMD-W	88-14-029
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356-42-043	AMD-P	88-10-030	360-08-430	REP	88-06-026	360-46-090	AMD-P	88-13-093
356-42-043	AMD-C	88-13-056	360-08-440	REP-P	88-03-036	360-46-090	AMD-W	88-14-029
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388-28-475	AMD-P	88-04-045	388-40-110	NEW-E	88-07-054	388-57-097	AMD	88-07-055
388-28-475	AMD	88-07-052	388-40-110	NEW-W	88-08-001	388-57-100	AMD	88-07-055
388-28-480	AMD	88-07-117	388-40-110	NEW-P	88-10-042	388-57-105	NEW	88-07-055
388-28-482	AMD	88-07-117	388-40-110	NEW-E	88-10-045	388-57-112	NEW	88-07-055
388-28-482	AMD-P	88-16-052	388-40-110	NEW	88-13-110	388-57-115	NEW	88-07-055
388-28-482	AMD-E	88-16-062	388-42-150	AMD-P	88-15-009	388-57-117	NEW	88-07-055
388-28-483	AMD	88-07-117	388-44-035	AMD-P	88-16-053	388-57-120	AMD	88-07-055
388-28-560	AMD	88-04-018	388-44-035	AMD-E	88-16-061	388-57-121	REP	88-07-055
388-29-001	AMD-P	88-14-137	388-44-330	NEW-P	88-10-004	388-57-123	AMD	88-07-055
388-29-100	AMD	88-04-019	388-44-330	NEW	88-13-059	388-57-124	AMD	88-07-055
388-29-100	AMD-P	88-14-137	388-49-015	AMD-P	88-15-045	388-57-125	AMD	88-07-055
388-29-125	AMD	88-04-019	388-49-020	AMD-P	88-06-079	388-70-013	AMD-P	88-13-124
388-29-125	AMD-P	88-13-106	388-49-020	AMD	88-08-080	388-70-013	AMD-E	88-14-055
388-29-125	AMD-E	88-14-054	388-49-020	AMD-P	88-12-030	388-77-005	NEW-P	88-04-089
388-29-125	AMD	88-16-078	388-49-020	AMD	88-16-081	388-77-005	NEW-W	88-08-038
388-29-130	AMD	88-04-019	388-49-190	AMD-P	88-12-030	388-77-005	NEW-P	88-09-079
388-29-130	AMD-P	88-14-137	388-49-190	AMD	88-16-081	388-77-005	NEW	88-12-093
388-29-145	REP-P	88-04-037	388-49-191	NEW-P	88-14-080	388-77-005	AMD-P	88-14-081
388-29-145	REP-E	88-04-040	388-49-191	NEW-E	88-14-083	388-77-005	AMD-E	88-14-082
388-29-145	REP	88-07-062	388-49-250	AMD-P	88-11-059	388-77-010	NEW-P	88-04-089
388-29-146	REP	88-04-019	388-49-250	AMD	88-16-083	388-77-010	NEW-W	88-08-038
388-29-280	AMD	88-04-019	388-49-260	AMD-P	88-12-030	388-77-010	NEW-P	88-09-079
388-29-280	AMD-P	88-14-137	388-49-260	AMD	88-16-081	388-77-010	NEW	88-12-093
388-33-135	AMD	88-07-117	388-49-310	AMD-P	88-13-027	388-77-015	NEW-P	88-04-089
388-33-195	AMD-P	88-16-057	388-49-310	AMD	88-16-085	388-77-015	NEW-W	88-08-038
388-33-195	AMD-E	88-16-058	388-49-410	AMD-P	88-06-080	388-77-015	NEW-P	88-09-079
388-33-480	NEW-P	88-11-058	388-49-410	AMD	88-08-081	388-77-015	NEW	88-12-093
388-33-480	NEW-E	88-14-060	388-49-410	AMD-P	88-12-030	388-77-015	AMD-P	88-14-081
388-33-480	NEW	88-14-061	388-49-410	AMD	88-16-081	388-77-015	AMD-E	88-14-082
388-37-110	AMD-E	88-12-086	388-49-420	AMD-P	88-12-030	388-77-020	NEW-P	88-04-089
388-37-110	AMD-P	88-12-094	388-49-420	AMD	88-16-081	388-77-020	NEW-W	88-08-038
388-37-110	AMD	88-15-013	388-49-470	AMD-P	88-05-005	388-77-025	NEW-P	88-04-089
388-37-130	AMD-E	88-12-086	388-49-470	AMD-E	88-05-006	388-77-025	NEW-W	88-08-038
388-37-130	AMD-P	88-12-094	388-49-470	AMD-P	88-06-081	388-77-030	NEW-P	88-04-089
388-37-130	AMD	88-15-013	388-49-470	AMD	88-08-079	388-77-030	NEW-W	88-08-038
388-37-140	AMD-E	88-12-086	388-49-480	AMD-P	88-12-030	388-77-035	NEW-P	88-04-089
388-37-140	AMD-P	88-12-094	388-49-480	AMD	88-16-081	388-77-035	NEW-W	88-08-038
388-37-140	AMD	88-15-013	388-49-500	AMD-P	88-06-082	388-77-040	NEW-P	88-04-089
388-37-160	AMD-E	88-12-086	388-49-500	AMD	88-08-078	388-77-040	NEW-W	88-08-038
