

FEBRUARY 7, 1990

OLYMPIA, WASHINGTON

ISSUE 90-03



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filed not later than January 24, 1990

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 34.05 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 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 February 1990 pursuant to RCW 19.52.020 is twelve point zero percent (12.0%).

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 1990 pursuant to RCW 63.14.130(1)(a) is fourteen and one-half percent (14.50%).

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 point seven five percent (13.75%) for the first calendar quarter of 1990.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is fourteen percent (14.0%) for the first calendar quarter of 1990.

WASHINGTON STATE REGISTER

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

Raymond W. Haman
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Code Reviser

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Chief Assistant Code Reviser

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 34.05 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 34.05.395 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 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 normally 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 or advanced and such an 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 unless a later date is provided by the agency. They remain effective for a maximum of one-hundred-twenty days from the date of filing.
- (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.

1989 – 1990

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing 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 on or after
89-14	Jun 7	Jun 21	Jul 5	Jul 19	Aug 8
89-15	Jun 21	Jul 5	Jul 19	Aug 2	Aug 22
89-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
89-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
89-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
89-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
89-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
89-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
89-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
89-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
89-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1990
90-01	Nov 22	Dec 6	Dec 20, 1989	Jan 3, 1990	Jan 23
90-02	Dec 6	Dec 20, 1989	Jan 3, 1990	Jan 17	Feb 6
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90-10	Apr 4	Apr 18	May 2	May 16	Jun 5
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90-21	Sep 26	Oct 10	Oct 24	Nov 7	Nov 27
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90-23	Oct 24	Nov 7	Nov 21	Dec 5	Dec 25
90-24	Nov 7	Nov 21	Dec 5	Dec 19	Jan 8, 1991

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 1-21-040.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. 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.

³At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 90-03-001

**NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMISSION**

[Memorandum—January 2, 1990]

Pursuant to the requirements of RCW 42.30.075, we are submitting to you for publication in the Washington State Register, the following schedule of meetings of the Washington State Transportation Commission: The regular meetings of the Washington State Transportation Commission will be held on the third Wednesday of each month beginning at 1:30 p.m. and the third Thursday of each month beginning at 9:00 a.m., in Room 1D2, Transportation Building, Olympia, Washington.

WSR 90-03-002

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Memorandum—January 2, 1990]

The following is a revised meeting schedule for regular meetings to be held by the University of Washington's Department of GPSS.

GPSS Senate

Meeting Dates	Location	Time
January 23, 1990	HUB 200 ABC	12:15 p.m.
February 13, 1990	HUB 200 ABC	3:15 p.m.
March 7, 1990	HUB 106 B	12:15 p.m.

GPSS Executive Committee

Meeting Dates	Location	Time
January 8, 1990	HUB 304 F	12:30 p.m.
January 22, 1990	HUB 209 B	12:30 p.m.
February 5, 1990	HUB 304 F	12:30 p.m.
February 20, 1990	HUB 304 F	12:30 p.m.
March 5, 1990	HUB 304 F	12:30 p.m.

WSR 90-03-003

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Memorandum—January 2, 1990]

The following is a revised meeting schedule for regular meetings to be held by the University of Washington's Department of Zoology.

Winter Quarter 1990

January 8	Room 502, Kincaid	Mondays, 4 p.m.
January 22		
February 5		
February 26		
March 5		

WSR 90-03-004

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Memorandum—January 2, 1990]

The following is a revised meeting schedule for regular meetings to be held by the University of Washington's Department of Oral and Maxillofacial Surgery.

**Dr. Philip Worthington
Faculty Meeting**

Meeting Dates	Location	Time
Every Tuesday	HSB B-241	12:00-1:00 p.m.

WSR 90-03-005

**NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON**

[Memorandum—January 2, 1990]

The following is a revised meeting schedule for regular meetings to be held by the University of Washington's Department of Materials Science and Engineering.

Faculty Meetings

Meeting Dates	Location	Time
January 12, 1990	Wilcox Hall, Room 243	2:30 p.m.
February 16, 1990	(all meetings)	2:30 p.m.
March 9, 1990		2:30 p.m.
April 13, 1990		2:30 p.m.
May 11, 1990		2:30 p.m.
June 8, 1990		2:30 p.m.
July 13, 1990		2:30 p.m.
September 19, 1990		9:00 a.m.
October 12, 1990		2:30 p.m.
November 9, 1990		2:30 p.m.
December 14, 1990		2:30 p.m.

WSR 90-03-006

**EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 90-1—Filed January 4, 1990, 11:34 a.m.]

Date of Adoption: January 3, 1990.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-32-057.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of sturgeon are available and these rules are adopted to conform with regulations adopted by the treaty tribes to harvest their allotment of available sturgeon.

Effective Date of Rule: Immediately.

January 3, 1990
Gene DiDonato
for Joseph R. Blum
Director

NEW SECTION

WAC 220-32-05700E COLUMBIA RIVER STURGEON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-057, effective immediately until further notice, it is unlawful for a person to take sturgeon with set line gear or to possess sturgeon taken with set line gear for commercial purposes from Columbia River Salmon Management Catch Reporting Areas 1F, 1G, and 1H, except that those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla and Nez Perce treaties may:

(a) Fish for sturgeon using set line gear effective immediately until to noon April 30, 1990.

(2) During the season specified in subsection 1, it is unlawful:

(a) To retain for commercial purposes sturgeon less than 48 inches or greater than 72 inches in length.

(b) To remove the head or tail from a sturgeon prior to its sale to a wholesale dealer licensed under RCW 75.28.300.

(c) To sell, barter, or attempt to sell or barter sturgeon eggs that have been removed from the body cavity of the sturgeon prior to the time the sturgeon is sold to a wholesale dealer licensed under RCW 75.28.300.

(3) During the season specified in subsection 1, it shall be unlawful to use set line gear:

(a) With more than 100 hooks per set line.

(b) With hooks less than the minimum size of 9/0.

(c) With treble hooks.

(d) Without visible buoys attached and with buoys that do not specify operator and tribal identification.

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

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

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

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

WSR 90-03-007

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-2—Filed January 4, 1990, 11:36 a.m.]

Date of Adoption: January 4, 1990.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-380.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: In order to limit the harvest of oysters to 170,000 in 1990, harvest must be restricted to Thursday through Friday [Sunday]. A permanent regulation will become effective April 1, 1990.

Effective Date of Rule: 12:01 a.m., January 8, 1990.

January 4, 1990

Gene DiDonato

for Joseph R. Blum

Director

NEW SECTION

WAC 220-56-38000F OYSTERS SEASON AND AREA Notwithstanding the provisions of WAC 220-56-380, effective 12:01 a.m. January 8, 1990 until further notice, it is unlawful to take or possess oysters except:

Twanoh State Park open to oysters, Thursday through Sunday of each week.

WSR 90-03-008

RESCINDING EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed January 4, 1990, 1:30 p.m.]

This memorandum is to serve the purpose of rescinding Emergency Order 2904, WAC 388-49-560, WSR 90-02-039.

Linda Zacharias
Rules Coordinator
Office of Issuances

WSR 90-03-009

PROPOSED RULES

UTILITIES AND TRANSPORTATION
COMMISSION

[Filed January 4, 1990, 3:40 p.m.]

Original Notice.

Title of Rule: WAC 480-70-990 relating to garbage and/or refuse collection companies. The proposed amendatory section is shown below as Appendix A, Docket No. TG-2296-R. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed new section on economic values, pursuant to chapter 43.21H RCW.

Statutory Authority for Adoption: RCW 80.01.040.

Statute Being Implemented: RCW 81.77.030 (1) and (4).

Summary: Modifies application of tariff charges for solid waste collection service, preventing assessment of additional charges when the carrier has access to property using roadways generally open to the public, even though they may be technically "private" roads.

Reasons Supporting Proposal: Existing rule language, which makes reference to "improved public roads," has led to confusion in application of rates where access to customers in multi-unit developments (e.g. mobile home parks, apartment compounds) is over roads that are commonly used by all persons for access to individual sites but have not been dedicated as public roads. The result has been disputed or inappropriate or inconsistent charges to customers in some instances.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary and transportation staff, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposal would allow carriers to collect additional tariff charges only if cans or units are not placed within 5 feet of an improved access road commonly available for public use. Driveways would be excluded from that definition. The purpose is to eliminate confusion in the application of rates for solid waste disposal where access to customers in multi-unit developments is over commonly used roads irrespective of whether or not they have been dedicated as public. It is anticipated that this amendment will alleviate confusion in the application of tariff rates, eliminating inconsistent or inappropriate application of charges for solid waste disposal service, and customer disputes arising from rate inconsistencies.

Proposal Changes the Following Existing Rules: Deletes present reference to "improved public roads," and makes additional charges applicable only if cans or units are not placed within 5 feet of "improved access roads commonly available for public use."

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

This proposal simply clarifies the intended application of tariffed rates and charges, and imposes no regulatory burden.

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on February 28, 1990, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by February 20, 1990.

Date of Intended Adoption: February 28, 1990.

January 4, 1990
Paul Curl
Secretary

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-89, filed 12/8/76)

WAC 480-70-990 APPENDIX A—FORM—GARBAGE AND/OR REFUSE COLLECTION COMPANIES.

APPENDIX A TO CHAPTER 480-70 RELATING TO GARBAGE AND/OR REFUSE COLLECTION COMPANIES (Pages 1 through 14)

..... Title Page

TARIFF NO.
Cancels
TARIFF NO.

of

.....
(Name of Collection Company)

CERTIFICATE NO.

NAMING RATES FOR THE TRANSPORTATION AND DISPOSAL OF GARBAGE, REFUSE AND TRADE WASTE

IN THE FOLLOWING DESCRIBED TERRITORY:

Issued Effective
(Date) (Date)

Issued by:

.....
(Name)

.....
(Address)

.....
(City)

Company Name:

Tariff No. Page 2

CHECK SHEET

All of the pages contained in this tariff are listed consecutively by number. The pages of the tariff and/or any supplements to the tariff listed on this page have issued dates which are the same as, or are prior to, the issued date of this page. "0" in the revision column indicates an original page.

Page	Revision	Page	Revision
Title	0	8	0
1	0	9	0
2	0	10	0
3	0	11	0
4	0	12	0
5	0	13	0
6	0	14	0
7	0		

ISSUED: EFFECTIVE:

Issued by:

(2)

Company Name:

Tariff No. Page 3

Item No.

APPLICATION OF RATES - GENERAL

10 Unless otherwise provided, the rates named in this tariff cover the pickup and disposal of garbage and/or refuse, placed on the level of streets or alleys. There shall be no additional charge to customers because of fees which the collector may be obligated to pay for use of dump sites, whether such sites be publicly or privately owned, unless otherwise specifically provided. Where such dump fees are specifically provided they will be stated in the tariff and must be separately shown on the bills collector submits to customers.

DEFINITIONS OF TERMS

The following terms when used herein shall have only the meanings designated below:

(a) The term "unit" shall mean one can made of durable, corrosion-resistant, nonabsorbent material, watertight with close fitting cover and two handles, and shall not exceed 32 gallons, 4 cubic feet or 65 lbs. (including contents), nor weigh more than 12 lbs. when empty. A can which exceeds these size and weight limits will be charged \$ per dump.

Occasional extra waste material (boxes, cartons, bags, etc.) which can be readily loaded by hand and when placed on or beside the garbage can, will be taken and charged for as additional units subject to the above size and weight limits.

20

Where agreeable between collector and customer, a box, carton, cardboard barrel or other suitable container may be

substituted for a garbage can, subject to the above size and weight limits.

(b) The term "bulky material" shall mean empty carriers, cartons, boxes, crates, etc., brush, trees, grass or shrub clippings, or materials offered for disposal, all of which may be readily handled without shoveling.

(c) The term "loose material" shall mean material requiring shoveling.

(d) The term "drum" shall mean a metal container of approximately 50 gallons capacity generally of a type used for oils and solvents.

ISSUED: EFFECTIVE:

Issued by:

(3)

Company Name:

Tariff No. Page 4

Item No.

DEFINITIONS OF TERMS (Continued)

(e) The term "bale" shall mean material compressed by machine and securely strapped or banded.

(f) The term "litter receptacle" shall mean a container not over 60 gallons capacity of a type generally placed in shopping centers and along streets or highways for litter.

(g) The term "container" shall mean a detachable container which is left at customer's premises and emptied into the collector's truck and is lifted by mechanical means.

20 (Cont)

(h) The term "drop box" shall mean a container which is placed on collector's truck by mechanical means, hauled to dump site and returned to customer's premises.

(i) The term "compacted material" shall mean any material which has been compressed by any mechanical device either before or after it is placed in the receptacle handled by the collector.

(j) "Temporary and permanent:" In connection with containers and drop boxes, the temporary rates will apply only when service is required for a period of three months or less. If "temporary" service is continued for more than three months, the customer, commencing with the fourth month, will be considered a "permanent" customer and will be charged the permanent rates.

(k) The term "special pickup" shall mean a pickup requested by the customer at a time other than the regularly scheduled pickup time which does not involve the dispatch of a truck as provided in item 160 (time rates).

LIMITATION OF SERVICE

Collector may refuse to pick up materials from points where, because of the condition of the streets, alleys or roads, it is impracticable to operate vehicles; and may refuse to drive into private property when, in his judgment, driveways or roads are improperly maintained or without adequate turn arounds or have other unsafe conditions.

30

Collector will not be required to enter private property to pickup material while an animal considered or feared to be vicious is loose. The customer will be required to confine the animal on pickup days.

Collector does not warrant pickup at any particular hour, nor other than to meet reasonable requirements. No credit will be given for a skip in scheduled service due to weather or road conditions if garbage missed is taken on next pickup.

The collector assumes no responsibility for articles left on or near cans or units other than reasonable care.

ISSUED: EFFECTIVE:

Issued by:

(4)

Company Name:

Tariff No. Page 5

Item No.

MATERIAL REQUIRING SPECIAL EQUIPMENT, PRECAUTIONS OR DISPOSAL

40 When customer garbage or refuse contains material such as acids, concrete, hot ashes, oils, solvents, tires, or other materials requiring special equipment or precautions in handling and disposal, service will be subject to the time rates named in item 160.

DELINQUENT ACCOUNTS

50 A late charge will be added for any account which remains unpaid at the time of the next regular billing in the amount of 1%, minimum, 50¢.

OVERTIME PERIODS

When customer requests service on holidays, Sundays or other overtime periods, a charge of \$ per hour will apply in addition to all other applicable charges.

For the purpose of this rule holidays shall be:

- 60 New Year's Day (January 1) Labor Day
Washington's Birthday Veteran's Day
Memorial Day Thanksgiving
Independence Day (July 4) Christmas Day (December 25)

When any holiday above mentioned falls on Sunday, the following Monday will be observed. No additional charge will be made for overtime or holiday work performed solely for collector's convenience.

RETURN TRIPS

70 Accounts requiring return trips due to the unavailability of material to be collected for reasons within the control of the customer, will be assessed a charge in addition to regular charges as follows:

- \$ Can or Unit
\$ Drum, Bale, Litter Receptacle
\$ Container
\$ Drop Box

ISSUED: EFFECTIVE:

Issued by:

(5)

Company Name:

Tariff No. Page 6

Item No.

CAN CARRIAGE - DRIVE-INS

((Where cans or units are to be loaded by collector and if not placed at the curb, in the alley or at a point where the collector's vehicle can be driven within five feet on improved public roads, or where any of the services named below are involved, ADDITIONAL charges shall be assessed as follows:)) The following additional charges shall be assessed if cans or units are to be loaded by collector and if the cans or units are not placed at the curb, in the alley, or at a point where the collector's vehicle can be driven within five feet on improved access roads commonly available for public use. Driveways are not considered improved access roads commonly available for public use.

RATE PER UNIT (except as noted)

Table with 2 columns: Residential Per Month, Commercial Per Pickup

A. Charge for Carryouts:

Over 5 ft. but not over 25 ft. - \$ \$
For each additional 25 ft. or fraction thereof, add \$ \$

Note: Collector may elect to drive in at above rates except the charge will be limited to one can. If cans are carried over 125 ft. but are safely accessible to collector's vehicle, the drive-in charge (below) will apply.

80

B. ((Stairs or Steps

For each step up or down \$ \$

C. Overhead obstructions

For each overhead obstruction less than 8 ft. from ground \$ \$

D. Sunken or Elevated Cans or Units

For cans or units under ground or over 4 ft. above ground, but not involving stairs or steps \$ \$

E.) Drive-Ins (applies only on one can)

Drive-ins on ((private roads or)) driveways of over 125 ft. \$ \$

Item No. 90

CAN CARRIAGE - SPECIAL SERVICES

A. Stairs or Steps

For each step up or down \$ \$

B. Overhead obstructions

For each overhead obstruction less than 8 ft. from ground \$ \$

C. Sunken or Elevated Cans or Units

For cans or units under ground or over 4 ft. above ground, but not involving stairs or steps \$ \$

ISSUED: _____ EFFECTIVE: _____
 Issued by: _____
 _____ (6)

Company Name: _____
 Tariff No. Page 7

Item No. CAN-UNIT SERVICE - RESIDENTIAL

Rates in this item will apply only to service for residential property including single family dwellings, duplexes, apartments, mobile homes and courts, condominiums, etc., where such service is billed direct to the occupant of each residential unit.

Monthly Rates - Weekly Service
 Number of Units serviced each pickup

	1	2	3	4	5	6
100	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....

- (a) For service more frequent than weekly, multiply the above rate by the number of times per week service is rendered.
- (b) Charge for occasional extra cans or units on regular pickup shall be¢ each.
- (c) Customer will be charged for service requested even if fewer units are serviced on a particular trip.
- (d) One pickup per month at¢ per can will be charged on regular schedules for residential customers on an "on call" basis. Use special pickup rates in item 110 for residential can service not otherwise covered in this item.

CAN-UNIT SERVICE - COMMERCIAL

Rates in this item will apply to commercial businesses; also duplexes, apartments, mobile homes and courts, condominiums, etc., where service is billed to and paid by the residential property owner or manager.

On regular routes, not over 5 units grouped together on same pickup:¢ each;
 110 Over 5 units¢ each; Minimum charge per month \$
 On special pickups (item 20k): One unit \$.....; Each additional unit¢.

Note: A flat monthly charge may be assessed when a set number of units are serviced each week. Such monthly charge shall be computed at 4 1/3 times the applicable rates in this item and item 80 for each weekly pickup. Customer will be charged for service ordered even if fewer units are serviced on a particular trip. Occasional extra units shall be charged at¢ each.

DRUMS

120	Regular Route	\$..... per drum
	Special Pickup	\$..... per drum

ISSUED: _____ EFFECTIVE: _____
 Issued by: _____
 _____ (7)

Company Name: _____
 Tariff No. Page 8

Item No. LITTER RECEPTACLES

130		Customer Owned			Collector Owned		
		30 gal	45 gal	60 gal	30 gal	45 gal	60 gal
	Each per pickup	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....
	Minimum per month	\$.....	\$.....	\$.....	\$.....	\$.....	\$.....

BALES

140	Not over 60 lbs.	\$..... each bale
	Over 60 lbs. & Under 90 lbs.	\$..... " "
	Over 90 lbs. & Under 125 lbs.	\$..... " "
	Over 125 lbs. & Under 150 lbs.	\$..... " "
	Over 150 lbs. & Under 175 lbs.	\$..... " "
	Over 175 lbs. & Under 225 lbs.	\$..... " "
	Over 225 lbs. & Under 300 lbs.	\$..... " "
	Over 300 lbs.	\$..... " "

LOOSE AND BULKY MATERIAL

	Quantities per Pickup	Rate per Cu. Yd. - On Regular Route		
		Bulky Materials	Loose Materials Customer Load	Loose Materials Collector Load
150	1 to 4 cu. yd.	\$..... Per yd.	\$..... Per yd.	\$..... Per yd.
	Each add'l. cu. yd	\$..... Per yd.	\$..... Per yd.	\$..... Per yd.
	Each 5' over 8' from truck	\$..... Per yd.	\$..... Per yd.	\$..... Per yd.
	Minimum charge	\$..... Per Pickup	\$..... Per Pickup	\$..... Per Pickup

On special jobs apply time rates in item 160.

TIME RATES

160 (Cont) Except as otherwise provided, rates named herein apply only when trucks and men are ordered by the customer for a single specific job of a special or emergency nature. Time shall be charged for upon leaving collector's terminal (or other point, if nearer) until return to such terminal (or point at which truck is released, if nearer), excluding interruptions. Add dump fees for site or facility used, as shown in item No. 230.

ISSUED: _____ EFFECTIVE: _____
 Issued by: _____
 _____ (8)

Company Name: _____

Tariff No. Page 9

Item No.	RATES PER HOUR				
	Single Axle			Tandem Axle	
	Nonpacker	Packer	Drop Box	Packer	Drop Box
160 (Concluded)					
Truck & Driver	\$	\$	\$	\$	\$
Each Extra Man	\$	\$	\$	\$	\$
Minimum Charge	1 hour	1 hour	1 hour	1 hour	1 hour

APPLICATION OF CONTAINER AND/OR DROP BOX RATES

- (a) Pickup and rental rates for any size container or drop box not specifically provided for will take the rates applicable to the next larger size which is provided for.
- (b) Pickup and rental rates on containers will be assessed at their full capacity size regardless of the amount of waste material, etc. in the container at pickup time.
- (c) A "roll out" charge of \$ per container will be assessed where driver is required to move container more than ft. in order to reach truck.
- (d) Material, which because of its nature, is required to be taken to a special site for disposal will be charged at time rates named in item No. 160.
- (e) When, in connection with rates on containers or drop boxes noncompacted, the loaded vehicle weight is in excess of 27,000 lbs. gross or when a tandem axle truck is required, an additional charge of \$ per load will be assessed.
- (f) When, due to no disability, fault or negligence on the part of the collector, truck must wait at or return to the customer's site to provide scheduled service, the actual waiting time or time consumed in returning to customer's site shall be charged for at the time rates named in item 160.
- (g) Rates for compacted material will apply only when such material has been compacted prior to its pickup by collector. Loose material dumped into collector's packer truck from a container will be subject to rates for noncompacted material even though the material may be later compacted within the packer truck.

200

ISSUED: _____ EFFECTIVE: _____
 Issued by: _____
 (9)

Company Name: _____

Tariff No. Page 10

Item No. _____

WASHING AND SANITIZING- CONTAINERS & DROP BOXES

For the service of washing, steam cleaning or sanitizing containers and drop boxes the following charges will apply:

- (a) Washing _____ Per yd., \$; Min. \$
- (b) Steam Cleaning _____ Per yd., \$; Min. \$

210

(c) Sanitizing _____ Per yd., \$;

(d) Pickup and redelivery charge, per container or drop box if necessary:

Up to 8 yds. \$

Over 8 yds. \$

COMPACTOR RENTAL

Where a compactor is furnished by the collector, a rental rate will be charged as follows:

	Rated cubic yard capacity of charge box	Monthly Rental Charge
220	1 Cubic yard	\$
	2 Cubic yards	\$
	3 Cubic yards	\$
	4 Cubic yards	\$
	_ Cubic yards	\$

Note: Charges named are for compactors only and do not include drop box or container the charges for which will be assessed as set forth in items 250 and 270, and are in addition to charges named in this item. Actual cost of installation will be borne by the customer.

DISPOSAL FEES

Charges in this item apply only in connection with items making reference hereto.

DUMP (Name or Location)	Compacted	Noncompacted
1.	\$. . . per . . .	\$. . . per . . .
2.	\$. . . per . . .	\$. . . per . . .
3.	\$. . . per . . .	\$. . . per . . .

230

(Indicate whether charges are per yd., per ton, per load, etc.)

ISSUED: _____ EFFECTIVE _____
 Issued by: _____
 (10)

Company Name: _____

Tariff No. Page 11

CONTAINER SERVICE - DUMPED IN COLLECTOR'S VEHICLE

Item No. _____
 NONCOMPACTED MATERIAL
 Rates Per Container

Container Size	PERMANENT				TEMPORARY (Item 20j)			
	Pickups Per Mo.		Special Pickups (Item 20k)	*Monthly Rent (If any)	Initial Del. Chge.	Pickup Rate	Rent	
	1st 4 Each	Each Add'l	(Item 20k)	(If any)	Chge.	Rate	Per Calendar Day	Per Mo.
# 1	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	\$	\$	\$	\$	\$	\$	\$	\$

1 Yd.

1 1/4 Yd.

1 1/2 Yd.

2 Yd.

240 Container Size	PERMANENT			TEMPORARY (Item 20j)				
	Pickups Per Mo.		Special Pickups (Item 20k)	*Monthly Rent (If any)	Initial Del. Chge.	Pickup Rate	Rent	
	1st 4 Each (1)	Each Add'l (2)					Per Cal- endar Day (7)	Per Mo. (8)
# 3	Yd.							
# 4	Yd.							
Ø 5	Yd.							
Ø 6	Yd.							
Ø 7	Yd.							
Ø 8	Yd.							
Ø 9	Yd.							
Ø10	Yd.							

*Where monthly rents are shown in Col. 4, rates in Cols. 1 and 2 must be equal.

Note: A flat monthly charge, per container, for permanent regularly scheduled customers may be made if computed as follows:

- (a) Where a monthly rental is shown (Col. 4): 4 1/3 times the number of regular weekly pickups times the Col. 2 rate plus the monthly rent.
- (b) Where NO monthly rent is shown in (Col. 4): for one weekly pickup – four times the Col. 1 rate plus 1/3 of Col. 2 rate. For additional weekly pickups, ADD to the charge for one weekly pickup; 4 1/2 times Col. 2 rate for each additional weekly pickup.

MINIMUM MONTHLY CHARGE PER CONTAINER (permanent accounts) – #–4 pickups at Col. 1 rate plus Col. 4 Rent, if any. Ø–2 pickups at Col. 1 rate plus Col. 4 rent, if any.

ISSUED: _____ EFFECTIVE: _____
 Issued by: _____
 (11)

Company Name: _____
 Tariff No. Page 12
 CONTAINER SERVICE – DUMPED IN COLLECTOR'S VEHICLE

Item No. _____
 COMPACTED MATERIAL
 Rates Per Container

250 Container Size	PERMANENT			TEMPORARY (Item 20j)				
	Pickups Per Mo.		Special Pickups (Item 20k)	*Monthly Rent (If any)	Initial Del. Chge.	Pickup Rate	Rent	
	1st 4 Each (1)	Each Add'l (2)					Per Cal- endar Day (7)	Per Mo. (8)
# 1	Yd.							
# 1 1/4	Yd.							
# 1 1/2	Yd.							

250 Container Size	PERMANENT			TEMPORARY (Item 20j)				
	Pickups Per Mo.		Special Pickups (Item 20k)	*Monthly Rent (If any)	Initial Del. Chge.	Pickup Rate	Rent	
	1st 4 Each (1)	Each Add'l (2)					Per Cal- endar Day (7)	Per Mo. (8)
# 2	Yd.							
# 3	Yd.							
# 4	Yd.							
Ø 5	Yd.							
Ø 6	Yd.							
Ø 7	Yd.							
Ø 8	Yd.							
Ø 9	Yd.							
Ø10	Yd.							

*Where monthly rents are shown in Col. 4, rates in Cols. 1 and 2 must be equal.

Note: A flat monthly charge, per container, for permanent regularly scheduled customers may be made if computed as follows:

- (a) Where a monthly rental is shown (Col. 4): 4 1/3 times the number of regular weekly pickups times the Col. 2 rate plus the monthly rent.
- (b) Where NO monthly rent is shown in (Col. 4): For one weekly pickup – four times the Col. 1 rate plus 1/3 of Col. 2 rate. For additional weekly pickups, ADD to the charge for one weekly pickup; 4 1/3 times Col. 2 rate for each additional weekly pickup.

MINIMUM MONTHLY CHARGE PER CONTAINER (permanent accounts) – #–4 pickups at Col. 1 rate plus Col. 4 rent, if any. Ø–2 pickups at Col. 1 rate plus Col. 4 rent, if any.

ISSUED: _____ EFFECTIVE: _____
 Issued by: _____
 (12)

Company Name: _____
 Tariff No. Page 13

Item No. _____
 DROP BOX SERVICE – TO DUMP AND RETURN
 NONCOMPACTED MATERIAL – RATES PER CONTAINER

250 Container Size	PERMANENT			TEMPORARY (Item 20j)				
	Pickups Per Mo.		*Monthly Rent (If any)	Initial Del. Chge.	Pickup Rate	Rent		
	1st 4 Each (1)	Each Add'l (2)				Per Cal- endar Day (6)	Per Mo. (7)	
2 yd.								
3 yd.								
4 yd.								
5 yd.								

Size	PERMANENT		TEMPORARY (Item 20j)				
	Pickups Per Mo.		*Monthly Rent (If any)	Initial Del. Chge.	Pickup Rate	Rent	
	First	Each Add'l				Per Cal-endar Day	Per Mo.
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
6 yd.							
8 yd.							
10 yd.							
12 yd.							
15 yd.							
18 yd.							
20 yd.							
25 yd.							
30 yd.							
35 yd.							
40 yd.							
45 yd.							
50 yd.							

260

*Where monthly rent is shown in column (3), rates in columns (1) and (2) must be equal.

- Note 1: Rates in this item are subject to dump fees named in Item No. 230.
- Note 2: The minimum monthly charge per container (permanent accounts) shall be the rate in column (1) plus the rent in column (3), if any.
- Note 3: Rates named in this item apply for all hauls not exceeding 10 miles measured from the point of pickup to the dump site. Excess miles will be charged for at \$ per mile or fraction thereof, such charge to be in addition to all regular charges.
- Note 4: A reduction of \$ per trip shall apply on regular scheduled service.

ISSUED: _____ EFFECTIVE: _____
 Issued by: _____
 (13)

Company Name: _____
 Tariff No. Page 14

Item No. _____
 DROP BOX SERVICE - TO DUMP AND RETURN
 COMPACTED MATERIAL - RATES PER CONTAINER

Size	PERMANENT		TEMPORARY (Item 20j)				
	Pickups Per Mo.		*Monthly Rent (If any)	Initial Del. Chge.	Pickup Rate	Rent	
	First	Each Add'l				Per Cal-endar Day	Per Mo.
	(1)	(2)	(3)	(4)	(5)	(6)	(7)
2 yd.							
3 yd.							
4 yd.							
5 yd.							
6 yd.							
8 yd.							
10 yd.							
12 yd.							
15 yd.							
18 yd.							
20 yd.							
25 yd.							
30 yd.							
35 yd.							
40 yd.							
45 yd.							
50 yd.							

270

*Where monthly rent is shown in column (3), rates in columns (1) and (2) must be equal.

- Note 1: Rates in this item are subject to dump fees named in Item No. 230.
- Note 2: The minimum monthly charge per container (permanent accounts) shall be the rate in column (1) plus the rent in column (3), if any.
- Note 3: Rates named in this item apply for all hauls not exceeding 10 miles measured from the point of pickup to the dump site. Excess miles will be charged for at \$ per mile or fraction thereof, such charge to be in addition to all regular charges.
- Note 4: A reduction of \$ per trip shall apply on regular scheduled service.

ISSUED: _____ EFFECTIVE: _____
 Issued by: _____
 (14)

WSR 90-03-010
NOTICE OF PUBLIC MEETINGS
BOARD OF VOLUNTEER FIREFIGHTERS
 [Memorandum—January 3, 1990]

The State Board for Volunteer Firefighters will meet in the Olympia Forum Building, 605 11th Avenue S.E., Suite 207, on January 22, April 20, July 20, and October 26, 1990, at 9:00 a.m.

WSR 90-03-011
NOTICE OF PUBLIC MEETINGS
EVERETT COMMUNITY COLLEGE
 [Memorandum—December 22, 1989]

As per chapter 42.30 RCW, Open Public Meetings Act, the time and place of regular meetings for the Everett Community College board of trustees for 1990 will be as follows:

Time and Date: The second and fourth Wednesdays of each month. (The second Wednesday will be for the purpose of a study session and will be held at 12:30 p.m. The fourth Wednesday will be for the purpose of a business meeting and will be held at 3:30 p.m.)

Place: Everett Community College or elsewhere.

WSR 90-03-012
PROPOSED RULES
EVERETT COMMUNITY COLLEGE
 [Filed January 5, 1990, 9:25 a.m.]

Original Notice.

Title of Rule: Chapter 132E-108 WAC, Practice and procedure, adoption of model rules of procedure.

Purpose: To be in compliance with chapter 34.05 RCW.

Other Identifying Information: New Administrative Procedure Act (APA) effective July 1, 1989.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: Chapter 34.05 RCW.

Summary: This rule is in compliance with chapter 34.05 RCW, which dictates how a college may enact WACs, what must be WAC'd and how to do it, and what happens if it is not done in accordance with the law.

Reasons Supporting Proposal: To be in compliance with chapter 34.05 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert J. Drewel, 801 Wetmore, Everett, 259-7151.

Name of Proponent: Everett Community College, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: On July 1, 1989, a new Administrative Procedure Act (APA) codified in chapter 34.05 RCW superseded the provisions of chapter 28B.19 RCW, the Higher Education Administrative Procedure Act previously applicable to institutions of higher learning. The provisions of the APA dictate not only how a college may enact Washington Administrative Code (WAC) provisions, but also what must be WAC'd, how to do it, and what happens if it is not done in accordance with the law.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Everett Community College, on March 14, 1990, at 11:00.

Submit Written Comments to: Robert J. Drewel, by March 14, 1990.

Date of Intended Adoption: March 14, 1990.

January 3, 1990

Robert J. Drewel

President

Chapter 132E-108 WAC
PRACTICE AND PROCEDURE

WAC

132E-108-010	Adoption of model rules of procedure.
132E-108-020	Appointment of presiding officers.
132E-108-030	Method of recording.
132E-108-040	Application for adjudicative proceeding.
132E-108-050	Brief adjudicative procedures.
132E-108-060	Discovery.
132E-108-070	Procedure for closing parts of the hearings.
132E-108-080	Recording devices.

NEW SECTION

WAC 132E-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by this institution shall govern. All procedural rules previously adopted at this institution are specifically repealed. These rules shall supersede all procedural rules previously adopted by this institution.

NEW SECTION

WAC 132E-108-020 APPOINTMENT OF PRESIDING OFFICERS. The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president, or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132E-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132E-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

President's Office
 Everett Community College
 801 Wetmore
 Everett, WA 98201

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 132E-108-050 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Challenges concerning education records consistent with state and federal law;
- (3) Student conduct proceedings. The procedural rules in WAC 132E-108-010 apply to these proceedings.
- (4) Parking violations. The procedural rules in WAC 132E-108-010 apply to these proceedings;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in institution-sponsored athletic events.

NEW SECTION

WAC 132E-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132E-108-070 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within twenty days of receiving the request.

NEW SECTION

WAC 132E-108-080 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132E-108-010, except for the method of official recording selected by the institution.

WSR 90-03-013
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—January 3, 1990]

The following is a revised meeting schedule for regular meetings to be held by the University of Washington's Department of Aeronautics and Astronautics.

Regular Faculty Meetings
 Winter Quarter 1990

Please mark the following dates on your calendar and advise if you will be unable to attend:

- January 12
- February 9
- March 9

Plan to arrive promptly at 3:30 so the meeting can start and conclude in a timely fashion.

WSR 90-03-014
NOTICE OF PUBLIC MEETINGS
UNIVERSITY OF WASHINGTON
 [Memorandum—January 3, 1990]

The following is a revised meeting schedule for regular meetings to be held by the University of Washington's Department of Statistics.

Statistics Faculty		
Meeting Dates	Location	Time
January 8, 1990	B313 Padelford Statistics Lounge	12:30 p.m.
January 22, 1990	B313 Padelford Statistics Lounge	12:30 p.m.
February 5, 1990	B313 Padelford Statistics Lounge	12:30 p.m.
February 26, 1990	B313 Padelford Statistics Lounge	12:30 p.m.
March 5, 1990	B313 Padelford Statistics Lounge	12:30 p.m.
March 19, 1990	B313 Padelford Statistics Lounge	12:30 p.m.
April 2, 1990	B313 Padelford Statistics Lounge	12:30 p.m.
April 16, 1990	B313 Padelford Statistics Lounge	12:30 p.m.
April 30, 1990	B313 Padelford Statistics Lounge	12:30 p.m.
May 7, 1990	B313 Padelford Statistics Lounge	12:30 p.m.
May 21, 1990	B313 Padelford Statistics Lounge	12:30 p.m.
June 4, 1990	B313 Padelford Statistics Lounge	12:30 p.m.
October 8, 1990	B313 Padelford Statistics Lounge	12:30 p.m.
October 29, 1990	B313 Padelford Statistics Lounge	12:30 p.m.
November 5, 1990	B313 Padelford Statistics Lounge	12:30 p.m.
November 19, 1990	B313 Padelford Statistics Lounge	12:30 p.m.

December 3, 1990	B313 Padelford Statistics Lounge	12:30 p.m.
December 17, 1990	B313 Padelford Statistics Lounge	12:30 p.m.

WSR 90-03-015
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
TRADE AND ECONOMIC DEVELOPMENT
(Child Care Facility Fund Committee)
 [Memorandum—January 5, 1990]

The following schedule of the 1990 regular meetings of the Child Care Facility Fund Committee is hereby submitted for publication in the Washington State Register:

February 14, 1990
 March 14, 1990
 April 11, 1990
 May 9, 1990
 June 13, 1990

Regular meetings to be held after June 13, 1990, will be scheduled and dates published at a later date. All meetings will be held in the Seattle area.

In accordance with Executive Order 79-03, the meeting site has been selected to be barrier free to the greatest extent feasible. Brailled or taped agenda items for the visually impaired and interpreters for those with hearing impairments will be provided if requested at least ten working days in advance.