388-37-160	AMD-P	88-12-094	388-49-505	NEW	88-04-042	388-77-045	NEW-P	88-04-089
388-37-160	AMD	88-15-013	388-49-515	NEW-P	88-12-091	388-77-045	NEW-W	88-08-038
388-37-170	AMD-E	88-12-086	388-49-515	NEW	88-16-082	388-77-045	NEW-P	88-09-079

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388-77-055	NEW-P	88-04-089	388-77-515	NEW	88-12-093	388-77-770	NEW-P	88-04-089
388-77-055	NEW-W	88-08-038	388-77-515	AMD-P	88-14-081	388-77-770	NEW-W	88-08-038
388-77-065	NEW-P	88-04-089	388-77-515	AMD-E	88-14-082	388-77-780	NEW-P	88-04-089
388-77-065	NEW-W	88-08-038	388-77-520	NEW-P	88-04-089	388-77-780	NEW-W	88-08-038
388-77-200	NEW-P	88-04-089	388-77-520	NEW-W	88-08-038	388-77-810	NEW-P	88-04-089
388-77-200	NEW-W	88-08-038	388-77-520	NEW-P	88-09-079	388-77-810	NEW-W	88-08-038
388-77-200	NEW-P	88-09-079	388-77-520	NEW	88-12-093	388-77-810	NEW-P	88-09-079
388-77-200	NEW	88-12-093	388-77-525	NEW-P	88-04-089	388-77-810	NEW	88-12-093
388-77-210	NEW-P	88-04-089	388-77-525	NEW-W	88-08-038	388-77-815	NEW-P	88-04-089
388-77-210	NEW-W	88-08-038	388-77-525	NEW-P	88-09-079	388-77-815	NEW-W	88-08-038
388-77-210	NEW-P	88-09-079	388-77-525	NEW	88-12-093	388-77-820	NEW-P	88-04-089
388-77-210	NEW	88-12-093	388-77-530	NEW-P	88-04-089	388-77-820	NEW-W	88-08-038
388-77-215	NEW-P	88-04-089	388-77-530	NEW-W	88-08-038	388-77-820	NEW-P	88-09-079
388-77-215	NEW-W	88-08-038	388-77-530	NEW-P	88-14-081	388-77-820	NEW	88-12-093
388-77-230	NEW-P	88-09-079	388-77-530	NEW-E	88-14-082	388-77-820	AMD-P	88-14-080
388-77-230	NEW	88-12-093	388-77-545	NEW-P	88-04-089	388-77-820	AMD-E	88-14-083
388-77-240	NEW-P	88-04-089	388-77-545	NEW-W	88-08-038	388-77-825	NEW-P	88-04-089
388-77-240	NEW-W	88-08-038	388-77-550	NEW-P	88-04-089	388-77-825	NEW-W	88-08-038
388-77-240	NEW-P	88-09-079	388-77-550	NEW-W	88-08-038	388-77-830	NEW-P	88-04-089
388-77-240	NEW	88-12-093	388-77-555	NEW-P	88-04-089	388-77-830	NEW-W	88-08-038
388-77-245	NEW-P	88-04-089	388-77-555	NEW-W	88-08-038	388-77-835	NEW-P	88-04-089
388-77-245	NEW-W	88-08-038	388-77-555	NEW-P	88-09-079	388-77-835	NEW-W	88-08-038
388-77-255	NEW-P	88-04-089	388-77-555	NEW	88-12-093	388-77-870	NEW-P	88-04-089
388-77-255	NEW-W	88-08-038	388-77-560	NEW-P	88-04-089	388-77-870	NEW-W	88-08-038
388-77-255	NEW-P	88-09-079	388-77-560	NEW-W	88-08-038	388-77-880	NEW-P	88-04-089
388-77-255	NEW	88-12-093	388-77-600	NEW-P	88-04-089	388-77-880	NEW-W	88-08-038
388-77-270	NEW-P	88-04-089	388-77-600	NEW-W	88-08-038	388-77-900	NEW-P	88-04-089
388-77-270	NEW-W	88-08-038	388-77-600	NEW-P	88-09-079	388-77-900	NEW-W	88-08-038
388-77-270	NEW-P	88-09-079	388-77-600	NEW	88-12-093	388-77-900	NEW-P	88-09-079
388-77-270	NEW	88-12-093	388-77-600	AMD-P	88-14-081	388-77-900	NEW	88-12-093
388-77-270	AMD-P	88-14-081	388-77-600	AMD-E	88-14-082	388-77-900	AMD-P	88-14-081
388-77-270	AMD-E	88-14-082	388-77-605	NEW-P	88-04-089	388-77-900	AMD-E	88-14-082
388-77-275	NEW-P	88-04-089	388-77-605	NEW-W	88-08-038	388-77-905	NEW-P	88-04-089
388-77-275	NEW-W	88-08-038	388-77-605	NEW-P	88-09-079	388-77-905	NEW-W	88-08-038
388-77-280	NEW-P	88-04-089	388-77-605	NEW	88-12-093	388-77-915	NEW-P	88-04-089
388-77-280	NEW-W	88-08-038	388-77-610	NEW-P	88-04-089	388-77-915	NEW-W	88-08-038
388-77-285	NEW-P	88-04-089	388-77-610	NEW-W	88-08-038	388-77-920	NEW-P	88-04-089
388-77-285	NEW-W	88-08-038	388-77-610	NEW-P	88-09-079	388-77-920	NEW-W	88-08-038
388-77-285	NEW-P	88-09-079	388-77-610	NEW	88-12-093	388-77-925	NEW-P	88-04-089
388-77-285	NEW	88-12-093	388-77-610	AMD-P	88-14-081	388-77-925	NEW-W	88-08-038
388-77-310	NEW-P	88-04-089	388-77-610	AMD-E	88-14-082	388-77-930	NEW-P	88-04-089
388-77-310	NEW-W	88-08-038	388-77-615	NEW-P	88-04-089	388-77-930	NEW-W	88-08-038
388-77-320	NEW-P	88-04-089	388-77-615	NEW-W	88-08-038	388-77-940	NEW-P	88-04-089
388-77-320	NEW-W	88-08-038	388-77-615	NEW-P	88-09-079	388-77-940	NEW-W	88-08-038
388-77-320	NEW-P	88-09-079	388-77-615	NEW	88-12-093	388-77-945	NEW-P	88-04-089
388-77-320	NEW	88-12-093	388-77-640	NEW-P	88-04-089	388-77-945	NEW-W	88-08-038
388-77-330	NEW-P	88-04-089	388-77-640	NEW-W	88-08-038	388-77-975	NEW-P	88-04-089
388-77-330	NEW-W	88-08-038	388-77-700	NEW-P	88-04-089	388-77-975	NEW-W	88-08-038
388-77-335	NEW-P	88-04-089	388-77-700	NEW-W	88-08-038	388-78-005	NEW-P	88-06-078
388-77-335	NEW-W	88-08-038	388-77-710	NEW-P	88-04-089	388-78-005	NEW	88-12-088
388-77-340	NEW-P	88-04-089	388-77-710	NEW-W	88-08-038	388-78-010	NEW-P	88-06-078
388-77-340	NEW-W	88-08-038	388-77-720	NEW-P	88-04-089	388-78-010	NEW	88-12-088
388-77-350	NEW-P	88-04-089	388-77-720	NEW-W	88-08-038	388-78-015	NEW-P	88-06-078
388-77-350	NEW-W	88-08-038	388-77-725	NEW-P	88-04-089	388-78-015	NEW	88-12-088
388-77-355	NEW-P	88-04-089	388-77-725	NEW-W	88-08-038	388-78-020	NEW-P	88-06-078
388-77-355	NEW-W	88-08-038	388-77-730	NEW-P	88-04-089	388-78-020	NEW	88-12-088
388-77-360	NEW-P	88-04-089	388-77-730	NEW-W	88-08-038	388-78-100	NEW-P	88-06-078
388-77-360	NEW-W	88-08-038	388-77-735	NEW-P	88-04-089	388-78-100	NEW	88-12-088
388-77-365	NEW-P	88-04-089	388-77-735	NEW-W	88-08-038	388-78-120	NEW-P	88-06-078
388-77-365	NEW-W	88-08-038	388-77-735	NEW-P	88-09-079	388-78-120	NEW	88-12-088
388-77-370	NEW-P	88-04-089	388-77-735	NEW	88-12-093	388-78-205	NEW-P	88-06-078
388-77-370	NEW-W	88-08-038	388-77-737	NEW-P	88-04-089	388-78-205	NEW	88-12-088
388-77-375	NEW-P	88-04-089	388-77-737	NEW-W	88-08-038	388-78-210	NEW-P	88-06-078
388-77-375	NEW-W	88-08-038	388-77-737	NEW-P	88-09-079	388-78-210	NEW	88-12-088
388-77-500	NEW-P	88-04-089	388-77-737	NEW	88-12-093	388-78-215	NEW-P	88-06-078
388-77-500	NEW-W	88-08-038	388-77-740	NEW-P	88-04-089	388-78-215	NEW	88-12-088
388-77-500	NEW-P	88-09-079	388-77-740	NEW-W	88-08-038	388-78-220	NEW-P	88-06-078
388-77-500	NEW	88-12-093	388-77-745	NEW-P	88-04-089	388-78-220	NEW	88-12-088
388-77-500	AMD-P	88-14-081	388-77-745	NEW-W	88-08-038	388-81-047	NEW	88-03-050
388-77-500	AMD-E	88-14-082	388-77-750	NEW-P	88-04-089	388-82-008	NEW-P	88-14-051
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
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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

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388-83-032	AMD-P	88-08-041	388-98-005	NEW-E	88-03-051	391-55-450	AMD-P	88-07-083
388-83-032	AMD-E	88-08-042	388-98-005	NEW-P	88-03-054	391-55-450	AMD	88-12-055
388-83-032	AMD	88-11-063	388-98-005	NEW	88-06-086	391-55-455	AMD-P	88-07-083
388-83-032	AMD-P	88-16-054	388-98-010	NEW-E	88-03-051	391-55-455	AMD	88-12-055
388-83-032	AMD-E	88-16-060	388-98-010	NEW-P	88-03-054	391-55-505	REP-P	88-07-083
388-83-036	AMD-P	88-14-051	388-98-010	NEW	88-06-086	391-55-505	REP	88-12-055
388-83-036	AMD-E	88-14-059	388-98-015	NEW-E	88-03-051	391-65-050	AMD-P	88-07-084
388-83-130	AMD-P	88-14-051	388-98-015	NEW-P	88-03-054	391-65-050	AMD	88-12-057