Any questions regarding the Child Care Facility Fund Committee meetings should be sent to:

Child Care Finance Manager
 Business Assistance Center
 Department of Trade and
 Economic Development
 919 Lakeridge Way S.W., Suite A
 Olympia, WA 98502
 Phone (206) 586-4842

WSR 90-03-016
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 90-01]

**ALLOCATION OF FEDERAL LOW-INCOME
 HOUSING TAX CREDIT**

The Internal Revenue Code of 1986 (the "Code"), as amended, provides for the allocation by states of low-income housing tax credits for the purpose of facilitating the development of rental housing for low-income individuals and families. The Code and regulations interpreting the Code require that a state agency allocating

low-income housing tax credits on behalf of a state be specifically authorized by gubernatorial act or state statute to make housing credit allocations on behalf of the state and to carry out the related provisions of Section 42(h) of the Code EO 87-10. The Washington State Housing Finance Commission (WSHFC), in accordance with and pursuant to RCW 43.180 *et. seq.*, and EO 87-10, has made allocations of the low-income housing tax credit and made use of the provisions of the Code for the benefit of the citizens of the State of Washington. Executive Order 87-10 authorized the Washington State Housing Finance Commission to make the allocation of low-income housing tax credits for calendar years 1987, 1988, and 1989. The low-income tax credits for 1990 are now available.

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, do hereby order:

1. The Washington State Housing Finance Commission (the "Commission") is hereby specifically authorized to make all low-income housing tax credit allocations under Section 42 of the Code on behalf of the State of Washington and to carry out the provisions of Section 42(h) of the Code for low-income credits made available by the federal government for calendar year 1990.
2. The Commission shall be authorized to allocate all of the State of Washington's low-income housing tax credit ceiling under Section 42 of the Code, subject to the following limitations and conditions:
 - a. The Commission shall allocate low-income housing tax credits subject to its general policies governing allocation of the low-income housing tax credit.
 - b. The Commission shall allocate low-income housing tax credits in accordance with the provisions of the Omnibus Budget Reconciliation Act of 1989.
 - c. The Commission shall report to the Governor and the Legislature on or before February 15, 1991, on the use of the low-income housing tax credits and include the following information as it relates to the availability and use of such tax credits in the State of Washington: low-income housing tax credits available; low-income housing tax credits used; the general geographic pattern of use; the use of sub-allocations; the percentage of dollar value of credit allocated to specific users; the use by type of financing; and the relationship between the use of low-income housing tax credits and state low-income housing needs and priorities.
3. The Department of Community Development shall conduct an evaluation of the administration of the low-income housing tax credit program, including the appropriate location, and recommend to the

Governor the appropriate location for the administration of the low-income housing tax credit program for 1991 and the following years. The evaluation will be completed by October 1, 1990. If a change in the allocating agency is required, the commission will be provided with ninety (90) days advance notice, and commitments for low-income housing credits made by the Commission will be honored.

4. This Executive Order supersedes Executive Order 87-10 dated September 4, 1987, designating the Commission to administer the low-income housing tax credits under the federal law.

IN WITNESS WHERE-
OF, I have hereunto set my
hand and caused the seal of
the State of Washington to
be affixed at Olympia this
4th day of January, A.D.,
nineteen hundred and
ninety.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 90-03-017

PROPOSED RULES

DEPARTMENT OF COMMUNITY DEVELOPMENT

[Filed January 9, 1990, 9:31 a.m.]

Original Notice.

Title of Rule: State Building Code—Building permit surcharges and fees.

Purpose: To repeal sections of chapter 365-110 WAC that are inconsistent with the State Building Code Act, chapter 19.27 RCW as amended by chapter 256, Laws of 1989, and to repeal sections of chapter 365-110 WAC that are duplicative of chapter 19.27A RCW.

Statutory Authority for Adoption: RCW 43.63A.065(2).

Statute Being Implemented: RCW 19.27.085 and chapter 256, Laws of 1989.

Summary: WAC 365-110-030, 365-110-040, 365-110-050, 365-110-060 and 365-110-080 are repealed since they are duplicative of or inconsistent with chapters 19.27 or 19.27A RCW. WAC 365-110-020 is amended to delete phrases that are duplicative of or inconsistent with chapter 19.27 RCW.

Reasons Supporting Proposal: All of the proposed changes are to delete language that duplicates or is inconsistent with RCW 19.27.085 and 19.27A.040, or clarify language.

Name of Agency Personnel Responsible for Drafting: Linda Ramsey, 9th and Columbia, (206) 586-3423; Implementation and Enforcement: Chuck Clarke, 9th and Columbia, (206) 753-5625.

Name of Proponent: Washington State Building Code Council, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: To reflect changes in chapters 19.27 and 19.27A RCW.

Proposal Changes the Following Existing Rules: The proposed changes would serve to implement changes in the State Building Code fee as directed by chapter 256, Laws of 1989. Chapter 256, Laws of 1989 raises the State Building Code fee from \$1.50 per permit to \$4.50 per permit plus an additional \$2.00 for each multifamily unit after the first unit. The proposed changes would also repeal language that duplicates language in RCW 19.27.085 related to fee collection and transmittal, as well as language relating to the energy studies surcharge which is no longer collected.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: 5th Floor Conference Room, 9th and Columbia Building, Olympia, Washington 98504-4151, on February 28, 1990, at 9:00 a.m.

Submit Written Comments to: Linda Ramsey, Department of Community Development, 9th and Columbia Building, Olympia, Washington, by February 27, 1990.

Date of Intended Adoption: February 28, 1990.

January 5, 1990

Chuck Clarke

Director

AMENDATORY SECTION (Amending Order 87-19, filed 9/18/87)

WAC 365-110-020 PURPOSE. The purpose of these rules is to ((implement chapter 19.27 RCW as amended by chapter 360, Laws of 1985, and chapter 19.27A RCW, created by chapter 360, Laws of 1985 and by section 217(14), chapter 7, Laws of 1987 1st ex. sess., and by RCW 19.27.085.

Chapter 19.27A RCW, provides for the amendment of the State Energy Code by the State Building Code council and for certain energy studies to be conducted by the University of Washington college of architecture and department of mechanical engineering. The code amendment and energy studies are to be funded by a surcharge on building permit fees issued by local governments for new building construction.

Chapter 19.27 RCW provides that the activities of the State Building Code council necessary to implement the purposes of the chapter shall be funded by a fee of one dollar and fifty cents to be imposed on each building permit issued by a city or county. The moneys collected under this fee will be deposited in the building code council account in the state treasury and must be used by the building code council, after appropriation, to perform the purposes of the council. Every four years the state treasurer must report to the legislature on the balances in the account so that the legislature may adjust the charges imposed. Section 217(14), chapter 7, Laws of 1987 1st ex. sess. provides that an additional fee of two dollars shall be added to the fee imposed under RCW 19.27.085 through June 30, 1989)) provide definitions to assist the collection of building permit fees as mandated by chapter 19.27 RCW.

AMENDATORY SECTION (Amending Order 87-19, filed 9/18/87)

WAC 365-110-035 DEFINITIONS. 1. DEPARTMENT shall mean the department of community development.

2. ~~((ENERGY CODE STUDIES SURCHARGE shall mean a surcharge which is required to be collected by cities and counties pursuant to chapter 19.27A RCW, and subject to appropriations as provided in chapter 6, Laws of 1985 1st ex. sess. Funds collected shall be used exclusively to implement the provisions of chapter 19.27A RCW.~~

3.) STATE BUILDING CODE FEE shall mean a fee which is required to be collected by cities and counties pursuant to chapter 19.27 RCW. Funds collected shall be used exclusively to implement the provisions of chapters 19.27 and 19.27A RCW.

~~((4.))~~ 3. BUILDING PERMIT shall mean a permit issued by a city or a county to construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by the Uniform Building Code as set forth in the Uniform Building Code, section 301. This definition shall be subject to the exemptions contained in section 301 of the Uniform Building Code. Building permit shall include an installation permit or other permit issued by a city or county for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC. Building permits shall not include plumbing, electrical, mechanical permits, or permits issued pursuant to the Uniform Fire Code.

~~((5. NEW BUILDING CONSTRUCTION PERMIT shall mean a permit which is issued by a city or a county for the construction of a new building and shall not include remodeling, renovation, demolition, or addition to an existing building. A new building construction permit shall include a permit to relocate an existing building but shall not include a permit for a mobile/manufactured home, commercial coach, or factory built structure as defined and regulated by chapters 296-150A and 296-150B WAC.))~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 365-110-030 SUFFICIENT FEDERAL FUNDS NOT AVAILABLE.
- WAC 365-110-040 COLLECTION OF ENERGY STUDIES SURCHARGE.
- WAC 365-110-050 COLLECTION OF STATE BUILDING CODE FEE.
- WAC 365-110-060 TRANSMITTAL OF FUNDS.
- WAC 365-110-080 TERMINATION.

**WSR 90-03-018
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed January 9, 1990, 9:45 a.m.]**

Original Notice.

Title of Rule: Chapter 308-20 WAC, Cosmetology—Barber—Manicurist rules.

Purpose: To clarify language, allow students to apply for exam prior to completion of training and update fees.

Statutory Authority for Adoption: RCW 18.16.030 and 43.24.086.

Summary: Clarification of WAC, reduce waiting period for exam applicants and increase fees to cover program costs.

Reasons Supporting Proposal: Clarification of WAC will assist the public in understanding requirements, reduction of exam waiting period will assist students in getting their licenses quicker and fees must cover costs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Riker, 1300 Quince Street, Olympia, WA, 586-4565.

Name of Proponent: Department of Licensing, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-20-107 Use and training of instructor-trainees, this change clarifies cadet requirements; WAC 308-20-140 Examination—Application, change allows students to apply for exam 150 hours prior to completion of training reducing the exam waiting period; WAC 308-20-155 Procedure for applicants requiring special accommodations for licensure examination, allows applicants to submit their own translators; and WAC 308-20-210 Cosmetology fees, raises the fees for licensure and renewal to cover the costs of the program.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: West Coast Sea-Tac Hotel, 18220 Pacific Highway South, Cascade Room, Seattle, WA, on March 5, 1990, at 10:00 a.m.

Submit Written Comments to: Judy Riker, Cosmetology Section, P.O. Box 9649, Olympia, WA 98504, by March 1, 1990.

Date of Intended Adoption: March 6, 1990.

January 9, 1990
Judy J. Riker
Program Manager

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-107 USE AND TRAINING OF INSTRUCTOR-TRAINEES. (1) Cosmetology instructor-trainees cannot be used to replace a licensed instructor for the training of students. Instructor-trainees must be under the direct supervision of a licensed instructor at all times.

(2) "Direct supervision" means the licensed cosmetology instructor shall:

- (a) Inspect a substantial portion of the instructor-trainee's work;
- (b) Be physically present on the premises where the instructor-trainee is working and be available for consultation with the instructor-trainee a minimum of eighty percent of the time claimed as hours of training received. Provided, that "direct supervision" shall not require that the licensed cosmetology instructor while on the premises inspect all the instructor-trainee's work, nor shall it require that the licensed cosmetology instructor and the instructor-trainee be constantly in the same room.

(3) A school licensed under chapter 18.16 RCW and providing instruction to instructor-trainees must provide the department of licensing at least seven days advance notice, in writing, of the name and address of each person who will receive instruction as a cosmetology instructor-trainee.

(4) No person may be used as, or receive credit for training as, a cosmetology instructor-trainee unless the person holds a current, valid cosmetology license ~~((or is currently eligible for licensure as a cosmetologist and has the same qualifications as a cosmetologist))~~.

(5) No person may be used as, or receive credit for training as, a cosmetology instructor-trainee for more than 600 hours total at any school or schools licensed under chapter 18.16 RCW, unless the school has first requested and received from the department of licensing written approval to use or train a certain instructor-trainee for additional hours.

(6) No cosmetology instructor-trainee may receive any wage or commission.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-140 EXAMINATION—APPLICATION. Examinations are administered monthly. Examination schedules will be published by the director and issued to each school. Each licensed school shall post the schedule of examinations in plain view for the students and provide students with an application and all necessary information for completing and submitting the application. No school shall prohibit

or hinder a student from submitting an application for examination if the student is at least seventeen years of age and has completed the required number of hours in the approved course of study.

Each application submitted must ~~((include a sworn statement of both the student and the school owner or manager that all statements on the application are true and correct. Each application must))~~ be complete in every respect, including fee(;) before the applicant ~~((may))~~ will be scheduled for examination. The application must include a copy of the final student record form verifying the hours of training in each course signed by the student and instructor. A sworn statement by the student that all statements on the application are true and correct is to be included. The school owner or manager will also sign a sworn statement that all statements made in the application are true and correct and this school has complied with all state regulations regarding the training of the student.

Applications may be submitted when the student is within one hundred fifty hours of completing the required training. These applications must include a sworn statement by student and school owner or manager that the student will complete the required training prior to the scheduled examination. The training affidavit and final student record form must be received in the department of licensing seven days prior to the examination.

Applications and fees for examination must be date stamped received into the department of licensing no later than the first day of the month to be scheduled for the following month's examination. (For example: Must be received by August 1 to be scheduled for September examination.) Only when the date received stamp is omitted or illegible, will the postmark by the postal service be substituted.

Any person who either (1) fails to appear as scheduled for an examination, ~~((or))~~ (2) fails to request to be rescheduled at least seven days prior to scheduled examination date, or (3) fails to supply the training affidavit and student record form at least seven days prior to the scheduled examination date shall forfeit the fee for examination, except in cases of emergency as determined by the department.

Applications and fees for reexamination must be received by the Professional Licensing Division at 1300 Quince Street, Olympia, Washington on or before the 20th of the month to be scheduled for the following month's examination.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-155 PROCEDURE FOR APPLICANTS REQUIRING SPECIAL ACCOMMODATIONS FOR LICENSURE EXAMINATION. (1) An applicant for a licensure examination who, due to a specific physical, mental or sensory impairment, requires special accommodation in examination procedures, may submit a written request for the specific accommodation needed.

(a) The applicant must submit an individualized written opinion from a physician or other specialist:

(i) Verifying the existence of a specific physical, mental, or sensory impairment;

(ii) Stating whether special accommodation is needed for a specific licensure examination; and

(iii) Stating what special accommodation is necessary. The applicant must also submit to the department a signed and notarized authorization, authorizing the specifically identified physician or other specialist to discuss the matter with the department of licensing's representative.

(b) The written request for special accommodation and individualized written opinion must be submitted to the department of licensing at least eight weeks in advance of the examination date and must be accompanied by a completed application and the application fee.

(c) Only readers and translators ~~((provided))~~ approved by the department may be used for reading/translating the examination.

(d) Applicants who pass the cosmetology examination with the assistance of a reader/translator will be issued a license with the following printed restriction: "Requires Reading Supervision For Product Usage When Performing Chemical Services." If a licensee with a license restriction successfully retakes the chemical services portion of the examination without the assistance of a reader or translator, a new license will be issued without the restriction.

(2) Applicants who wish to use a foreign language dictionary during an examination must obtain approval at the examination site prior to the examination. Only dictionaries without definitions will be approved for use.

AMENDATORY SECTION (Amending Order PM 650, filed 5/1/87)

WAC 308-20-210 COSMETOLOGY FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Cosmetologist:	
Examination application	\$ 25.00
Renewal	((+10.00)) 20.00
Late renewal penalty	((+10.00)) 20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	25.00
Instructor:	
Examination application	30.00
Renewal	((25.00)) 20.00
Late renewal penalty	((25.00)) 20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	((25.00)) 30.00
Manicurist:	
Examination application	25.00
Renewal	((+10.00)) 20.00
Late renewal penalty	((+10.00)) 20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	25.00
School:	
License application	((+50.00)) 175.00
Renewal	((+50.00)) 175.00
Late renewal penalty	((+50.00)) 175.00
Duplicate	15.00
Barber:	
Examination application	25.00
Renewal	((+10.00)) 20.00
Late renewal penalty	((+10.00)) 20.00
Out-of-state application	25.00
Duplicate	15.00
Certification	25.00

WSR 90-03-019
PROPOSED RULES
EVERETT COMMUNITY COLLEGE
[Filed January 9, 1990, 1:48 p.m.]

Original Notice.

Title of Rule: WAC 132E-133-020 Organization—Operation—Information, accompanies chapter 132E-108 WAC, Practice and procedure.

Purpose: To be in compliance with chapter 34.05 RCW, Administrative Procedure Act.

Other Identifying Information: RCW 34.05.220 requires each institution to adopt as a rule a description of its organization.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: Chapter 34.05 RCW.

Summary: RCW 34.05.220 requires each institution to adopt as a rule a description of its organization, stating the general course and method of its operation and the means whereby the public may obtain information.

Reasons Supporting Proposal: To be in compliance with chapter 34.05 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert J. Drewel, 801 Wetmore, Everett, 259-7151.

Name of Proponent: Everett Community College, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: On July 1, 1989, a new Administrative Procedure Act (APA) codified in chapter 34.05 RCW superseded the provisions of chapter 28B.19 RCW, the Higher Education Administrative Procedure Act previously applicable to institutions of higher learning. The provisions of the APA dictate not only how a college may enact Washington Administrative Code (WAC) provisions, but also what must be WAC'd, how to do it, and what happens if it is not done in accordance with the law. RCW 34.05.220 requires each institution to adopt as a rule a description of its organization, stating the general course and method of its operation and the means whereby the public may obtain information and make submission or request.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Everett Community College, Board/President's Conference Room, 801 Wetmore, Everett, on March 28, 1990, at 11:00 a.m.

Submit Written Comments to: Robert J. Drewel, by March 27, 1990.

Date of Intended Adoption: March 28, 1990.

January 8, 1990
Robert J. Drewel
President

Chapter 132E-133 WAC
ORGANIZATION

WAC
132E-133-020 Organization—Operation—Information.

NEW SECTION

WAC 132E-133-020 ORGANIZATION—OPERATION—INFORMATION. (1) Organization. Everett Community College is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office is located at the following address:

President's Office
Everett Community College
801 Wetmore
Everett, WA 98201

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses:

Everett Community College
Aviation Maintenance Technician School
Building C-80
Paine Field
Everett, WA 98204

Applied Technology Training Center
2333 Seaway Blvd.
Everett, WA 98204

Everett Community College
Cosmetology Program
1110 Broadway
Everett, WA 98201

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

Registration Office
Everett Community College
801 Wetmore
Everett, WA 98201

WSR 90-03-020
PERMANENT RULES
DEPARTMENT OF ECOLOGY
[Filed January 9, 1990, 2:16 p.m.]

Date of Adoption: January 9, 1990.

Purpose: To list additional hazardous substances subject to the 0.7% hazardous substance tax.

Statutory Authority for Adoption: The Model Toxics Control Act, chapter 2, Laws of 1989 (Initiative 97, Section 9).

Pursuant to notice filed as WSR 89-20-060 on October 4, 1989.

Changes Other than Editing from Proposed to Adopted Version: The word "substantial" moved within a sentence in WAC 173-342-030(1).

Effective Date of Rule: Thirty-one days after filing.