388-83-130	AMD-E	88-14-059	388-98-015	NEW	88-06-086	391-65-074	REP-P	88-07-084
388-84-105	AMD-P	88-14-051	388-98-020	NEW-E	88-03-051	391-65-074	REP	88-12-057
388-84-105	AMD-E	88-14-059	388-98-020	NEW-P	88-03-054	391-65-094	REP-P	88-07-084
388-85-105	AMD-P	88-14-051	388-98-020	NEW	88-06-086	391-65-094	REP	88-12-057
388-85-105	AMD-E	88-14-059	388-99-010	AMD-P	88-06-077	391-95-010	AMD-P	88-07-085
388-86-005	AMD-P	88-03-021	388-99-010	AMD	88-09-037	391-95-010	AMD	88-12-058
388-86-005	AMD	88-06-083	388-99-020	AMD	88-05-056	391-95-030	AMD-P	88-07-085
388-86-009	AMD-P	88-09-078	390-05-210	AMD-P	88-11-064	391-95-030	AMD	88-12-058
388-86-009	AMD	88-12-089	390-05-210	AMD	88-14-064	391-95-230	AMD-P	88-07-085
388-86-021	AMD-P	88-11-043	390-16-223	NEW-P	88-11-064	391-95-230	AMD	88-12-058
388-86-021	AMD-E	88-11-044	390-16-223	NEW	88-14-064	392-120-001	NEW-P	88-13-075
388-86-021	AMD	88-15-010	390-18-040	AMD-P	88-11-064	392-120-005	NEW-P	88-13-075
388-86-040	AMD-P	88-16-055	390-18-040	AMD	88-14-064	392-120-010	NEW-P	88-13-075
388-86-050	AMD	88-04-048	390-20-022	NEW-C	88-04-062	392-120-015	NEW-P	88-13-075
388-86-050	AMD-P	88-11-043	390-20-022	NEW	88-06-019	392-120-020	NEW-P	88-13-075
388-86-050	AMD-E	88-11-044	390-20-056	NEW-P	88-04-063	392-120-025	NEW-P	88-13-075
388-86-050	AMD	88-15-010	390-20-056	NEW-C	88-09-008	392-121-001	NEW	88-03-013
388-86-051	NEW	88-04-048	390-20-105	AMD-P	88-11-064	392-121-003	NEW	88-03-013
388-86-075	AMD-P	88-11-043	390-20-105	AMD	88-14-064	392-121-007	NEW	88-03-013
388-86-075	AMD-E	88-11-044	391-08-120	AMD-P	88-07-079	392-121-021	NEW	88-03-013
388-86-075	AMD	88-15-010	391-08-120	AMD	88-12-053	392-121-031	NEW	88-03-013
388-86-085	AMD-P	88-03-021	391-25-090	AMD-P	88-07-080	392-121-033	NEW	88-03-013
388-86-085	AMD	88-06-083	391-25-090	AMD	88-12-054	392-121-101	REP	88-03-013
388-86-085	AMD-P	88-16-056	391-25-110	AMD-P	88-07-080	392-121-103	REP	88-03-013
388-86-085	AMD-E	88-16-059	391-25-110	AMD	88-12-054	392-121-105	REP	88-03-013
388-86-086	NEW-P	88-03-021	391-25-140	NEW-P	88-07-080	392-121-106	NEW	88-03-013
388-86-086	NEW	88-06-083	391-25-140	NEW	88-12-054	392-121-107	NEW	88-03-013
388-86-095	AMD-P	88-11-043	391-25-190	AMD-P	88-07-080	392-121-108	NEW	88-03-013
388-86-095	AMD-E	88-11-044	391-25-190	AMD	88-12-054	392-121-110	REP	88-03-013
388-86-095	AMD	88-15-010	391-25-290	AMD-P	88-07-080	392-121-111	NEW	88-03-013
388-86-09601	AMD-P	88-11-043	391-25-290	AMD	88-12-054	392-121-115	REP	88-03-013
388-86-09601	AMD-E	88-11-044	391-25-390	AMD-P	88-07-080	392-121-120	REP	88-03-013
388-86-09601	AMD	88-15-010	391-25-390	AMD	88-12-054	392-121-121	REP	88-03-013
388-86-098	AMD-P	88-11-043	391-25-470	AMD-P	88-07-080	392-121-122	NEW	88-03-013
388-86-098	AMD-E	88-11-044	391-25-470	AMD	88-12-054	392-121-123	NEW	88-03-013
388-86-098	AMD	88-15-010	391-35-020	NEW-P	88-07-081	392-121-125	REP	88-03-013
388-87-005	AMD-P	88-13-107	391-35-020	NEW	88-12-061	392-121-126	REP	88-03-013
388-87-005	AMD-E	88-14-056	391-35-300	NEW-P	88-07-081	392-121-127	REP	88-03-013
388-87-005	AMD	88-16-084	391-45-013	REP-P	88-07-082	392-121-128	REP	88-03-013
388-87-007	AMD-P	88-13-107	391-45-013	REP	88-12-056	392-121-129	REP	88-03-013
388-87-007	AMD	88-16-084	391-45-013	REP-E	88-12-062	392-121-130	REP	88-03-013
388-87-010	AMD-P	88-03-021	391-45-260	NEW-P	88-07-082	392-121-131	REP	88-03-013
388-87-010	AMD	88-06-083	391-45-260	NEW	88-12-056	392-121-133	NEW	88-03-013
388-87-011	AMD-P	88-08-060	391-55-002	AMD-P	88-07-083	392-121-135	REP	88-03-013
388-87-011	AMD	88-11-061	391-55-002	AMD	88-12-055	392-121-136	NEW	88-03-013
388-87-013	AMD	88-04-048	391-55-033	REP-P	88-07-083	392-121-140	REP	88-03-013
388-87-027	AMD-P	88-03-021	391-55-033	REP	88-12-055	392-121-145	REP	88-03-013
388-87-027	AMD	88-06-083	391-55-033	REP-E	88-12-063	392-121-150	REP	88-03-013
388-87-035	AMD-P	88-03-021	391-55-071	NEW-P	88-07-083	392-121-155	REP	88-03-013
388-87-035	AMD	88-06-083	391-55-071	NEW	88-12-055	392-121-160	REP	88-03-013
388-87-036	NEW-P	88-03-021	391-55-071	NEW-E	88-12-064	392-121-161	NEW	88-03-013
388-87-036	NEW	88-06-083	391-55-400	AMD-P	88-07-083	392-121-165	REP	88-03-013
388-87-070	AMD	88-04-048	391-55-400	AMD	88-12-055	392-121-170	REP	88-03-013
388-88-050	AMD	88-04-041	391-55-410	AMD-P	88-07-083	392-121-175	REP	88-03-013
388-88-101	AMD	88-04-041	391-55-410	AMD	88-12-055	392-121-176	REP	88-03-013
388-92-045	AMD-P	88-03-072	391-55-415	AMD-P	88-07-083	392-121-177	REP	88-03-013
388-92-045	AMD	88-06-087	391-55-415	AMD	88-12-055	392-121-180	REP	88-03-013
388-95-360	AMD-P	88-14-051	391-55-420	AMD-P	88-07-083	392-121-181	NEW	88-03-013
388-95-360	AMD-E	88-14-059	391-55-420	AMD	88-12-055	392-121-182	NEW	88-03-013
388-95-380	AMD-P	88-03-072	391-55-425	AMD-P	88-07-083	392-121-183	NEW	88-03-013
388-95-380	AMD	88-06-087	391-55-425	AMD	88-12-055	392-121-185	REP	88-03-013
388-95-400	AMD-P	88-14-051	391-55-430	AMD-P	88-07-083	392-121-186	REP	88-03-013
388-95-400	AMD-E	88-14-059	391-55-430	AMD	88-12-055	392-121-190	REP	88-03-013
388-96-559	AMD-P	88-13-078	391-55-435	AMD-P	88-07-083	392-121-195	REP	88-03-013
388-96-559	AMD-E	88-13-079	391-55-435	AMD	88-12-055	392-121-200	NEW	88-03-013
388-96-559	AMD	88-16-079	391-55-440	AMD-P	88-07-083	392-121-205	NEW	88-03-013
388-96-771	NEW-E	88-03-052	391-55-440	AMD	88-12-055	392-121-210	NEW	88-03-013
388-96-771	NEW-P	88-03-053	391-55-445	AMD-P	88-07-083	392-121-215	NEW	88-03-013

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-220-080	NEW-P	88-03-011	399-30-040	AMD-P	88-06-045	434-19-014	NEW-P	88-05-054
392-220-080	NEW-E	88-03-012	399-30-040	AMD	88-10-009	434-19-014	NEW	88-09-028
392-220-085	NEW-P	88-03-011	399-30-042	NEW-P	88-13-023	434-19-015	NEW-P	88-05-054
392-220-085	NEW-E	88-03-012	399-30-042	NEW-E	88-13-024	434-19-015	NEW	88-09-028
392-220-090	NEW-P	88-03-011	400-12	NEW-C	88-04-023	434-19-016	NEW-P	88-05-054
392-220-090	NEW-E	88-03-012	400-12-100	NEW	88-06-053	434-19-016	NEW	88-09-028
392-220-095	NEW-P	88-03-011	400-12-110	NEW	88-06-053	434-19-017	NEW-P	88-05-054
392-220-095	NEW-E	88-03-012	400-12-120	NEW	88-06-053	434-19-017	NEW	88-09-028
392-220-100	NEW-P	88-03-011	400-12-200	NEW	88-06-053	434-19-018	NEW-P	88-05-054
392-220-100	NEW-E	88-03-012	400-12-210	NEW	88-06-053	434-19-018	NEW	88-09-028
392-220-105	NEW-P	88-03-011	400-12-220	NEW	88-06-053	434-19-020	NEW-P	88-05-054
392-220-105	NEW-E	88-03-012	400-12-300	NEW	88-06-053	434-19-020	NEW	88-09-028
392-220-110	NEW-P	88-03-011	400-12-310	NEW	88-06-053	434-19-020	NEW	88-05-054
392-220-110	NEW-E	88-03-012	400-12-320	NEW	88-06-053	434-19-050	NEW	88-09-028
392-220-115	NEW-P	88-03-011	400-12-400	NEW	88-06-053	434-19-051	NEW-P	88-05-054
392-220-115	NEW-E	88-03-012	400-12-410	NEW	88-06-053	434-19-051	NEW	88-09-028
392-220-120	NEW-P	88-03-011	400-12-420	NEW	88-06-053	434-19-052	NEW-P	88-05-054