January 9, 1990
Fred Olson
Deputy Director

Chapter 173-342 WAC
ADDITIONAL TAXABLE HAZARDOUS SUB-
STANCE LIST

- WAC 173-342-010 Purpose and authority.
- 173-342-020 Definitions.
- 173-342-030 Basis to determine what is a taxable hazardous substance.
- 173-342-040 Listing.
- 173-342-050 List.

NEW SECTION

WAC 173-342-010 PURPOSE AND AUTHORITY. The purposes of this chapter are to establish requirements for the addition or deletion of materials to the list of hazardous substances which are subject to the state hazardous substance tax pursuant to chapter 2, Laws of 1989, and to list or delete those substances.

It is the intent of this rule to add only materials which are similar to those previously defined by the Model Toxics Control Act as taxable hazardous substances. Those are, in general terms, petroleum products, pesticide products, and chemicals. Manufactured products which may be environmentally detrimental, but not of special hazard, such as plastic containers, solid metals, and wood products or wood fibers are not of this type.

The authority to add or delete additional substances is granted under section 9, chapter 2, Laws of 1989.

NEW SECTION

WAC 173-342-020 DEFINITIONS. For the purpose of this chapter, the following terms have the meanings given below:

(1) "Director" means the director of the department of ecology or the director's designee.

(2) "Hazardous substance" means anything designated as such by the provisions of this rule, as adopted and thereafter amended. In addition, this term includes:

(a) Any substance that, on March 1, 1989, is a hazardous substance under section 101(14) of the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by P.L. 99-499. These substances consist of chemicals and elements in their purest form. (Reportable quantities associated with these chemicals under CERCLA are not considered for the purposes of this tax, but are duly noted here to avoid any confusion regarding the intent of the federal regulation. See CERCLA, 42 USCA, Sec. 9601.) A CERCLA substance which contains water, a stabilizer, or a preservative is still considered pure. Combinations of CERCLA substances as ingredients together with nonhazardous substances will not be taxable unless the end product is specifically designated as a hazardous substance by the department of ecology under the provisions of this rule;

(b) Petroleum products;

(c) Pesticide products required to be registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA).

(3) "Material" means substance, chemicals, category of chemicals, or mixtures of chemicals including products.

(4) "Persistence" means the tendency of a substance to resist degradation and remain in the atmosphere, soil, and/or water.

(5) "Toxicity" means a measure of the propensity of a chemical to produce injury once it reaches a susceptible receptor in or on a living organism.

(6) Except for terms defined in this section, the definitions in section 9, chapter 2, Laws of 1989 and WAC 458-20-252 apply to this chapter.

NEW SECTION

WAC 173-342-030 BASIS TO DETERMINE WHAT IS A TAXABLE HAZARDOUS SUBSTANCE. Additional materials may be defined as taxable hazardous substances on the basis of a departmental determination of:

(1) Negative environmental factors such as substantial toxicity and persistence of materials being considered for listing or delisting; and

(2) Substantial adverse impact on waste management operations such as the management of hazardous waste, solid waste, wastewater treatment facilities, wastewater from ground or marine septic systems, and contaminated sites.

NEW SECTION

WAC 173-342-040 LISTING. The director may propose to add (or delete from those materials previously added) materials to the definition of hazardous substance.

(1) Additions or deletions to the list shall be made by amendment of this rule pursuant to the Administrative Procedure Act (chapter 34.05 RCW).

(2) The director of ecology shall add or delete materials no more than twice during each calendar year.

(3) For tax purposes, changes in this definition shall take effect on the first day of the next month that is at least thirty days after the effective date of the rule.

(4) For each material proposed for additional listing, the department shall prepare a "basis for listing" which shall include those factors and data which led the director to propose the listing.

(5) The director shall prepare a "basis for deletion" which shall include those factors and data which led the director to propose deletions from materials previously added.

NEW SECTION

WAC 173-342-050 LIST. (Reserved.)

WSR 90-03-021

PROPOSED RULES

EVERETT COMMUNITY COLLEGE

[Filed January 10, 1990, 1:39 p.m.]

Original Notice.

Title of Rule: Chapter 132E-400 WAC, Loss of eligibility—Student athletic participation.

Purpose: Student will be disqualified from participation in any school-sponsored athletic event or activity if found by the college to have violated chapter 69.41 RCW.

Other Identifying Information: All institutions of higher learning are required to adopt regulations.

Statutory Authority for Adoption: Chapter 69.41 RCW, 1989 amendment.

Statute Being Implemented: Chapter 69.41 RCW, 1989 amendment.

Summary: Any student found by the college to have violated chapter 69.41 RCW will be disqualified from participation in any school-sponsored athletic event or activity.

Reasons Supporting Proposal: All institutions of higher education are required to adopt regulations requiring athletic ineligibility from participation in any

school-sponsored athletic event or activity if the student(s) violates chapter 69.41 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert J. Drewel, 801 Wetmore, Everett, 259-7151.

Name of Proponent: Everett Community College, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: All institutions of higher education are required to adopt regulations requiring athletic ineligibility from participation in any school-sponsored athletic event or activity if the student(s) is found to be in violation of chapter 69.41 RCW. This is by virtue of a criminal conviction, or otherwise insofar as it prohibits the possession, use or sale of legend drugs, including anabolic steroids.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Everett Community College, Board/President's Conference Room, 801 Wetmore, Everett, WA 98201, on March 28, 1990, at 11:00.

Submit Written Comments to: Robert J. Drewel, by March 27, 1990.

Date of Intended Adoption: March 28, 1990.

January 8, 1990
Robert J. Drewel
President

Chapter 132E-400 WAC
LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

NEW SECTION

WAC 132E-400-010 GROUNDS FOR INELIGIBILITY. Any student found by the college to have violated chapter 69.41 RCW by virtue of a criminal conviction or otherwise insofar as it prohibits the possession, use or sale of legend drugs, including anabolic steroids, will be disqualified from participation in any school-sponsored athletic event or activity.

NEW SECTION

WAC 132E-400-020 SUSPENSION PROCEDURE—RIGHT TO INFORMAL HEARING. Any student notified of a claimed violation of WAC 132E-400-010 shall have the right to a brief adjudicative hearing if a written request for such a hearing is received by the vice-president for instruction/student services within three days of receipt of a declaration of further athletic ineligibility. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student will be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible from further participation in school-sponsored athletic events for the remainder of the school year.

NEW SECTION

WAC 132E-400-030 HEARING. If a timely written request for a hearing is made, the vice-president for instruction/student services shall designate a hearing officer who shall be a college officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The hearing officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.482 through 34.05.494.

NEW SECTION

WAC 132E-400-040 DECISION. The college official who acts as hearing officer shall issue a written decision which shall include a brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered, or prepared by the hearing officer shall be maintained as the official record of the brief administrative proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative hearing and in no event later than twenty days after the request for hearing is received by the vice-president for instruction/student services.

WSR 90-03-022
PERMANENT RULES
DEPARTMENT OF LICENSING
[Filed January 10, 1990, 1:50 p.m.]

Date of Adoption: January 5, 1989 [1990].

Purpose: To establish a petition filing fee which will defray the department costs of administering the franchise dispute hearing program.

Statutory Authority for Adoption: Sections 4, 11(6), 18(4) and 19, chapter 415, Laws of 1989.

Pursuant to notice filed as WSR 89-23-123 on November 22, 1989.

Effective Date of Rule: Thirty-one days after filing.

January 5, 1990
Mary Faulk
Director

Chapter 308-67 WAC
VEHICLE DEALER MANUFACTURER FRANCHISE DISPUTES

WAC
308-67-010 Petition fee—Vehicle manufacturers and dealers.

NEW SECTION

WAC 308-67-010 PETITION FEE—VEHICLE MANUFACTURERS AND DEALERS. The filing fee for petitioning the department of licensing concerning franchise disputes pursuant to sections 4, 11(6), and 18(4), chapter 415, Laws of 1989, shall be \$500.00.

WSR 90-03-023
PERMANENT RULES
LOTTERY COMMISSION
[Filed January 10, 1990, 4:45 p.m.]

Date of Adoption: January 5, 1990.

Purpose: To amend the game play rules for Instant Game Nos. 48 and 49.

Citation of Existing Rules Affected by this Order: Amending WAC 315-11-480, 315-11-490 and 315-11-491.

Statutory Authority for Adoption: RCW 67.70.040.

Pursuant to notice filed as WSR 89-23-101 on November 21, 1989.

Effective Date of Rule: Thirty days after filing.
 January 10, 1990
 Evelyn Y. Sun
 Director

AMENDATORY SECTION (Amending WSR 89-21-028, filed 10/10/89, effective 11/10/89)

WAC 315-11-490 DEFINITIONS FOR INSTANT GAME NUMBER 49 ("PLAY IT AGAIN").

(1) Play symbols: The following are the "play symbols":

- \$ 1.00
- \$ 2.00
- \$ 7.00
- ~~(\$10.00)~~
- \$11.00
- \$24.00
- \$70.00
- ~~(\$700)~~
- \$7,000

One of these play symbols appears in each of the seven blocks under the scratch-off material covering the game play data.

(2) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 49, the captions which correspond with and verify the play symbols are:

((PLAY NUMBER))	PLAY SYMBOL	CAPTION
	\$ 1.00	ONE
	\$ 2.00	TWO
	\$ 7.00	SEVEN
	(\$10.00)	((TEN))
	\$ 11.00	ELEVN
	\$ 24.00	TWTY FOR
	\$ 70.00	SEVENTY
	(\$700)	((SYN HUND))
	\$7,000	SVN THOU

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The ten-digit number of the form 4900001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 49 constitute the "pack number" which starts at 4900001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 or less. For Instant Game Number 49, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$ 1.00
TWO	\$ 2.00
SVN	\$ 7.00
((TEN))	(\$10.00)
ELV	\$ 11.00
TFO	\$ 24.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

AMENDATORY SECTION (Amending WSR 89-21-028, filed 10/10/89, effective 11/10/89)

WAC 315-11-491 CRITERIA FOR INSTANT GAME NUMBER 49. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbols in any three of the seven spots beneath the removable covering on the front of the ticket shall win the following prize:

Three \$ 1.00 play symbols	- Win \$ 1.00
Two \$ 1.00 play symbols and one \$ 1.00 Bonus	- Win \$ 1.00
Three \$ 2.00 play symbols	- Win \$ 2.00
Two \$ 2.00 play symbols and one \$ 2.00 Bonus	- Win \$ 2.00
Three \$ 7.00 play symbols	- Win \$ 7.00
Two \$ 7.00 play symbols and one \$ 7.00 Bonus	- Win \$ 7.00
(Three \$ 10.00 play symbols	- Win \$ 10.00)
Three \$ 11.00 play symbols	- Win \$ 11.00
((Two \$ 10.00 play symbols and one \$ 10.00 Bonus	- Win \$ 10.00)
Two \$ 11.00 play symbols and one \$ 11.00 Bonus	- Win \$ 11.00
Three \$ 24.00 play symbols	- Win \$ 24.00
Two \$ 24.00 play symbols and one \$ 24.00 Bonus	- Win \$ 24.00
Three \$ 70.00 play symbols	- Win \$ 70.00
Two \$ 70.00 play symbols and one \$ 70.00 Bonus	- Win \$ 70.00
(Three \$ 700 play symbols	- Win \$ 700.00)
Three \$ 7,000 play symbols	- Win \$ 7,000.00
((Two \$ 700 play symbols and one \$ 700 Bonus	- Win \$ 700.00)
Two \$ 7,000 play symbols and one \$ 7,000 Bonus	- Win \$ 7,000.00

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 49 set forth in WAC 315-11-492, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 49; and/or

(b) Vary the number of tickets sold in Instant Game Number 49 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

AMENDATORY SECTION (Amending WSR 89-21-028, filed 10/10/89, effective 11/10/89)

WAC 315-11-480 DEFINITIONS FOR INSTANT GAME NUMBER 48 ("BLACK JACK"). (1) Play symbols: The following are the "play symbols": "11"; "12"; "13"; "15"; "16"; "17"; "19"; "20"; "21." One of these symbols appears under each of the three rub-off spots in the "your hand" column and under each of the three rub-off spots in the "dealer's hand" column in the play field on the front of the ticket.

(2) Captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out in full or in abbreviated form of the play symbol. One and only one caption appears under each play symbol. The number 1, 2 or 3 precedes the play symbols to indicate the location of the play symbol in Game 1, Game 2 or Game 3. For Instant Game Number 48, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
11	ELEVN
12	TWLVE
13	THRTN
15	FIFTN
16	SIXTN
17	SVNTN
19	NINTN
20	TWNTY
21	TTYON

(3) Prize symbols: The following are the "prize symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$10.00"; "\$50.00"; "\$500"; "\$21,000." One of these prize symbols appears for each game (row) in the prize column on the front of the ticket.

(4) Captions: The small printed characters appearing below the prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. Only one caption appears under the prize symbol. The number 1, 2 or 3 precedes the prize symbols to indicate the location of the prize symbol in Game 1, Game 2 or Game 3. For Instant Game Number 48, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	ONE
\$ 2.00	TWO
\$ 4.00	FOUR
\$ 10.00	TEN
\$ 50.00	FIFTY
\$ 500	FIV HUN
\$ 21,000	21 THOU

(5) Validation number: The unique nine-digit random number on the front of the ticket. The number is covered by latex.

(6) Pack-ticket number: The ten-digit number of the form 4800001-000 printed on the front of the ticket. The first two digits are the game identifier. The first seven digits of the pack-ticket number for Instant Game Number 48 constitute the "pack number" which starts

at 4800001; the last ((two-{three})) three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(7) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 and less. For Instant Game Number 48, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols and prize symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TWO	\$2.00 (\$1 and \$1)
FOR	\$4.00 (\$1 and \$1 and \$2; \$2 and \$2; \$4)
TEN	\$10.00 (\$4 and \$4 and \$2; \$10)
TWY	\$20.00 (\$10 and \$10)

(8) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in a plastic bag or plastic shrinkwrapping.

WSR 90-03-024
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
[Memorandum—January 9, 1990]

This notice is given pursuant to provisions of RCW 42-30.075 and WAC 222-08-040.

There is a change in meeting time for the Forest Practices Board regular quarterly meeting to take place on February 14, 1990. The meeting time will be 1:00 p.m. (not 2:00 p.m.).

The meeting location is the Energy Facility Site Evaluation Council Hearing Room, 4224 6th Avenue S.E., Building #1, Lacey, WA.

Additional information may be obtained from:

Division of Forest Regulation and Assistance
1007 South Washington Street, E1-03
Olympia, WA 98504
(206) 753-5315

WSR 90-03-025
ATTORNEY GENERAL OPINION
Cite as: AGO 1990 No. 1
[January 9, 1990]

AIDS—EDUCATION—HEALTH—SCHOOLS—SUPERINTENDENT OF PUBLIC INSTRUCTION

1. RCW 28A.05.055 requires school districts to provide education on acquired immunodeficiency syndrome (AIDS) at least once during each school year beginning with the 1988-89 school year.

2. If a school district elects to develop its own AIDS curricula, it need not complete the curricula prior to the beginning of the school year, so long as it is developed in time to provide AIDS education at least once during the school year.

Requested by:

Honorable Mike Padden
State Representative
Fourth District
425 House Office Building
Olympia, WA 98504

WSR 90-03-026

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 2027—Filed January 11, 1990, 10:45 a.m.]

Date of Adoption: January 10, 1990.

Purpose: These rules provide for mandatory, nonbinding arbitration for disputes. The labeling rules provide for requirements to implement truth in labeling requirements of the Washington State Seed Act.

Citation of Existing Rules Affected by this Order: Amending chapter 16-318 WAC.

Statutory Authority for Adoption: Chapter 15.49 RCW.

Pursuant to notice filed as WSR 89-23-099 on November 21, 1989.

Effective Date of Rule: Thirty-one days after filing.

January 10, 1990
C. Alan Pettibone
Director

AMENDATORY SECTION (Amending Order 1700, filed 5/30/80)

WAC 16-318-040 TREATED SEED LABELING REQUIREMENTS. (~~The information required in section 15.49.320 (1)(c) of~~) For all seed that meets the definition of treated seed contained in RCW 15.49.011, the Washington State Seed Act, there shall be conspicuously shown on the analysis tag or label, or on a separate tag or label, attached to each container, (~~for~~) or printed in a conspicuous manner on the side or top of each container the following:

(1) A word or statement indicating that the seed has been treated.

(2) The commonly accepted coined, chemical, or abbreviated chemical (generic) name of the applied substance or description of the process used.

(3) That information required in WAC 16-318-050 through 16-318-090.

NEW SECTION

WAC 16-318-065 INOCULANTS. If seed is treated with an inoculant, the date beyond which the inoculant is not to be considered effective (date of expiration) shall be shown on the label.

NEW SECTION

WAC 16-318-200 LABELING—REQUIREMENTS FOR AGRICULTURAL, VEGETABLE, AND FLOWER SEEDS. Each container of agricultural, vegetable or flower seeds which is sold, offered for sale or exposed for sale, or transported within this state for sowing purposes shall bear thereon or have attached thereto in a conspicuous place a plainly written or printed label or tag in the English language, giving the information as described in WAC 16-318-040 through 16-318-090 for treated seeds and WAC 16-318-205 through 16-318-235, which statement shall not be modified or denied in the labeling or on another label attached to the container.

NEW SECTION

WAC 16-318-205 LABELING—GENERAL REQUIREMENTS FOR AGRICULTURAL SEEDS EXCEPT FOR GRASS SEED MIXTURES AND FOR HYBRIDS WHICH CONTAIN LESS THAN NINETY-FIVE PERCENT HYBRID SEED. The label for agricultural seeds, except for grass seed mixtures and for hybrids that contain less than ninety-five percent hybrid seed shall contain the following information:

(1) The name of the kind and variety of each agricultural seed present in excess of five percent of the whole and the percentage by weight of each: PROVIDED, That if the variety as designated in the regulations is not stated, the label shall show the name of the kind and the words, "variety not stated." Hybrids shall be labeled as hybrids.

(2) The lot number or other lot identification.

(3) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated.

(4) The percentage, by weight, of all weed seeds present: PROVIDED, That the maximum weed seed content may not exceed two percent by weight except as provided in WAC 16-317-080 for small grain, field pea, lentil, and soybean seed.

(5) The name and rate of occurrence in seeds per pound of each kind of restricted noxious weed seed present.

(6) The percentage by weight of agricultural seeds, which may be designated as "crop seeds," other than those required to be named on the label.

(7) The percentage by weight of inert matter.

(8) For each named agricultural seed, except vegetable seeds as described in WAC 16-318-220 and flower seeds described in WAC 16-318-230:

(a) The percentage of germination, exclusive of hard seed, and the percentage of hard seed, if present, or "total germination and hard seed" as a single percentage.

(b) The calendar month and year the test was completed to determine such percentages.

(9) The name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within this state.