392-220-120	NEW-E	88-03-012	400-12-500	NEW	88-06-053	434-19-052	NEW	88-09-028
392-220-125	NEW-P	88-03-011	400-12-510	NEW	88-06-053	434-19-053	NEW-P	88-05-054
392-220-125	NEW-E	88-03-012	400-12-520	NEW	88-06-053	434-19-053	NEW	88-09-028
392-220-130	NEW-P	88-03-011	400-12-530	NEW	88-06-053	434-19-054	NEW-P	88-05-054
392-220-130	NEW-E	88-03-012	400-12-540	NEW	88-06-053	434-19-054	NEW	88-09-028
392-220-135	NEW-P	88-03-011	400-12-550	NEW	88-06-053	434-19-055	NEW-P	88-05-054
392-220-135	NEW-E	88-03-012	400-12-560	NEW	88-06-053	434-19-055	NEW	88-09-028
392-220-140	NEW-P	88-03-011	400-12-570	NEW	88-06-053	434-19-056	NEW-P	88-05-054
392-220-140	NEW-E	88-03-012	400-12-600	NEW	88-06-053	434-19-056	NEW	88-09-028
392-220-145	NEW-P	88-03-011	400-12-610	NEW	88-06-053	434-19-059	NEW-P	88-05-054
392-220-145	NEW-E	88-03-012	400-12-620	NEW	88-06-053	434-19-059	NEW	88-09-028
392-220-150	NEW-P	88-03-011	400-12-630	NEW	88-06-053	434-19-060	NEW-P	88-05-054
392-220-150	NEW-E	88-03-012	400-12-640	NEW	88-06-053	434-19-060	NEW	88-09-028
392-220-155	NEW-P	88-03-011	400-12-650	NEW	88-06-053	434-19-061	NEW	88-09-028
392-220-155	NEW-E	88-03-012	400-12-660	NEW	88-06-053	434-19-065	NEW-P	88-05-054
392-310-010	NEW-P	88-03-073	400-12-700	NEW	88-06-053	434-19-075	NEW-P	88-05-054
392-310-010	NEW-E	88-04-002	400-12-710	NEW	88-06-053	434-19-075	NEW	88-09-028
392-310-010	NEW	88-06-042	400-12-720	NEW	88-06-053	434-19-077	NEW-P	88-05-054
392-310-015	NEW-P	88-03-073	402-80-040	AMD-P	88-14-052	434-19-077	NEW	88-09-028
392-310-015	NEW-E	88-04-002	402-80-060	AMD-P	88-14-052	434-19-078	NEW-P	88-05-054
392-310-015	NEW	88-06-042	402-80-065	NEW-P	88-14-052	434-19-078	NEW	88-09-028
392-310-020	NEW-P	88-03-073	415-02-090	AMD-P	88-13-121	434-19-080	NEW-P	88-05-054
392-310-020	NEW-E	88-04-002	415-108-450	NEW	88-11-030	434-19-080	NEW	88-09-028
392-310-020	NEW	88-06-042	415-108-460	NEW	88-11-030	434-19-081	NEW-P	88-05-054
392-310-025	NEW-P	88-03-073	415-112-330	NEW-P	88-13-120	434-19-081	NEW	88-09-028
392-310-025	NEW-E	88-04-002	415-112-410	AMD	88-11-031	434-19-082	NEW-P	88-05-054
392-310-025	NEW	88-06-042	415-112-411	NEW	88-11-031	434-19-082	NEW	88-09-028
392-315-005	NEW	88-09-044	419-32-070	REP-P	88-11-049	434-19-083	NEW-P	88-05-054
392-315-010	NEW	88-09-044	419-32-080	REP-P	88-11-049	434-19-083	NEW	88-09-028
392-315-015	NEW	88-09-044	419-32-090	REP-P	88-11-049	434-19-084	NEW-P	88-05-054
392-315-020	NEW	88-09-044	419-32-100	REP-P	88-11-049	434-19-084	NEW	88-09-028
392-315-025	NEW	88-09-044	419-32-110	REP-P	88-11-049	434-19-086	NEW-P	88-05-054
392-315-030	NEW	88-09-044	419-32-120	REP-P	88-11-049	434-19-086	NEW	88-09-028
392-315-035	NEW	88-09-044	419-32-130	REP-P	88-11-049	434-19-087	NEW-P	88-05-054
392-315-040	NEW	88-09-044	419-32-140	REP-P	88-11-049	434-19-087	NEW	88-09-028
392-315-045	NEW	88-09-044	419-32-150	REP-P	88-11-049	434-19-088	NEW-P	88-05-054
392-315-050	NEW	88-09-044	419-32-160	REP-P	88-11-049	434-19-088	NEW	88-09-028
392-315-055	NEW	88-09-044	419-32-170	REP-P	88-11-049	434-19-090	NEW-P	88-05-054
392-315-060	NEW	88-09-044	419-56-010	NEW	88-02-068	434-19-090	NEW	88-09-028
392-315-065	NEW	88-09-044	419-56-020	NEW	88-02-068	434-19-100	NEW-P	88-05-054
392-315-070	NEW	88-09-044	419-56-030	NEW	88-02-068	434-19-100	NEW	88-09-028
392-315-075	NEW	88-09-044	419-56-040	NEW	88-02-068	434-19-101	NEW-P	88-05-054