NEW SECTION

WAC 16-318-210 LABELING—FOR SEED MIXTURES FOR LAWN AND/OR TURF PURPOSES. The labeling for seed mixtures for lawn or turf purposes shall be as follows:

- (1) The lot number or other lot identification.
- (2) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated.
- (3) The word "mixed" or "mixture" stated with the name of the mixture.
- (4) The heading "pure seed" and "germination" or "germ" used in the proper places.
- (5) The commonly accepted name of kind or kind and variety of each agricultural seed component in excess of five percent of the whole, and the percentage by weight, in columnar form, of pure seed in order of its predominance.
- (6) The percentage by weight of agricultural seed other than those required to be named on the label (which shall be designated as "crop seed"): PROVIDED, That if the mixture contains no crop seed, the statement, "contains no other crop seed," may be used and may be flagged.
- (7) The percentage by weight of inert matter.
- (8) The percentage by weight of all weed seeds: PROVIDED, That the maximum weed seed content may not exceed two percent by weight.
- (9) For each agricultural seed named under subsection (3) of this section:
 - (a) The percentage of germination, exclusive of hard seed.
 - (b) The percentage of hard seed, if present.
 - (c) The calendar month and year of the most recent test completed to determine such percentages.
- (10) The name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within this state.

NEW SECTION

WAC 16-318-215 LABELING—SPECIAL REQUIREMENTS FOR SEEDS THAT ARE COATED. The labeling for seeds that are coated shall include the following information in addition to the requirements of WAC 16-318-205:

- (1) The percentage of pure seed with coating material removed.
- (2) The percentage of coating material shown as a separate item in close association with the percentage of inert material.
- (3) The percentage of germination as determined on four hundred coated seed pellets, with or without seeds.

NEW SECTION

WAC 16-318-220 LABELING—SPECIAL REQUIREMENTS FOR VEGETABLE SEEDS IN PACKETS AS PREPARED FOR USE IN HOME. Labeling for vegetable seeds in packets as prepared for use in home gardens or household plantings or vegetable seeds in preplanted containers, mats, tapes, or other planting devices shall include the following information in addition to that required by WAC 16-318-205:

(1) The year in which the seed was packed for sale as "packed for planting in " or the percentage germination and the calendar month and the year the test was completed to determine that percentage.

(2) For seeds which germinate less than the standard established by the department in WAC 16-304-010:

- (a) Percentage of germination, exclusive of hard seed.
- (b) Percentage of hard seed, if present.
- (c) The words "below standard" in not less than eight-point type.

(3) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quality of seed without removing the seed from the medium, mat, tape or device, a statement to indicate the minimum number of seeds in the container.

NEW SECTION

WAC 16-318-225 LABELING—SPECIAL REQUIREMENTS FOR VEGETABLE SEEDS IN CONTAINERS OTHER THAN PACKETS. The labeling for vegetable seeds in containers, other than packets prepared for use in home gardens or household plantings and other than preplanted containers, mats, tapes, or other planting devices shall be deemed to have been met if the seed is weighed from a properly labeled container of more than one pound in the presence of the purchaser.

NEW SECTION

WAC 16-318-230 LABELING—SPECIAL REQUIREMENTS FOR FLOWER SEEDS. The labeling for flower seeds in packets prepared for use in home gardens or household plantings or flower seeds in preplanted containers, mats, tapes, or other planting devices shall include the following information in addition to that required by WAC 16-318-205:

(1) For all kinds of flower seeds:
(a) The name of the kind and variety or a statement of the kind and performance characteristics as prescribed in chapter 15.49 RCW and rules adopted thereunder.

(b) The calendar month and year the seed was tested or the year for which the seed was packaged.

(2) For seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the germination standard established under the provisions of chapter 15.49 RCW:

(a) The percentage of germination exclusive of hard seeds.

(b) The words "below standard" in not less than eight-point type.

NEW SECTION

WAC 16-318-235 LABELING FOR AGRICULTURAL AND VEGETABLE HYBRID SEED WHICH CONTAINS LESS THAN NINETY-FIVE PERCENT HYBRID SEED. The labeling for agricultural and vegetable hybrid seed which contains less than ninety-five percent hybrid seed shall include the following:

- (1) The lot number or other lot identification.
- (2) The origin state or foreign country, if known. If the origin is not known, that fact shall be stated.
- (3) The kind or variety labeled as "hybrid": PROVIDED, That varieties in which pure seed contain less than seventy-five percent hybrid seed shall not be labeled as hybrids.
- (4) The percent which is hybrid labeled parenthetically in direct association following named variety; i.e., Comet (eighty-five percent hybrid).
- (5) The calendar month and year of a germination test of pure live seed or the year in which the seed was packaged.
- (6) The percentage by weight of inert matter.
- (7) The percentage, by weight, of all weed seeds present: PROVIDED, That the maximum weed seed content may not exceed two percent by weight.
- (8) The name and address of the person who labeled the seed, or who sells, offers, or exposes the seed for sale within this state.

NEW SECTION

WAC 16-318-240 LABELING—PROHIBITIONS. It shall be deemed unlawful if any labeling, advertising, or other representation subject to chapter 15.49 RCW:

- (1) Represents seed to be certified seed or any class thereof unless it has been determined by a seed certifying agency that such seed conforms to standards of purity and identity as to kind, species (and subspecies, if appropriate), or variety, in compliance with the rules and laws of that agency pertaining to such seed.
- (2) Represents seed to be foundation, registered, or certified seed unless it has been inspected and tagged accordingly by a certifying agency meeting certification standards of the department.

NEW SECTION

WAC 16-318-300 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department of agriculture.
- (3) "Dealer" means any person who distributes seeds.
- (4) "Buyer" means a person who purchases seeds.
- (5) "Seeds" mean agricultural or vegetable seeds or other seeds as determined by rules adopted by the department.
- (6) "Agricultural seed" includes grass, forage, cereal, oil, fiber, and other kinds of crop seeds commonly recognized within this state as agricultural seeds, lawn seeds, and combination of such seeds, and may include common and restricted noxious weed seeds but not prohibited noxious weed seeds.
- (7) "Flower seeds" include seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold as flower seeds in this state.

(8) "Germination" means the emergence and development from the seed embryo of those essential structures which, for the kind of seed in question, are indicative of the ability to produce a normal plant under favorable conditions.

(9) "Label" includes a tag or other device attached to or written, stamped, or printed on any container or accompanying any lot of bulk seeds purporting to set forth the information required on the seed label by chapter 15.49 RCW, and it may include other information including the requirement for arbitration.

(10) "Official sample" means any sample taken and designated as official by the department.

(11) "Vegetable seeds" include the seeds of all crops that are grown in gardens and on truck farms and are generally known and sold under the name of vegetable or herb seeds in this state.

(12) "Arbitration committee" means the committee established by the director under RCW 15.49.101 to hear and make determinations in mandatory, nonbinding, arbitration cases.

(13) "Chairperson" means the person selected by the arbitration committee from among their numbers to preside.

(14) "Person" means an individual, partnership, corporation, company, association, receiver, trustee, or agent.

NEW SECTION

WAC 16-318-305 MATTERS SUBJECT TO MANDATORY ARBITRATION. A civil dispute is subject to arbitration under these rules if it involves a claim of damage caused by the failure of any seed covered by the provisions of chapter 15.49 RCW, the Washington State Seed Act, to perform as represented on the required label, by warranty, or as a result of negligence. This arbitration is a prerequisite to maintaining a legal action against the dealer of the seed. All the following conditions must be met:

- (1) The parties have not agreed to submit the dispute to arbitration and to be bound by the arbitration award.
- (2) The claim or counterclaim where relief is sought is, or includes, a monetary amount in excess of two thousand dollars.
- (3) Any statutory period of limitations with respect to such claim had not expired.

NEW SECTION

WAC 16-318-310 ARBITRATION REQUIREMENT—LABELING. For each container of agricultural, vegetable or flower seeds which is sold, offered for sale, or exposed for sale, or transported within this state for sowing purposes, there shall be conspicuously shown on the analysis tag, or a separate tag or label attached to each container, or printed in a conspicuous manner on the side or top of each container the following:

Requirement for arbitration – The Washington State Seed Act, chapter 15.49 RCW, requires mandatory arbitration of disputes involving allegedly defective seed. See WAC 16-318-300 through 16-318-420 or contact the Washington state department of agriculture, seed

branch, (509) 575-2750, or such alternate wording as may be approved, in writing, by the director to meet the needs of the industry.

NEW SECTION

WAC 16-318-315 FILING OF A COMPLAINT FOR ARBITRATION. To submit a demand for mandatory arbitration, a buyer shall make and file with the director of the department of agriculture a sworn complaint against the dealer.

(1) Such complaint shall contain:

(a) A statement setting forth the nature of the claim and damages.

(b) The dollar amount involved in the claim.

(c) The remedy sought.

(2) The complaint must be accompanied by a filing fee of one hundred dollars to cover the costs of processing the complaint.

(3) The buyer shall send the dealer that is the subject of the complaint a copy of the complaint by registered mail.

NEW SECTION

WAC 16-318-320 REQUIREMENT TO RESPOND TO COMPLAINT. Within twenty days within receipt of the sworn complaint, the dealer shall file an answer to the complaint with the director by United States registered mail.

(1) If no answer is filed within the stated time:

(a) It will be deemed that the claim is denied.

(b) The failure to file a timely response will be recorded and made a part of the official record.

(2) Failure to file a timely response shall not operate to delay the arbitration process.

NEW SECTION

WAC 16-318-325 ACCEPTANCE OF FILING BY TELEFAX. Complaints, responses to complaints, counterclaims and other communications from parties to the dispute to the committee may be transmitted electronically by telefax except where this chapter specifically requires transmission by registered mail. Such transmissions shall be regarded with the same validity as if sent by United States mail.

NEW SECTION

WAC 16-318-330 ARBITRATION COMMITTEE. The director shall create an arbitration committee composed of five members, including the director, or a department of agriculture employee as his or her designee, and four members. Four alternates shall also be appointed by the director according to the requirements of RCW 15.49.111.

(1) Each alternate member shall serve only in the absence of the member for whom the person is an alternate.

(2) The arbitration committee shall elect a chairperson and a secretary from among its members.

(a) The chairperson shall conduct meetings and deliberations of the committee and direct its other activities.

(b) The secretary shall keep accurate records of all meetings and deliberations and perform other duties as assigned by the chairperson.

(3) The committee shall be called into session at the direction of the director or the chairperson.

(4) The members of the committee shall receive no compensation for their duties but shall be reimbursed for travel expenses according to established state travel and per diem rates.

Expense reimbursement shall be borne equally by the parties to the arbitration.

(5) A committee member, delegated with investigative responsibilities outside of the hearing under WAC 16-318-395, may not participate in making the final decision and award.

NEW SECTION

WAC 16-318-335 REFERRAL TO ARBITRATION COMMITTEE. Within fifteen days of the receipt of the answer or forty-five days of the receipt of a complaint, the director shall refer the claim to the arbitration committee established by RCW 15.49.101 for investigation, finding and recommendation. The buyer and seller shall be notified by certified mail:

(1) That the claim has been submitted to the arbitration committee.

(2) The names of the members of the arbitration committee and the alternates.

Within ten days after receipt of notification from the director, either buyer or seller may petition the director that a member of the arbitration committee be disqualified for cause and replaced by an available alternate member: **PROVIDED**, That either buyer or seller may petition the director at any time during the process upon discovering facts that establish grounds for disqualification. Such decision shall be solely at the discretion of the director.

(3) No person may serve on the committee in any arbitration where he or she has a financial or personal interest in the result of the arbitration unless the parties, in writing, waive such disqualification.

NEW SECTION

WAC 16-318-340 SCHEDULING OF HEARING. The chairperson of the arbitration committee shall fix the time and place for each hearing and shall notify each party in writing of the scheduled hearing at least seven days in advance of the hearing date.

(1) Such notice shall include:

(a) The names and addresses of the parties to whom notice has been given.

(b) The address and telephone number of the chairperson of the arbitration committee.

(c) The names and addresses of the members of the arbitration committee.

(d) The time, place, and subject of the hearing.

(e) A statement of the legal authority under which the hearing is being held including the sections of statute and rules involved.

(2) To the extent possible, the chairperson of the arbitration committee shall attempt to schedule the hearing at a time and place mutually agreeable to the parties: PROVIDED, That if a mutually agreeable time and place cannot be found, the chairperson may set the time and place.

(3) The chairperson of the committee may allow all or a part of the hearing to be conducted by telephone, television, or other electronic means when the rights of the parties will not be prejudiced thereby and each party has an opportunity to participate.

NEW SECTION

WAC 16-318-345 REPRESENTATION BY COUNSEL. Any party in the arbitration may be represented by counsel. A party intending to be so represented shall notify the other party and the committee chairperson of the name and address of the counsel at least three days in advance of the hearing at which the counsel is first scheduled to appear. When an arbitration is initiated on behalf of a buyer by counsel or when a dealer replies through a counsel, such notice shall be deemed to have been given. The director shall make provision for legal support through the office of the attorney general, as requested by the arbitration committee.

NEW SECTION

WAC 16-318-350 WAIVER OF ORAL HEARING. The parties may provide, by written agreement submitted to the chairperson, that the hearing shall be conducted on the pleadings submitted without oral argument or testimony.

NEW SECTION

WAC 16-318-355 RECORD OF THE HEARING. The secretary of the arbitration committee shall maintain summary minutes of the hearing and shall provide for a tape recording of all oral proceedings. Any party may request copies of all tapes or transcription of testimony. The costs of the duplication or transcription shall be entirely borne by the requesting party.

NEW SECTION

WAC 16-318-360 ATTENDANCE AT HEARINGS. The hearing shall be open to the parties to the dispute and other persons having a financial interest. The committee chairperson shall have the authority to require that any witness or witnesses retire from the hearing during the testimony of other witnesses. The admission of other persons to the arbitration hearing shall be at the discretion of the chairperson of the arbitration committee.

NEW SECTION

WAC 16-318-365 COMMITTEE INVESTIGATION. Upon referral of a complaint for investigation to the committee, the arbitration committee shall make a prompt and full investigation by the proceedings specified in this chapter of the matters in the complaint and

report its award to the director within sixty days of such referral unless the parties in the dispute agree in writing to the chairperson to a later date: PROVIDED, That if the committee decides to grow a representative sample of the seed that sixty-day period shall be extended an additional thirty days.

NEW SECTION

WAC 16-318-370 EVIDENCE. The parties may produce such evidence as they desire and such additional evidence as the arbitration committee may deem necessary to understand the dispute and determine an award. The committee shall be the judge of the admissibility and relevance of all evidence offered. Conformity to strict legal rules of evidence shall not be required. All evidence shall be taken in the presence of the parties concerned, except where a party has waived that right or is absent after receiving proper notice.

NEW SECTION

WAC 16-318-375 EVIDENCE BY AFFIDAVIT. Evidence may be submitted for consideration of the arbitration committee in the form of witness by affidavit. The committee shall consider such evidence and give to it only such weight as the committee deems appropriate after consideration of any objections made to its admission. All parties shall be entitled to examine such documents and shall be entitled to a copy upon request and payment of duplication costs.

NEW SECTION

WAC 16-318-380 DISCOVERY. Use of discovery is limited in mandatory arbitration cases.

(1) The following types of discovery may be requested of the arbitration committee:

- (a) Deposition.
- (b) Written interrogatories.
- (c) Request for production of documents.

(2) The arbitration committee may allow and condition use of discovery on a showing of necessity and an unavailability by other means.

NEW SECTION

WAC 16-318-385 ARBITRATION IN THE ABSENCE OF A PARTY. The arbitration may proceed in the absence of any party who, after due notice, fails to be present or fails to request an adjournment or postponement. An award may not be made solely on the failure to appear. The arbitration committee, in these cases, shall require the party who is present to present such evidence or information as the committee deems necessary to determine an award.

NEW SECTION

WAC 16-318-390 ORDER OF PROCEEDINGS. When an oral hearing is held, the order of procedure for conducting arbitration hearings shall be as follows:

(1) The chairperson shall open the hearing on behalf of the committee stating the place, time and date of the hearing; the members of the arbitration committee and

the parties to the arbitration and their counsel, if any; and recital of the buyer's claim, any counterclaim, and the dealer's response, if any.

(2) The parties shall have the opportunity to present an opening statement.

(3) The complaining party shall have the opportunity to present the claim for damages, the proof and witnesses and shall submit to questions and other examination by the arbitration committee.

(4) The defending party shall present the defense and his or her proof including witnesses and shall submit to questions or other examination by the arbitration committee.

(5) Each party shall have the right of cross-examination.

(6) The arbitration committee may vary this procedure: PROVIDED, That both parties are provided a full and equal opportunity to present their evidence and proofs.

(7) The names and addresses of all witnesses shall be recorded and made a part of the record.

(8) Both parties shall have an opportunity to present a summary statement.

NEW SECTION

WAC 16-318-395 EXPERT EVIDENCE AND PERFORMANCE TESTS. The committee may delegate one of its members to seek advice from experts in the seed industry and/or the seed inspection service of the department of agriculture or the Washington State Crop Improvement Association; may cause to be obtained and grow out a representative sample of the seed; may delegate a portion of the investigation to one of its members who reports back to the committee as a whole at the hearing; or may cause to be performed such other tests of seed quality as may be deemed necessary to render a decision. The results of any such investigation or tests shall be entered into the record at the arbitration hearing. The costs of any such tests necessary to determine an award shall be considered in the award.

NEW SECTION

WAC 16-318-400 CONSERVATION OF PROPERTY. The chairperson, on behalf of the arbitration committee, may issue such orders as may be deemed necessary to safeguard the seed and/or the crop in the field that is the subject of the dispute without prejudice to the rights of the parties or to the final determination of the dispute.

NEW SECTION

WAC 16-318-405 REOPENING OF A HEARING. An arbitration hearing may be reopened by the following:

(1) The chairperson of the arbitration committee with the assent of a majority of the committee members may reopen a hearing.

(2) A hearing may be reopened by the chairperson with assent of a majority of the committee upon petition of either party prior to the final committee report.

(3) A hearing may not be reopened if such action would cause the sixty-day time limit (ninety days with a grow out test) to be exceeded without the written consent of both parties.

NEW SECTION

WAC 16-318-410 EXPENSES. The expenses for witnesses for either side shall be borne entirely by the party producing such witnesses. The expenses of expert witnesses deemed necessary by the committee shall be borne by the department according to established state travel and per diem rates. The costs of grow out tests or other tests that may be required that exceed the amount of the filing fee may be allocated by the committee in making the award.

NEW SECTION

WAC 16-318-415 ARBITRATION COMMITTEE REPORT. The arbitration committee shall prepare a written report of its findings within the established time frames. The report shall include findings of fact and conclusions, the award and allocations as to costs, if any.

(1) If a quorum is present, a simple majority of the arbitration committee shall be sufficient to make a decision.

(2) Any member disagreeing with an award may prepare a dissenting opinion and that opinion shall be included in the committee report.

(3) The report shall be sent to the director.
The director shall promptly send copies of the report to the parties by registered mail.

NEW SECTION

WAC 16-318-420 AWARD UPON SETTLEMENT. If the parties to a dispute settle that dispute during the course of an arbitration, the committee, at the request of the parties, may set forth the terms of the agreed settlement in the award.

WSR 90-03-027

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-03—Filed January 11, 1990, 1:00 p.m.]

Date of Adoption: January 5, 1990.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-38000F.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: There are limited numbers of oysters at Twanoh State Park. In order to limit the

harvest of oysters to 170,000 in 1990, harvest must be restricted to Thursday through Friday [Sunday]. A permanent regulation will become effective April 1, 1990.

Effective Date of Rule: Immediately.

January 5, 1990
 Judith Merchant
 Deputy
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-56-38000G OYSTERS SEASON AND AREA Notwithstanding the provisions of WAC 220-56-380, effective 12:01 a.m. January 8, 1990 until further notice, it is unlawful to take or possess oysters at Twanoh State Park except Thursday through Sunday of each week.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-38000F OYSTERS SEASON AND AREA. (90-02)

WSR 90-03-028
 PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed January 11, 1990, 1:20 p.m.]

Date of Adoption: January 9, 1990.

Purpose: To establish certain fees for engineers, engineers-in-training, land surveyors, engineering corporations and engineering partnerships.

Citation of Existing Rules Affected by this Order: Amending WAC 196-26-020 Fees.

Statutory Authority for Adoption: RCW 43.24.086 and chapter 18.43 RCW.

Pursuant to notice filed as WSR 89-24-015 on November 29, 1989.

Effective Date of Rule: Thirty days after filing.

January 9, 1990
 Mary Faulk
 Director

AMENDATORY SECTION (Amending Order PM 667, filed 8/27/87)

WAC 196-26-020 ENGINEER FEES. The following fees shall be charged by the professional licensing services division of the department of licensing:

Title of Fee	Fee
Engineers:	
Application ((fee) and examination)	((\$ 75.00) \$ 75.00)
Specialty exam (structural, sanitary)	150.00
Examination retake (2nd subsequent or more)	((50.00) 70.00)
Specialty exam retake (2nd subsequent or more)	140.00
Reciprocity	((50.00) 75.00)

Title of Fee	Fee
Engineer certificate (initial registration)	((15.00) 25.00)
Replacement certificate	((15.00) 25.00)
Exam (locally prepared) rescore	50.00
Renewal	((40.00) 70.00)
Late renewal penalty	((40.00) 70.00)
Duplicate license	15.00
((Certification	25.00))
Engineer in training:	
Application, examination and certificate	((30.00) 50.00)
Examination retake (2nd subsequent or more)	50.00
Replacement certificate	((15.00) 25.00)
((Duplicate license	15.00)
Certification	25.00))
Land surveyor:	
Application, examination and certificate	((60.00) 100.00)
FLS examination retake (2nd subsequent or more)	((50.00) 40.00)
PPLS examination retake (2nd subsequent or more)	60.00
Reciprocity	((50.00) 100.00)
PPLS exam rescore	50.00
Renewal	((40.00) 70.00)
Late renewal penalty	((40.00) 70.00)
Replacement certificate	((15.00) 25.00)
Duplicate license	15.00
((Certification	25.00))
Engineer corporation:	
Certificate of authorization	((250.00) 300.00)
Renewal	((125.00) 175.00)
Duplicate license	15.00
Replacement certificate	((15.00) 25.00)
((Certification	25.00))
Engineer partnership:	
Certification of authorization	((250.00) 300.00)
Renewal	((125.00) 175.00)
Replacement certificate	((15.00) 25.00)
Duplicate license	15.00
((Certification	25.00))

WSR 90-03-029
 PERMANENT RULES
DEPARTMENT OF LABOR AND INDUSTRIES
 [Order 89-20—Filed January 11, 1990, 2:26 p.m., effective February 26, 1990]

Date of Adoption: January 11, 1990.

Purpose: Chapter 296-24 WAC, General safety and health standards, WAC 296-24-102 and 296-24-10203 are state-initiated changes in response to the passage of Washington state SHB 1711 which mandates the amendments. The state-initiated changes impose training and education requirements on employers operating

late night retail establishments. WAC 296-24-020, 296-24-12009, 296-24-15001, 296-24-16507, 296-24-16515, 296-24-16517, 296-24-20503, 296-24-550, 296-24-75009, 296-24-76503, 296-24-78007, 296-24-81003, 296-24-81005 and 296-24-82503 are state-initiated changes to meet the division's goal of reducing the number of outstanding WISHA regional directives to a functional minimum in relation to the new accepted definition of a WRD which contains a disposition limitation statement. The proposal is to expand explanations and definitions and the intent of the standards narrative to ensure more consistent interpretation and applications as provided by the WISHA regional directive(s) for users. WAC 296-24-58513 is a state-initiated housekeeping change to add WAC references; chapter 296-52 WAC, Safety standards for explosives, WAC 296-52-417, 296-52-419, 296-52-461, 296-52-477, 296-52-481, 296-52-509, 296-52-510 and 296-52-573 are state-initiated changes to provide a safety program and to remain at-least-as-effective-as the federal program and rules. This division is obligated to enforce legislated mandates. The proposal is to amend the standard to include materials from Federal Rule 29 CFR 1910.109, Explosives and blasting agents, which were not adopted originally. This will resolve OSHA concerns that our standards are not as-effective-as the federal final rule. Additional amendments are made to make our distance tables identical to those of the Bureau of Alcohol, Tobacco, and Firearms in conformance with the directions of SSB 6530; chapter 296-62 WAC, General occupational health standards, WAC 296-62-07314 is a state-initiated change to meet the division's goal of reducing the number of outstanding WISHA regional directives to a functional minimum in relation to the new accepted definition of a WRD which contains a disposition limitation statement. The proposal is to expand explanations and definitions and the intent of the standards narrative to ensure more consistent interpretation and applications as provided by the WISHA regional directive(s) for users. WAC 296-62-07507 and 296-62-07515 are federal-initiated changes to amend the section to be at-least-as-effective-as the comparable federal rule, 29 CFR 1910.1000, Air contaminants, as corrected by changes to the final rule published in Federal Register Volume 54, Number 127, dated July 5, 1989. The register originally published errors, incorrect citations and data, and certain ambiguities which could prove to be misleading and were in need of clarification and correction. Only 13 of the 70 errors published in the register required changes. This impact is minimal as most changes were to narrative and typographical corrections. WAC 296-62-07521 is a federal-initiated change to set the compliance dates for eight of the nine remand industries to meet the permissible exposure limits (PELs) of 50 micrograms per cubic meter (50 mg/m³) of air specified in the lead standard. WISHA is adopting these changes to maintain the status at-least-as-effective-as the OSHA enforcement of safety and health regulations in the workplace and be "identical" to the comparable federal final rule, 29 CFR 1910.1025, as published in Federal Register Volume 54, Number 131, dated July 11, 1989. WAC 296-62-07540 and 296-62-07544 are federal-initiated

changes to amend the listed sections to be at-least-as-effective-as the comparable federal rule, 29 CFR 1910.1048, Formaldehyde, as corrected by changes to the final rule published in Federal Register Volume 54, Number 133, dated July 13, 1989, and Federal Register Volume 54, Number 146, dated August 1, 1989. Most of the changes made to the federal rule are typographical corrections, inclusion of some information inadvertently omitted and correction of some inconsistencies. There is no change that will cause financial impact not already covered in the adoption of the final rule; chapter 296-155 WAC, Safety standards for construction, WAC 296-155-485, 296-155-505 and 296-155-680 are state-initiated changes to meet the division's goal of reducing the number of outstanding WISHA regional directives to a functional minimum in relation to the new accepted definition of a WRD which contains a disposition limitation statement. The proposal is to expand explanations and definitions and the intent of the standards narrative to ensure more consistent interpretation and applications as provided by the WISHA regional directive(s) for users. WAC 296-155-48533 is a federal-initiated change to be "identical" to the change published in Federal Register Volume 54, Number 73, dated April 18, 1989. The change is to relocate the existing rule from "operational criteria" to "components." WAC 296-155-675, 296-155-690, 296-155-694 and 296-155-697 are federal-initiated changes to be at-least-as-effective-as Federal Register Volume 53, Number 116, dated June 16, 1988. The changes include the addition of a definition, removal of rule text duplication, proper WAC codification of the rules and correcting a WAC reference. Chapter 296-155 WAC, Part Q, 296-155-725 and 296-155-730 are federal-initiated changes to be at-least-as-effective-as Federal Register Volume 54, Number 105, dated June 2, 1989. The changes are: To adopt a new title page to Part Q "Underground construction" to be identical to the federal title change; add two new definitions, and; establish new safety training requirements, new rules for training and availability of rescue teams; establishes new rules concerning classification of work areas in relation to the potential for exposure to hazardous gases; and, establishes new standards for air quality monitoring and ventilation. New rules are established for underground storage and handling of diesel fuel, drilling operations, haulage equipment, and conveyors. A more stringent set of rules relating to the construction and operation of personnel hoists, is also established; and chapter 296-99 WAC, Safety standards for grain handling facilities, WAC 296-99-015 and 296-99-050 are federal-initiated changes to exempt exclusively alfalfa processing and storage operations from the requirements of chapter 296-99 WAC; and to be "identical" to federal rules as outlined in OSHA Instruction CPL 2-1.4B, dated August 29, 1988. The change removes the 1/8 inch action level for housekeeping in priority housekeeping areas.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-52-473 and 296-155-692; and amending WAC 296-24-020, 296-24-12009, 296-24-15001, 296-24-16507, 296-24-16515, 296-24-16517, 296-24-20503, 296-24-550, 296-24-58513, 296-24-

75009, 296-24-76503, 296-24-78007, 296-24-81003, 296-24-81005, 296-24-82503, 296-52-417, 296-52-419, 296-52-461, 296-52-477, 296-52-481, 296-52-509, 296-62-07314, 296-62-07507, 296-62-07515, 296-62-07521, 296-62-07540, 296-62-07544, 296-99-015, 296-99-050, 296-155-485, 296-155-48533, 296-155-505, 296-155-675, 296-155-680, 296-155-690, 296-155-694, 296-155-697, Part Q, 296-155-725 and 296-155-730.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Pursuant to notice filed as WSR 89-22-119 on November 1, 1989.

Changes Other than Editing from Proposed to Adopted Version: The following section will not be adopted: WAC 296-24-07501, 296-24-07801, 296-24-086, 296-155-200 and 296-306-060.

WAC 296-24-10203 (3)(b)(vii), which reads: Effective use of posters, signs, and symbols to designate specific hazards to be avoided that failure to recognize may lead to an accidental injury or additional danger to workers, is being deleted.

WAC 296-155-48533 (5)(g): The option of "mousing" of the crane hook as an acceptable method of closure of the throat of the crane hook from which personnel work platforms are suspended, is deleted.

WAC 296-155-48533 (7)(m), new items (v) and (vi) are added: (v) Workers shall enter and exit from barrel-type platforms only when they are in an upright position, stable, and securely attached to the load line; and (vi) The employer shall use methods or devices which allow employees to safely enter or exit barrel-type platforms.

WAC 296-24-020, the following is added: Comment was made at the hearing that by removal of the term "if available" from the standard as it relates to the employee representative, that if the representative was in fact not available, the accident investigation would be delayed. To preclude delay, the following is added to the standard to expedite completion of accident investigation. "If the employee representative is the business agent of the employee bargaining unit that is unavailable to participate without delaying the investigation group, the employer may proceed, and satisfy the requirements of (2) of this section by using one of the following alternatives; The shop steward acts as the employee representative. An employee representative member of the safety committee acts as the employee representative. The employees select a person to represent them.

WAC 296-62-07515, the following changes are made: Table 1: Limits for air contaminants (PELs), substance, Silica, amorphous, precipitated and gel, CAS number, 112926-00-8, number added - formerly blank; and Substance, Petroleum distillates (Naptha), number deleted - formerly 8002-05-9 was entered.

Effective Date of Rule: February 26, 1990.

January 11, 1990
Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 78-22, filed 11/13/78)

WAC 296-24-020 MANAGEMENT'S RESPONSIBILITY. (1) It shall be the responsibility of management to establish and supervise:

(a) A safe and healthful working environment.

(b) An accident prevention program as required by these standards.

(c) Training programs to improve the skill and competency of all employees in the field of occupational safety and health. Such training shall include the on-the-job instructions on the safe use of powered materials handling equipment, machine tool operations, use of toxic materials and operation of utility systems prior to assignments to jobs involving such exposures.

(2) After the emergency actions following accidents that cause serious injuries that have immediate symptoms, a preliminary investigation of the cause of the accident shall be conducted. The investigation shall be conducted by a person designated by the employer, the immediate supervisor of the injured employee, witnesses, employee representative (~~(if available)~~), and any other person with the special expertise required to evaluate the facts relating to the cause of the accident. The findings of the investigation shall be documented by the employer for reference at any following formal investigation. If the employee representative is the business agent of the employee bargaining unit that is unavailable to participate without delaying the investigation group, the employer may proceed, and satisfy the requirements of subsection (2) of this section by using one of the following alternatives:

(a) The shop steward acts as the employee representative.

(b) An employee representative member of the safety committee acts as the employee representative.

(c) The employees select a person to represent them.

(3) Reporting of fatality or multiple hospitalization accidents.

(a) Within 24 hours after the occurrence of an employment accident which results in an immediate or probable fatality(s) or which results in (~~(the))~~) hospitalization of two or more employees, the employer of any employee so injured or killed shall report the accident (~~(either orally or in writing))~~) either orally or in writing to the nearest office of the department. The reporting may be by telephone or telegraph. The reporting shall relate the circumstances of the accident, the number of fatalities, and the extent of any injuries. The director may require such additional reports, in writing or otherwise, as he deems necessary, concerning the accident.

(b) Equipment involved in an accident resulting in an immediate or probable fatality, shall not be moved, until a representative of the division of industrial safety and health investigates the accident and releases such equipment, except where removal is essential to prevent further accident. Where necessary to remove the victim, such equipment may be moved only to the extent of making possible such removal.

(c) Upon arrival of division of industrial safety and health investigator, employer shall assign to assist the

investigator, the immediate supervisor and all employees who were witnesses to the accident, or whoever the investigator deems necessary to complete his investigation.

(4) A system for maintaining records of occupational injuries and illnesses as prescribed by chapter 296-27 WAC.

Note: Recordable cases include:

1. Every occupational death.
2. Every industrial illness.
3. Every occupational injury that involves one of the following:
 - a. Unconsciousness.
 - b. Inability to perform all phases of regular job.
 - c. Inability to work full time on regular job.
 - d. Temporary assignment to another job.
 - e. Medical treatment beyond first-aid.

All employers with eleven or more employees shall record occupational injury and illness information on forms OSHA 101 - Supplementary Record Occupational Injuries and Illnesses and OSHA 200 - Log and Summary. Forms other than OSHA 101 may be substituted for the Supplementary Record of Occupational Injuries and Illnesses if they contain the same items.

AMENDATORY SECTION (Amending Order 82-10, filed 3/30/82)

WAC 296-24-12009 WASHING FACILITIES.

(1) General. Facilities for maintaining personal cleanliness shall be provided in every place of employment pursuant to the provisions of this section. These shall be convenient for the employees for whom they are provided and shall be maintained in a sanitary condition.

(2) Lavatories.

(a) Lavatories shall be made available in all places of employment. The requirements of this subsection do not apply to mobile crews or to normally unattended work locations if employees working at these locations have transportation readily available to nearby washing facilities which meet the other requirements of this section.

(b) Each lavatory shall be provided with hot and cold running water, or tepid running water.

(c) Hand soap or similar cleansing agents shall be provided.

(d) Individual hand towels or sections thereof, of cloth or paper, warm air blowers or clean individual sections of continuous cloth toweling, convenient to the lavatories, shall be provided.

(3) Showers.

(a) Showers are mandatory on exit from the jobsite when residual chemicals allowed to remain on the skin between work shifts could cause a serious occupational illness.

(b) The employer is responsible for identifying such potential hazards and for insisting that the employee shower at the end of the shift.

(c) Whenever showers are required by a particular standard, the showers shall be provided, in accordance with ~~((subdivisions (b) through (c) of this subsection.~~

~~((b)))~~ items (i) through (iv) as follows:

(i) One shower shall be provided for each 10 employees of each sex, or numerical fraction thereof, who are required to shower during the same shift.

~~((c)))~~ (ii) Body soap or other appropriate cleansing agents convenient to the showers shall be provided as specified in this section.

~~((d)))~~ (iii) Showers shall be provided with hot and cold water feeding a common discharge line.

~~((e)))~~ (iv) Employees who use showers shall be provided with individual clean towels.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-16507 HAND-FED RIPSAWS. (1) Each circular hand-fed rip saw shall be guarded by a hood which shall completely enclose that portion of the saw above the table and that portion of the saw above the material being cut. The hood and mounting shall be arranged so that the hood will automatically adjust itself to the thickness of and remain in contact with the material being cut but it shall not offer any considerable resistance to insertion of material to saw or to passage of the material being sawed. The hood shall be made of adequate strength to resist blows and strains incidental to reasonable operation, adjusting, and handling, and shall be so designed as to protect the operator from flying splinters and broken saw teeth. It shall be made of material that is soft enough so that it will be unlikely to cause tooth breakage. The material should not shatter when broken, should be nonexplosive, and should be no more flammable than wood. The hood shall be so mounted as to insure that its operation will be positive, reliable, and in true alignment with the saw; and the mounting shall be adequate in strength to resist any reasonable side thrust or other force tending to throw it out of line.

(2) Circular hand-fed rip saw blades may be guarded with a fixed enclosure, fixed barrier guard, or a manually adjusted guard when specific conditions prevent use of the standard automatic adjusting guard. In those instances where alternate fixed-type guards are used, they must provide protection equivalent to the protection afforded by automatically adjusting guards. The alternate guards must be used in accordance with manufacturer's instructions and under sufficient supervision to ensure consistent compliance with the intent of the standard.

(3) Each hand-fed circular rip saw shall be furnished with a spreader to prevent material from squeezing the saw or being thrown back on the operator. The spreader shall be made of hard tempered steel, or its equivalent, and shall be thinner than the saw kerf. It shall be of sufficient width to provide adequate stiffness or rigidity to resist any reasonable side thrust or blow tending to bend or throw it out of position. The spreader shall be attached so that it will remain in true alignment with the saw even when either the saw or table is tilted, and should be placed so that there is not more than 1/2-inch space between the spreader and the back of the saw when the largest saw is mounted in the machine. The provision of a spreader in connection with grooving, da-doing, or rabbeting is not required. On the completion of such operations; the spreader shall be immediately replaced.

~~((f)))~~ (4) Each hand-fed circular rip saw shall be provided with nonkickback fingers or dogs so located as

to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator. They shall be designed to provide adequate holding power for all the thicknesses of materials being cut.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-16515 SWING CUTOFF SAWS. The requirements of this section are also applicable to sliding cutoff saws mounted above the table.