392-315-080	NEW	88-09-044	419-56-050	NEW	88-02-068	434-19-101	NEW	88-09-028
392-315-085	NEW	88-09-044	419-56-060	NEW	88-02-068	434-19-102	NEW-P	88-05-054
392-315-090	NEW	88-09-044	419-56-070	NEW	88-02-068	434-19-102	NEW	88-09-028
392-315-095	NEW	88-09-044	419-56-080	NEW	88-02-068	434-19-105	NEW-P	88-05-054
392-315-100	NEW	88-09-044	419-56-090	NEW	88-02-068	434-19-110	NEW-P	88-05-054
392-315-105	NEW	88-09-044	419-60-010	NEW	88-02-067	434-19-110	NEW	88-09-028
392-315-110	NEW	88-09-044	419-60-020	NEW	88-02-067	434-19-113	NEW-P	88-05-054
392-315-115	NEW	88-09-044	419-60-030	NEW	88-02-067	434-19-113	NEW	88-09-028
392-315-120	NEW	88-09-044	419-64-010	NEW-P	88-11-050	434-19-114	NEW-P	88-05-054
392-315-125	NEW	88-09-044	419-64-020	NEW-P	88-11-050	434-19-114	NEW	88-09-028
392-315-130	NEW	88-09-044	419-64-030	NEW-P	88-11-050	434-19-115	NEW-P	88-05-054
392-315-135	NEW	88-09-044	419-64-040	NEW-P	88-11-050	434-19-115	NEW	88-09-028
392-315-140	NEW	88-09-044	434-19-010	NEW-P	88-05-054	434-19-116	NEW-P	88-05-054
392-315-145	NEW	88-09-044	434-19-010	NEW	88-09-028	434-19-118	NEW-P	88-05-054
392-315-150	NEW	88-09-044	434-19-012	NEW-P	88-05-054	434-19-118	NEW	88-09-028
392-315-155	NEW	88-09-044	434-19-012	NEW	88-09-028	434-19-190	NEW-P	88-05-054
392-315-160	NEW	88-09-044	434-19-013	NEW-P	88-05-054	434-19-190	NEW	88-09-028
392-315-165	NEW	88-09-044	434-19-013	NEW	88-09-028	434-19-191	NEW-P	88-05-054

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
434-19-191	NEW	88-09-028	458-16-111	AMD	88-13-041	460-44A-502	AMD	88-15-024
434-19-192	NEW-P	88-05-054	458-16-130	AMD-P	88-10-025	460-44A-503	AMD-P	88-11-083
434-19-192	NEW	88-09-028	458-16-130	AMD	88-13-041	460-44A-503	AMD	88-15-024
434-19-193	NEW-P	88-05-054	458-18-010	AMD-P	88-10-026	460-44A-505	AMD-E	88-11-032
434-19-193	NEW	88-09-028	458-18-010	AMD	88-13-042	460-44A-505	AMD-P	88-11-083
434-19-194	NEW-P	88-05-054	458-18-020	AMD-P	88-10-026	460-44A-505	AMD	88-15-024
434-19-194	NEW	88-09-028	458-18-020	AMD	88-13-042	460-44A-506	AMD-E	88-11-032
434-19-195	NEW-P	88-05-054	458-18-060	AMD-P	88-10-026	460-44A-506	AMD-P	88-11-083
434-19-195	NEW	88-09-028	458-18-060	AMD	88-13-042	460-44A-506	AMD	88-15-024
434-19-230	NEW-P	88-05-054	458-18-220	AMD-E	88-02-070	460-90A-145	NEW-E	88-15-006
434-19-230	NEW	88-09-028	458-18-220	AMD-P	88-03-016	460-90A-145	NEW-P	88-16-101
434-40-005	NEW	88-03-019	458-18-220	AMD	88-07-003	468-310-020	AMD-P	88-16-031
434-40-010	NEW	88-03-019	458-20-176	AMD	88-03-055	468-310-050	AMD-P	88-16-031
434-40-020	NEW	88-03-019	458-20-240	AMD-P	88-14-005	478-136-030	AMD-P	88-14-084
434-40-030	NEW	88-03-019	458-20-24001	AMD-P	88-14-005	478-138-030	AMD-P	88-14-139
434-40-040	NEW	88-03-019	458-20-24002	AMD-P	88-14-005	478-355-020	AMD-P	88-14-140
434-40-050	NEW	88-03-019	458-20-244	AMD-E	88-12-023	478-355-030	AMD-P	88-14-140
434-40-060	NEW	88-03-019	458-20-244	AMD-P	88-12-024	478-355-040	AMD-P	88-14-140
434-40-070	NEW	88-03-019	458-20-244	AMD	88-15-066	478-355-060	AMD-P	88-14-140
434-40-080	NEW	88-03-019	458-20-252	NEW	88-06-028	480-40-010	AMD-E	88-13-033
434-40-090	NEW	88-03-019	458-30-510	AMD-P	88-13-034	480-40-010	AMD-P	88-15-072
434-40-100	NEW	88-03-019	458-30-520	AMD-P	88-13-034	480-40-020	AMD-E	88-13-033
434-40-110	NEW	88-03-019	458-30-530	AMD-P	88-13-034	480-40-020	AMD-P	88-15-072
434-40-120	NEW	88-03-019	458-30-540	AMD-P	88-13-034	480-40-030	AMD-E	88-13-033
434-40-130	NEW	88-03-019	458-30-550	AMD-P	88-13-034	480-40-030	AMD-P	88-15-072
434-40-140	NEW	88-03-019	458-30-560	AMD-P	88-13-034	480-40-033	REP-E	88-13-033
434-40-150	NEW	88-03-019	458-30-570	AMD-P	88-13-034	480-40-033	REP-P	88-15-072
434-40-160	NEW	88-03-019	458-30-580	AMD-P	88-13-034	480-40-036	REP-E	88-13-033
434-40-170	NEW	88-03-019	458-30-590	AMD-P	88-03-017	480-40-036	REP-P	88-15-072
434-40-180	NEW	88-03-019	458-30-590	AMD	88-07-004	480-40-039	REP-E	88-13-033
434-40-190	NEW	88-03-019	458-40-650	AMD-P	88-10-048	480-40-039	REP-P	88-15-072
434-40-200	NEW	88-03-019	458-40-650	AMD-E	88-14-031	480-40-040	AMD-E	88-13-033
434-40-210	NEW	88-03-019	458-40-650	AMD	88-14-032	480-40-040	AMD-P	88-15-072
434-40-220	NEW	88-03-019	458-40-660	AMD-P	88-10-048	480-40-050	AMD-E	88-13-033
434-40-230	NEW	88-03-019	458-40-660	AMD-E	88-14-031	480-40-050	AMD-P	88-15-072
434-40-240	NEW	88-03-019	458-40-660	AMD	88-14-032	480-40-060	AMD-E	88-13-033
434-40-250	NEW	88-03-019	458-40-670	AMD-P	88-10-048	480-40-060	AMD-P	88-15-072
434-40-260	NEW	88-03-019	458-40-670	AMD-E	88-14-031	480-40-070	AMD-E	88-13-033
434-40-270	NEW	88-03-019	458-40-670	AMD	88-14-032	480-40-070	AMD-P	88-15-072
434-40-280	NEW	88-03-019	458-50-070	AMD-P	88-12-084	480-40-075	AMD-E	88-13-033
434-40-290	NEW	88-03-019	458-50-070	AMD-E	88-12-085	480-40-075	AMD-P	88-15-072
434-40-300	NEW	88-03-019	458-50-070	AMD	88-15-016	480-40-080	REP-E	88-13-033
434-40-310	NEW	88-03-019	460-16A-050	AMD	88-03-015	480-40-080	REP-P	88-15-072
440-44-062	NEW-P	88-14-053	460-16A-100	REP	88-03-015	480-40-090	REP-E	88-13-033
440-44-095	AMD-P	88-11-060	460-16A-101	NEW	88-03-015	480-40-090	REP-P	88-15-072
440-44-095	AMD	88-15-011	460-16A-102	NEW	88-03-015	480-40-110	NEW-E	88-13-033
446-20-020	AMD-P	88-03-056	460-16A-103	NEW	88-03-015	480-40-110	NEW-P	88-15-072
446-20-020	AMD	88-07-066	460-16A-104	NEW	88-03-015	480-40-120	NEW-E	88-13-033
446-20-020	AMD-E	88-07-072	460-16A-105	AMD	88-03-015	480-40-120	NEW-P	88-15-072
446-20-285	NEW-P	88-03-056	460-16A-106	AMD	88-03-015	480-40-130	NEW-E	88-13-033
446-20-285	NEW	88-07-066	460-16A-107	REP	88-03-015	480-40-130	NEW-P	88-15-072
446-20-285	NEW-E	88-07-072	460-16A-108	AMD	88-03-015	480-40-140	NEW-E	88-13-033
446-20-290	AMD-P	88-03-056	460-16A-109	AMD	88-03-015	480-40-140	NEW-P	88-15-072
446-20-290	AMD	88-07-066	460-16A-110	AMD	88-03-015	480-90-071	AMD-P	88-04-076
446-20-290	AMD-E	88-07-072	460-16A-126	AMD	88-03-015	480-90-071	AMD	88-07-070
446-20-300	AMD-P	88-03-056	460-16A-130	REP	88-03-015	480-100-071	AMD-P	88-04-076
446-20-300	AMD	88-07-066	460-16A-135	REP	88-03-015	480-100-071	AMD	88-07-070
446-20-300	AMD-E	88-07-072	460-16A-140	REP	88-03-015	480-120-028	NEW-P	88-07-069
446-20-310	AMD-P	88-03-056	460-16A-145	REP	88-03-015	480-120-028	NEW-C	88-13-031
446-20-310	AMD	88-07-066	460-17A-010	NEW-P	88-12-026	480-120-028	NEW-C	88-16-037
446-20-310	AMD-E	88-07-072	460-17A-020	NEW-P	88-12-026	480-120-028	NEW-C	88-16-072
446-40-020	AMD-P	88-14-023	460-17A-030	NEW-P	88-12-026	480-120-056	AMD-C	88-04-057
446-40-025	NEW-P	88-14-023	460-17A-040	NEW-P	88-12-026	480-120-056	AMD-P	88-07-027
456-08-006	AMD-P	88-10-051	460-17A-050	NEW-P	88-12-026	480-120-056	AMD-C	88-10-050
456-08-006	AMD-E	88-13-020	460-17A-060	NEW-P	88-12-026	480-120-056	AMD	88-13-099
456-08-006	AMD	88-13-021	460-17A-070	NEW-P	88-12-026	480-120-081	AMD-P	88-13-032
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