(1) Each swing cutoff saw shall be provided with a hood that will completely enclose the upper half of the saw, the arbor end, and the point of operation at all positions of the saw. The hood shall be constructed in such a manner and of such material that it will protect the operator from flying splinters and broken saw teeth. Its hood shall be so designed that it will automatically cover the lower portion of the blade, so that when the saw is returned to the back of the table the hood will rise on top of the fence, and when the saw is moved forward the hood will drop on top of and remain in contact with the table or material being cut.

(2) Swing cutoff saws may be guarded with a fixed enclosure, fixed barrier guard, or a manually adjusted guard when specific conditions prevent use of the standard automatic adjusting guard. In those instances where alternate fixed-type guards are used, they must provide protection equivalent to the protection afforded by automatically adjusting guards. The alternate guards must be used in accordance with manufacturer's instructions and under sufficient supervision to ensure consistent compliance with the intent of the standard.

(3) Each swing cutoff saw shall be provided with an effective device to return the saw automatically to the back of the table when released at any point of its travel. Such a device shall not depend for its proper functioning upon any rope, cord, or spring. If there is a counterweight, the bolts supporting the bar and counterweight shall be provided with cotter pins; and the counterweight shall be prevented from dropping by either a bolt passing through both the bar and counterweight, or a bolt put through the extreme end of the bar, or, where the counterweight does not encircle the bar, a safety chain attached to it.

~~((3))~~ (4) Limit chains or other equally effective devices shall be provided to prevent the saw from swinging beyond the front or back edges of the table, or beyond a forward position where the gullets of the lowest saw teeth will rise above the table top.

~~((4))~~ (5) Inverted swing cutoff saws shall be provided with a hood that will cover the part of the saw that protrudes above the top of the table or above the material being cut. It shall automatically adjust itself to the thickness of and remain in contact with the material being cut.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-550 MEANS OF EGRESS. Requirements for means of egress for all new and existing buildings shall be in accordance with specifications of

National Fire Code, Volume 5, NFPA 101, Chapter 5, 1985 Ed., which is approved by the American National Standards Institute.

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-24-58513 PROTECTIVE CLOTHING. The following requirements apply to those employees who perform interior structural fire fighting. The requirements do not apply to employees who use fire extinguishers or standpipe systems to control or extinguish fires only in the incipient stage.

(1) General.

(a) The employer shall provide at no cost to the employee and assure the use of protective clothing which complies with the requirements of this section. The employer shall assure that protective clothing ordered or purchased after January 1, 1982, meets the requirements contained in this section. As the new equipment is provided, the employer shall assure that all fire brigade members wear the equipment when performing interior structural fire fighting. After July 1, 1985, the employer shall assure that all fire brigade members wear protective clothing meeting the requirements of this section when performing interior structural fire fighting.

(b) The employer shall assure that protective clothing protects the head, body, and extremities, and consists of at least the following components: Foot and leg protection; hand protection; body protection; eye, face and head protection.

(2) Foot and leg protection.

(a) Foot and leg protection shall meet the requirements of (b) and (c) of this subsection, and may be achieved by either of the following methods:

(i) Fully extended boots which provide protection for the legs; or

(ii) Protective shoes or boots worn in combination with protective trousers that meet the requirements of subsection (3) of this section.

(b) Protective footwear shall meet the requirements of WAC 296-24-088 for Class 75 footwear. In addition, protective footwear shall be water-resistant for at least five inches (12.7 cm) above the bottom of the heel and shall be equipped with slip-resistant outer soles.

(c) Protective footwear shall be tested in accordance with paragraph (1) Appendix E, and shall provide protection against penetration of the midsole by a size 8D common nail when at least 300 pounds (1330 N) of static force is applied to the nail.

(3) Body protection.

(a) Body protection shall be coordinated with foot and leg protection to ensure full body protection for the wearer. This shall be achieved by one of the following methods:

(i) Wearing of a fire-resistant coat meeting the requirements of (b) of this subsection, in combination with fully extended boots meeting the requirements of subsection (2)(b) and (c) of this section; or

(ii) Wearing of fire-resistant coat in combination with protective trousers both of which meet the requirements of (b) of this subsection.

(b) The performance, construction, and testing of fire-resistant coats and protective trousers shall be at least equivalent to the requirements of the National Fire Protection Association (NFPA) standard NFPA No. 1971-1975, "Protective Clothing for Structural Fire Fighting," (see WAC 296-24-63499, Appendix D) with the following permissible variations from those requirements:

(i) Tearing strength of the outer shell shall be a minimum of eight pounds (35.6 N) in any direction when tested in accordance with paragraph (2) of WAC 296-24-63599, Appendix E; and

(ii) The outer shell may discolor but shall not separate or melt when placed in a forced air laboratory oven at a temperature of 500°F (260°C) for a period of five minutes. After cooling to ambient temperature and using the test method specified in paragraph (3) of WAC 296-24-63599 Appendix E, char length shall not exceed 4.0 inches (10.2 cm) and after-flame shall not exceed 2.0 seconds.

(4) Hand protection.

(a) Hand protection shall consist of protective gloves or glove system which will provide protection against cut, puncture, and heat penetration. Gloves or glove system shall be tested in accordance with the test methods contained in the National Institute for Occupational Safety and Health (NIOSH) 1976 publication, "The Development of Criteria for Fire Fighter's Gloves; Vol. II, Part II: Test Methods," (see WAC 296-24-63499, Appendix D to Subpart L) and shall meet the following criteria for cut, puncture, and heat penetration:

(i) Materials used for gloves shall resist surface cut by a blade with an edge having a 60 degree included angle and a .001 inch (.0025 cm.) radius, under an applied force of 16 lbf (72N) and at a slicing velocity of greater or equal to 60 in/min. (2.5 cm/sec);

(ii) Materials used for the palm and palm side of the fingers shall resist puncture by a penetrometer (simulating a 4d lath nail), under an applied force of 13.2 lbf (60N) and at a velocity greater or equal to 20 in/min. (.85 cm/sec); and

(iii) The temperature inside the palm and gripping surface of the fingers of gloves shall not exceed 135°F (57°C) when gloves or glove system are exposed to 932°F (500°C) for five seconds at 4 psi (28 kPa) pressure.

(b) Exterior materials of gloves shall be flame resistant and shall be tested in accordance with paragraph (3) of Appendix E. Maximum allowable after-flame shall be 2.0 seconds, and the maximum char length shall be 4.0 inches (10.2 cm).

(c) When design of the fire-resistant coat does not otherwise provide protection for the wrists, protective gloves shall have wristlets of at least 4.0 inches (10.2 cm) in length to protect the wrist area when the arms are extended upward and outward from the body.

(5) Head, eye and face protection.

(a) Head protection shall consist of a protective head device with ear flaps and chin strap which meet the performance, construction, and testing requirements of the National Fire Safety and Research Office of the National Fire Prevention and Control Administration, United States Department of Commerce (now known as

the United States Fire Administration), which are contained in, "Model Performance Criteria for Structural Firefighters' Helmets," (August 1977) (see WAC 296-24-63499, Appendix D).

(b) Protective eye and face devices which comply with WAC 296-24-078 shall be used by fire brigade members when performing operations where the hazards of flying or falling materials which may cause eye and face injuries are present. Protective eye and face devices provided as accessories to protective head devices (face shields) are permitted when such devices meet the requirements of WAC 296-24-078.

(c) Full facepieces, helmets, or hoods of breathing apparatus which meet the requirements of WAC 296-62-071 and 296-24-58515, shall be acceptable as meeting the eye and face protection requirements of (b) of this subsection.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-75009 STAIRWAY RAILINGS AND GUARDS. (1) Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as specified in (a) through (e) of this rule, the width of the stair to be measured clear of all obstructions except handrails:

(a) On stairways less than 44 inches wide having both sides enclosed, at least one handrail, preferably on the right side descending.

(b) On stairways less than 44 inches wide having one side open, at least one stair railing on open side.

(c) On stairways less than 44 inches wide having both sides open, one stair railing on each side.

(d) On stairways more than 44 inches wide but less than 88 inches wide, one handrail on each enclosed side and one stair railing on each open side.

(e) On stairways 88 or more inches wide, one handrail on each enclosed side, one stair railing on each open side, and one intermediate stair railing located approximately midway of the width.

(2) Winding stairs shall be equipped with a handrail offset to prevent walking on all portions of the treads having width less than 6 inches.

(3) Nonindustrial and "monumental" steps are excluded as they are not "industrial" stairs; however, when public and private building steps are located at loading or receiving docks, in maintenance areas, etc., or are used exclusively by employees, the requirements of this standard shall apply.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-81005 SPECIFIC FEATURES. (1) Rungs and cleats.

(a) All rungs shall have a minimum diameter of three-fourths inch for metal ladders, except as covered in subsection (7)(a) of this section, and a minimum diameter of 1 1/8 inches for wood ladders.

(b) The distance between rungs, cleats, and steps shall not exceed 12 inches and shall be uniform throughout the length of the ladder.

(c) The minimum clear length of rungs or cleats shall be 16 inches.

(d) Rungs, cleats, and steps shall be free of splinters, sharp edges, burrs, or projections which may be a hazard.

(e) The rungs of an individual-rung ladder shall be so designed that the foot cannot slide off the end((-)) (A suggested design is shown in Figure D-1, at the end of this section((-)) or be treated with anti-slip type paint or treatment.

(f) Such rungs or steps installed in the walls of risers or conical top sections of manholes shall be uniformly spaced from 12 inches to 16 1/2 inches apart and be a minimum of 10 inches in length.

(i) The manhole rungs or steps shall have a minimum of 4 inches of clearance between the rung or step and the wall.

(ii) The manhole rung or step shall be capable of sustaining a single concentrated load of 300 pounds.

(2) Side rails. Side rails which might be used as a climbing aid shall be of such cross sections as to afford adequate gripping surface without sharp edges, splinters, or burrs.

(3) Fastenings. Fastenings shall be an integral part of fixed ladder design.

(4) Splices. All splices made by whatever means shall meet design requirements as noted in WAC 296-24-81003(1). All splices and connections shall have smooth transition with original members and with no sharp or extensive projections.

(a) When fixed ladders are spliced the splice plates shall be the same depth as side rails.

(b) The length of the splice plates shall be four times the depth of the side rail. They shall be of metal not less than one-fourth of an inch in thickness and chamfered on all exposed edges.

(c) Splice plates shall be secured by bolts or rivets with the heads countersunk or of the button type.

(d) The heads shall be on the outside of the rail.

(e) The bolts or rivets shall be not less than one-half inch nor more than five-eighths inch in diameter.

(f) The bolt ends shall be chamfered with only the chamfered end extending beyond the nut.

(g) Both ends of the rivet shall be button shape.

(h) Washers shall be placed under the nuts and rivet ends on wood side rails.

(i) There shall be a minimum of three bolts or rivets on each side of the joint for metal side rails and a minimum of four bolts or rivets for wood side rails.

(j) Bolts and rivets in both metal and wood side rails shall be staggered in position.

(5) Electrolytic action. Adequate means shall be employed to protect dissimilar metals from electrolytic action when such metals are joined.

(6) Welding. All welding shall be in accordance with the "Code for Welding in Building Construction" (AWS D1.0-1966).

(7) Protection from deterioration.

(a) Metal ladders and appurtenances shall be painted or otherwise treated to resist corrosion and rusting when location demands. Ladders formed by individual metal rungs imbedded in concrete, which serve as access to pits

and to other areas under floors, are frequently located in an atmosphere that causes corrosion and rusting. To increase rung life in such atmosphere, individual metal rungs shall have a minimum diameter of 1 inch or shall be painted or otherwise treated to resist corrosion and rusting.

(b) Wood ladders, when used under conditions where decay may occur, shall be treated with a nonirritating preservative, and the details shall be such as to prevent or minimize the accumulation of water on wood parts.

(c) When different types of materials are used in the construction of a ladder, the materials used shall be so treated as to have no deleterious effect one upon the other.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-24-15001 MACHINE GUARDING.

(1) Types of guarding. One or more methods of machine guarding shall be provided to protect the operator and other employees in the machine area from hazards such as those created by point of operation, ingoing nip points, rotating parts, flying chips and sparks. Examples of guarding methods are—barrier guards, two-hand tripping devices, electronic safety devices, etc.

(2) General requirements for machine guards. Guards shall be affixed to the machine where possible and secured elsewhere if for any reason attachment to the machine is not possible. The guard shall be such that it does not offer an accident hazard in itself.

(3) Point of operation guarding.

(a) Point of operation is the area on a machine where work is actually performed upon the material being processed.

(b) The point of operation of machines whose operation exposes an employee to injury, shall be guarded. The guarding device shall be in conformity with any appropriate standards therefor, or, in the absence of applicable specific standards, shall be so designed and constructed as to prevent the operator from having any part of his body in the danger zone during the operating cycle.

(c) Circular meat cutting saws shall be guarded in one of the following ways:

(i) A suspended counter-balanced circular meat cutting saw that requires two-handed operation shall be deemed adequately guarded if provided with a guard that covers at least twenty-five degrees of the circumference of the blade and it conforms to the requirements of (c)(iv) of this subsection.

(ii) A suspended counter-balanced circular meat cutting saw that requires only one-handed operation shall be deemed adequately guarded if provided with a guard that covers at least ninety degrees of the circumference of the blade and it conforms to the requirements of (c)(iv) of this subsection.

(iii) A nonsuspended circular meat saw, either one-handed or two-handed operation, shall be deemed adequately guarded if provided with a guard that covers at least ninety degrees of the circumference of the blade and it conforms to the requirements of (c)(iv) of this subsection.

(iv) All circular meat cutting saws shall conform to the following:

(A) A "deadman" control shall be required.

(B) The guard protecting the operator from contact with the blade shall be located between the operator and the blade.

(C) The maximum number of degrees of circumferential guarding of the blade shall be provided based on specific applications in meat cutting operations.

(D) A brake that automatically activates upon release of the operating control(s) is required.

(d) Special handtools for placing and removing material shall be such as to permit easy handling of material without the operator placing a hand in the danger zone. Such tools shall not be in lieu of other guarding required by this section, but can only be used to supplement protection provided.

(e) The following are some of the machines which usually require point of operation guarding:

(i) Guillotine cutters.

(ii) Shears.

(iii) Alligator shears.

(iv) Power presses. (Including platen presses.)

(v) Milling machines.

(vi) Power saws.

(vii) Jointers.

(viii) Portable power tools.

(ix) Forming rolls and calenders.

(4) Barrels, containers, and drums. Revolving drums, barrels, and containers shall be guarded by an enclosure which is interlocked with the drive mechanism, so that the barrel, drum, or container cannot revolve unless the guard enclosure is in place.

(5) Exposure of blades. When the periphery of the blades of a fan is less than seven feet above the floor or working level, the blades shall be guarded. The guard shall have openings no larger than one-half inch. Safeguards shall be so constructed that rods, pipes, or like material being handled by workmen will not enter same, and come in contact with moving machinery. Fan blade guards of any material are acceptable where the material provides protection to workers and meets the requirements of figure O-12 of WAC 296-24-18005(5).

(6) Cams and other machine parts which move in such a manner as to create shearing or crushing hazards shall, if exposed to contact, be guarded with a standard safeguard.

(7) Guarding food waste disposal equipment. "Garb-el" or equipment with similar configuration and operational characteristics, will have the worm screw conveyor completely covered by a properly designed and mounted trimboard cover in place during operation of the mechanism.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-24-16517 RADIAL SAWS. (1) The upper hood shall completely enclose the upper portion of the blade down to a point that will include the end of the saw arbor. The upper hood shall be constructed in such a manner and of such material that it will protect the operator from flying splinters, broken saw teeth, etc., and

will deflect sawdust away from the operator. The sides of the lower exposed portion of the blade shall be guarded to the full diameter of the blade by a device that will automatically adjust itself to the thickness of the stock and remain in contact with stock being cut to give maximum protection possible for the operation being performed.

(2) Each radial saw used for ripping shall be provided with nonkickback fingers or dogs located on both sides of the saw so as to oppose the thrust or tendency of the saw to pick up the material or to throw it back toward the operator. They shall be designed to provide adequate holding power for all the thickness of material being cut.

(3) An adjustable stop shall be provided to prevent the forward travel of the blade beyond the position necessary to complete the cut.

(4) Installation shall be in such a manner that the front end of the unit will be slightly higher than the rear, so as to cause the cutting head to return to the starting position in the following manner when released by the operator:

(a) The cutting head or carriage shall return to the rest or starting position in a gentle motion;

(b) The cutting head or carriage shall not bounce or recoil when reaching the rest or starting position; and

(c) The cutting head or carriage will remain in the rest or starting position.

(5) Ripping and ploughing shall be against the direction in which the saw turns. The direction of the saw rotation shall be conspicuously marked on the hood. In addition, a permanent label not less than 1 1/2 inches by 3/4 inch with standard proportional lettering shall be affixed to the rear of the guard hood at approximately the level of the arbor, where the blade teeth exit the upper hood during the operation of the saw, reading as follows: "Danger: Do not rip or plough from this end." Such a label shall be colored standard danger red.

(6) Radial saws may be guarded with a fixed enclosure, fixed barrier guard, or a manually adjusted guard when specific conditions prevent use of the standard automatic adjusting guard. In those instances where alternate fixed-type guards are used, they must provide protection equivalent to the protection afforded by automatically adjusting guards. The alternate guards must be used in accordance with manufacturer's instruction and under sufficient supervision to ensure consistent compliance with the intent of the standard.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-24-20503 GENERAL REQUIREMENTS. (1) This section covers all types and shapes of power-transmission belts, except the following when operating at two hundred and fifty feet per minute or less:

(a) Flat belts one inch or less in width.

(b) Flat belts two inches or less in width which are free from metal lacings or fasteners.

(c) Round belts one-half inch or less in diameter.

(d) Single strand V-belts, the width of which is thirteen thirty-seconds inch or less.

(2) Vertical and inclined belts (WAC 296-24-20511 (3) and (4)) if not more than two and one-half inches wide and running at a speed of less than one thousand feet per minute, and if free from metal lacings or fastenings may be guarded with a nip-point belt and pulley guard.

(3) For the textile industry, because of the presence of excessive deposits of lint, which constitute a serious fire hazard, the sides and face sections only of nip-point belt and pulley guards are required, provided the guard shall extend at least six inches beyond the rim of the pulley on the in-running and off-running sides of the belt and at least two inches away from the rim and face of the pulley in all other directions.

(4) These standards cover the principal features with which power transmission safeguards shall comply. When there is no possibility of employee contact with power transmission belts during operation, the belts are "guarded by location" and no further guarding is required.

(5) The following criteria will apply when evaluating handwheels, nip points, and belts above the table top on light (domestic) and medium duty sewing machines for compliance. The conditions will apply in general industry and the light apparel manufacturing industries on machines using flat and round belts without metal lacings and fasteners. Machines used to sew materials such as leather, heavy canvas, denim, vinyl, or other types of heavy material are not included.

(a) The operator's hands are not in, near or on the wheel, nip point, or belt area when the machine is operating.

(b) The distance between the area where the operator is holding and feeding material with both hands, and the belt or wheel location, is sufficient to not expose the operator to the hazards.

(c) The table top is of sufficient size or arrangement to not expose any other employee in the work area or passing by the work area to the hazards.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-76503 APPLICATION OF REQUIREMENTS. This section contains specifications for the safe design and construction of fixed general industrial stairs. This classification includes interior and exterior stairs around machinery, tanks, and other equipment, and stairs leading to or from floors, platforms, or pits. This section does not apply to stairs used for fire exit purposes, to construction operations, to private buildings or residences, or to articulated stairs, such as may be installed on floating roof tanks or on dock facilities, the angle of which changes with the rise and fall of the base support.

When stairs of public and private buildings are located at loading or receiving docks, in maintenance areas, etc., or are used exclusively by employees, the term "fixed industrial steps" will apply and be evaluated accordingly.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-78007 CONSTRUCTION REQUIREMENTS. (1) Basis of requirements.

(a) Dimensions specified hereinafter for wood ladders are the minimum dressed cross-sectional dimensions for the types of ladders herein designated, based on the species of woods specified in WAC 296-24-78005(4), at a moisture content of 15 percent. The dimensions for side rails are based on a mortise or gain as specified for the various types of ladders for step or rung attachments. Where the strength of the side rails or back legs is reduced by a greater mortise or gain than shown, or where it is desired to use a cross section for any wood part either dimension of which is less than that specified, the required dimensions may be found as indicated in (1)(b) of this section.

(b) For the side rails of single extension and sectional ladders, the proposed section shall develop an actual stress per square inch not greater than 2,150 pounds for Group 1 woods, 2,000 pounds for Group 2 woods, 1,600 pounds for Group 3 woods, or 1,375 pounds for Group 4 woods when computed by the following formula applying to rectangular sections, with a maximum tolerance of 5 percent over these stresses:

$$S = \frac{3 LD (P+W/16)}{2B (D^3-d^3)} = \frac{1.5 LD (25+W/16)}{B (D^3-0.67)}$$

P = 25 pounds, which is the normal component on each rail of a load of 200 pounds at the center of the ladder, equally distributed between the rails, when the foot of the ladder is moved out of the perpendicular by one-quarter of its length.

S = Stress in extreme fiber in pounds per square inch.

W = Weight of ladder in pounds.

L = Maximum working length of ladder in inches.

B = Net thickness of each side rail in inches.

D = Depth of side rail in inches.

d = Diameter of hole board for rung (d³ shall be taken as not less than 0.67).

(c) Adjustment of sizes for wood parts of stepladders and other ladder types covered by this section may be made as follows:

(i) The dimensions specified in later sections for parts having rectangular cross sections generally represent only one of a number of possible combinations of thickness and width which could satisfy the requirements for strength and stiffness. Depending upon the material sizes available, manufacturing practices, and like factors, parts produced by a particular manufacturer may or may not agree exactly with the sizes given later. The following provisions provide means for determining equality of load-carrying capacity of parts of different sizes or of determining sizes needed to provide equality.

(ii) Any changes in dimensions shall result in a change in the width-thickness ratio for side rails of back

legs not greater than 25 percent from the ratio for a corresponding ladder as now covered in this section.

(iii) Where both dimensions are different from those specified, the load-carrying capacity in bending of a part will be equal to or greater than that of a part of specified dimensions if the ratio P_2/P_1 is not less than 1, where

$$\frac{P_2}{P_1} = \frac{B_2 D_2^2}{B_1 D_1^2}$$

and

B = Dimension of the part at right angles to the direction of load (width of a step, thickness of a side rail or back leg).

D = Dimension of the part parallel to the direction of load (thickness of a step, width of a side rail or back leg).

B₁D₁ = Dimensions as specified.

B₂D₂ = Dimensions of part being considered.

(iv) The dimensions to be used in the computations are net dimensions. For example, in the case of a stepladder side rail, the dimension **B** is to be taken as the gross thickness of the rail minus the depth of the gain for the steps. Where there is a rung hole at the center of depth of a rail, a somewhat more accurate comparison may be made by the use of the formula

$$\frac{P_2}{P_1} = \frac{B_2 D_1 (D_2^3 - d^3)}{B_1 D_2 (D_1^3 - d^3)}$$

where the symbols have the same meanings as before and **d** is the diameter of the hole for the rung tenon. In most instances the difference in results calculated by this and by the earlier formula will be slight.

(2) Portable stepladders. Stepladders longer than 20 feet shall not be supplied. Stepladders as hereinafter specified shall be of three types:

Type I—Industrial stepladder, 3 to 20 feet for heavy duty, such as utilities, contractors, and industrial use.

Type II—Commercial stepladder, 3 to 12 feet for medium duty, such as painters, offices, and light industrial use.

Type III—Household stepladder, 3 to 6 feet for light duty, such as light household use.

(a) General requirements.

(i) Slope is the inclination of side rails or back legs with respect to the vertical and is expressed as a deviation from the vertical per unit length of the member. Stepladders shall be so constructed, that when in the open position, the slope of the front section shall not be less than 3 1/2 inches and the slope of the back section not less than 2 inches, for each 12-inch length of side rail.

(ii) A uniform step spacing shall be employed which shall be not more than 12 inches. Steps shall be parallel and level when the ladder is in position for use.

(iii) The minimum width between side rails at the top, inside to inside, shall be not less than 11 1/2 inches. From top to bottom, the side rails shall spread at least 1 inch for each foot of length of stepladder.

(iv) When minimum thickness of side rails is used, steps shall be closely fitted into the grooves in the side rails one-eighth inch in depth with a tolerance of one thirty-second inch, and shall be firmly secured as hereinafter described; or they shall be closely fitted into metal brackets of an equivalent strength, which in turn shall be firmly secured to the side rails. The depth of groove herein provided may be increased in proportion to the thickness of side rails as provided in WAC 296-24-78007 (2)(b), (c) and (d).

(v) All stepladders shall have a top with wood or metal brackets or fittings tightly secured to the top, side rails, and back legs, to allow free swinging of the back section without excessive play or wear at the joints.

(vi) A metal spreader or locking device of sufficient size and strength to securely hold the front and back sections in open positions shall be a component of each stepladder. The spreader shall have all sharp points covered or removed to protect the user. For Type III ladder, the pail shelf and spreader may be combined in one unit (the so-called shelf-lock ladder).

(vii) When measured along the front edge of the side rails, all stepladders shall measure within 3 inches of the specified length.

(viii) Where bucket shelves are provided, they shall be constructed to support a load of 25 pounds and shall be so fastened that they can be folded up when the ladder is closed.

(ix) All metal parts and fittings shall be securely attached by means of rivets, bolts, screws, or equivalent fasteners.

(b) Type I industrial stepladder.

(i) The minimum dimensions of the parts of the Type I stepladder shall be as shown in Table D-2 when made of Group 2 or Group 3 woods.

(A) The minimum thickness of side rails provides for the cutting of a groove of one-eighth inch in depth with the tolerance indicated in WAC 296-24-78007 (2)(a)(iv), and shall be increased when grooves of greater depth are used.

(ii) Steps shall be secured with at least two 6-d nails at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod not less than 3/16 inch in diameter with standard commercial tolerances, which shall pass through metal washers of sufficient thickness and diameter on each end to prevent pressing—into the side rails, and a truss block which shall be fitted between the rod and the center of each step, or by a metal angle brace on each end firmly secured to the steps and side rails, or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rails. In addition, all steps 3 5/8 inches wide and 27 inches or more in overall length and all steps 4 1/4 inches wide and 32 inches or more in overall length shall be provided with a metal angle brace at each end securely attached to the step and side rail.

(iii) The back section shall be braced by one of the following methods:

(A) The back legs shall be braced with 1 1/8-inch diameter rungs of Group 1 woods (see Table D-5), or material of equivalent strength, having 7/8-inch diameter tenons or oval wood rungs, or rectangular wood rungs of equivalent strength, spaced not more than 12 inches apart. The back legs shall be bored with holes either extending through the legs or to within three-sixteenths inch of the outside face of the legs, the size of the hole to be such as to insure a tight fit for the rung. The shoulder of the rung shall be forced firmly against the leg, and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning of the rungs. The back legs shall be braced by a metal angle brace on each side, securely fastened to the rung and the back legs, one rung to be braced for each 4 feet of length or fraction thereof, on ladders 4 feet or more in length, with braces required only on the bottom rung for ladders that are 4 feet or shorter. Where rungs are more than 28 inches in length between the back legs they shall be provided with center bearing consisting of a wood bar not less than 3/4 by 2 inches in a cross-section securely nailed to each rung passing through it and long enough to include each rung longer than 28 inches.

(B) The back leg shall be braced with horizontal wood bars of Group 1, 2, or 3 woods in Table D-5 and not less than 3/4 by 2 1/2 inches in cross-section, spaced not more than 12 inches apart. The ends of the bars shall fit into metal sockets of not less than 20-gauge (manufacturers standard) steel, or other material of equivalent strength, or into mortises of not less than one-eighth inch (tolerance of \pm one-thirty-second inch) in depth in the back legs. A steel rod not less than 3/16 inch in diameter with standard commercial tolerance shall pass through the back legs, the bar, and at each end through metal washers of sufficient diameter and thickness to prevent passing into the back legs. The back legs shall also be braced by a metal angle brace on each side, securely fastened to the bar and to the legs, one bar to be so braced for at least each 4 feet of length or fraction thereof, with braces required only on bottom bar for ladders that are 4 feet or shorter. Metal sockets when used shall be attached to the back legs by rivets or by means of a rod running through the socket or equivalent thereof.

(iv) The back legs shall be reinforced by a rivet through the depth of the leg above the hinge point, by metal plates or collars at the hinge point, or by other means suitable for preventing splitting of the back leg from the hinge pin to the top.

(c) Type II commercial stepladder.

(i) The minimum dimensions of the parts of the Type II stepladder shall be as given in Table D-3 when made of Group 2 or Group 3 woods.

(A) The minimum thickness of side rails provides for the cutting of a groove of one-eighth inch in depth with the tolerance indicated in (2)(a)(iv), and shall be increased when grooves of greater depth are used.

(ii) Steps shall be secured with at least two 6-d nails at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod not less than 3/16 inch in diameter with standard commercial tolerances which shall pass through metal washers of sufficient thickness and

diameter on each end to prevent pressing into the side rails, and a truss block shall be fitted between the truss rod and center of each step; or by a metal angle brace on each end firmly secured to the steps and side rails; or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rails. In addition all steps 27 inches or more in overall length shall be provided with a metal angle brace at each end securely attached to the step and side rails.

(iii) The back legs shall be braced by one of the three following methods:

(A) With 7/8-inch diameter wood dowels of Group 1 woods (see Table D-5) or material of equivalent strength having not less than 5/8-inch tenons firmly secured in the back legs and spaced not more than 12 inches apart. The back legs shall be bored with holes either extending through the legs or to within three-sixteenths inch of the outside face of the legs, the size of the hole to be such as to insure a tight fit for the dowel. The shoulder of the dowel shall be forced firmly against the leg and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning of the dowel.

(aa) A bar connecting two or more of the dowels shall be provided on all ladders of 6 feet or more. The cross-sectional dimensions of the bar shall be the same as the cross-sectional dimensions of the back legs, and the dowels shall pass through holes at the centerline of the bar. The bar shall be attached at the center of the length of the lower two dowels on a 6-foot ladder and shall extend upward one dowel for each 2 feet of added length.

(B) With wood dowels as set forth in (2)(c)(iii)(A) of this section, plus an inverted V bracing of 3/4-inch by 1 1/2-inch material through which the dowels extend, the length of the V to extend two-thirds of the way up the back.

(C) With horizontal bracing of Group 1, 2, 3, or 4 woods (see Table D-5) not less than 3/4 by 2 inches in cross-section, the ends of which shall fit into metal sockets of not less than 20-gauge (manufacturing standard), steel, or other material of equivalent strength or into mortises not less than one-eighth inch in depth in back legs. The bars shall be reinforced by steel rods not less than 3/16 inch in diameter with standard commercial tolerances which shall pass through the back legs, the bar, and, at each end, through metal washers of sufficient diameter and thickness to prevent pressing into the back legs. The spacing of such braces shall not exceed 3 feet, and there shall be one brace on 3- and 4-foot ladders, two braces on 5- and 6-foot ladders, three braces on 7- and 8-foot ladders, and four braces on 10- and 12-foot ladders. The bottom bar shall not be more than 18 inches from the bottom of the ladder, and, where only one bar is used, it shall be braced by a metal angle brace on each end securely attached to the bar and the back leg.

(d) Type III household stepladder.

(i) The minimum dimensions of the parts of the Type III stepladder shall be as follows when made of Group 2 or Group 3 woods.

Length, 3 to 6 feet		
	Thickness (inch)	Depth (inches)
Side rails	3/4	2 1/2
Back legs	3/4	1 5/16
Steps	3/4	3
Top	3/4	5

The minimum thicknesses of side rails provide for the cutting of a groove one-eighth inch in depth with the tolerance indicated in WAC 296-24-78007 (2)(a)(iv), and shall be increased when grooves of greater depth are used.

(ii) Steps shall be secured with at least one 6-d nail at each end, or the equivalent thereof. Each step shall be reinforced by a steel rod not less than 3/16 inch in diameter with standard commercial tolerance which shall pass through metal washers of sufficient thickness and diameter to prevent pressing into the side rails, or by a metal brace at each end firmly secured to steps and side rails or by construction of equivalent strength and safety. Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rail.

(iii) Back legs shall be braced by one of the two following methods or by construction of equivalent strength and safety:

(A) By diagonal slates of groups 1, 2, 3, or 4 wood (see Table D-5) not less than 5/16 by 1 1/4 inches securely fastened to the back legs by nails, screws, or the equivalent thereof.

(B) With horizontal bracing of Groups 1, 2, 3, or 4 wood (see Table D-5) not less than 5/8 by 1 5/8 inches in cross section, the ends of which shall fit into metal sockets of not less than 20-gauge (manufacturing standard) steel or other material of equivalent strength or into mortises not less than one-eighth inch in depth in back legs. The bars shall be reinforced by steel rods not less than 3/16 inch in diameter with standard commercial tolerances which shall pass through the back leg, the bar, and at each end through metal washers of sufficient diameter and thickness to prevent pressing into each leg. The spacing of such bars shall not exceed 3 feet, and there shall be one brace on 3- and 4-foot ladders, two braces on 5- and 6-foot ladders. The bottom bar shall be not more than 18 inches from the bottom of the ladder.

(3) Portable rung ladders. Portable rung ladders as herein specified shall be of four types, as follows: Single ladder; two-section extension ladder; section ladder; trestle and extension trestle ladder.

(a) General requirements.

(i) The base or lower portion of a ladder may have either parallel sides or flared sides in accordance with commercial practice.

(ii) Rungs shall be parallel, level, and uniformly spaced. The spacing shall be not more than 12 inches, except as hereinafter specified.

TABLE D-2
DIMENSIONS FOR TYPE I STEP LADDER

Length, 12 feet and less		Length, 14 and 16 feet		Length, 18 and 20 feet		
Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)	
Side rails	3/4	3 1/4	3/4	3 1/2	1 1/16	3 1/2
Back legs	3/4	2 1/4	3/4	2 5/8	1 1/16	2 1/4
Steps	3/4	3 5/8	3/4	4 1/4	3/4	4 1/4
Tops	3/4	5 1/2	3/4	5 1/2	3/4	5 1/2

TABLE D-3
DIMENSIONS FOR TYPE II STEP LADDER

Length, 3 to 8 feet		Length, 10 feet		Length, 12 feet		
Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)	Thickness (inch)	Depth (inches)	
Side rails	3/4	2 5/8	3/4	2 5/8	3/4	3
Back legs	3/4	1 5/8	3/4	1 3/4	3/4	2
Steps	3/4	3 1/2	3/4	3 1/2	3/4	3 5/8
Tops	3/4	5	3/4	5	3/4	5

(iii) All holes for wood rungs shall either extend through the side rails or be bored so as to give at least a thirteen-sixteenths-inch length of bearing to the rung tenon. In throughbored construction, the rungs shall extend at least flush with the outside rail surface. All holes shall be located on the center line of the wide face of the side rails and shall be of such size as to insure a tight fit for the rung. The shoulder of the rung shall be forced firmly against the side rails and the tenon secured in place with a nail or the equivalent thereof, for the sole purpose of preventing the turning of the rung and maintaining the rung position in the side rail. Ladders used with ladder jacks shall be a 3/16 inch metal tie rod immediately under each rung.

(iv) Round rungs shall be of Group 1 woods (see Table D-5), shall be not less than 1 1/8 inches in diameter for lengths over 36 inches between side rails and 1 1/4 inches in diameter for lengths over 36 up to and including 72 inches, and shall have not less than seven-eighths-inch-diameter tenons, or rungs of equivalent strength and bearing shall be provided. When rungs are 28 inches or more in length between side rails, they shall, in addition, be provided with center bearing.

(v) Oval rungs or rungs of any other cross section may be used provided they are secured by a nail at each end or the equivalent thereof, and have at least the same strength and bearing as round rungs of the same length.

(vi) All metal parts and fittings shall be securely attached by means of rivets, bolts, screws, or equivalent fasteners.

(vii) The construction and assembly of the movable parts shall be such that they shall operate freely and securely without binding or unnecessary play.

(viii) When measured along the side rails, no rung ladder or section thereof shall be more than 4 inches shorter than the specified length.

(ix) Nonslip bases shall be securely bolted, riveted, or attached by equivalent construction to the side rails.

(x) Hooks shall be securely bolted or riveted to the side rails or equivalent construction and shall be of such dimensions as to withstand the loads imposed upon them.

(b) Single ladder.

(i) Single ladders longer than 30 feet shall not be supplied.

(ii) The minimum dimensions of the side rails of the single ladder shall be as follows when made of Group 2 or Group 3 woods:

Length of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 16	1 1/8	2 1/2
Over 16 up to and including 22	1 1/4	2 3/4
Over 22 up to and including 30	1 1/4	3

(iii) Smaller side rails will be acceptable in all ladders of this type when reinforced by a steel wire, rod, or strap running the length of the side rails and adequately secured thereto. Where such reinforcement is used, the reinforced rails shall be equivalent in strength to the side rails specified in this WAC 296-24-78007 (3)(b)(ii).

(iv) The width between the side rails at the base, inside to inside, shall be at least 11 1/2 inches for all ladders up to and including 10 feet. Such minimum widths shall be increased at least one-fourth inch for each additional 2 feet of length.

(c) Two-section ladder.

(i) Two-section extension ladders longer than 60 feet shall not be supplied. All ladders of this type shall consist of two sections, one to fit within the side rails of the other, and arranged in such a manner that the upper section can be raised and lowered.

(ii) The minimum dimensions of the side rails of the two-section extension ladder shall be not less than specified in Table D-4.

(iii) The minimum dimensions of side rails set forth in Table D-4 are based on the maximum working length, which is the size of ladder less the minimum overlap, which shall be as follows:

Size of ladder (feet):	Overlap (feet)
Up to and including 36	3
Over 36 up to and including 48	4
Over 48 up to and including 60	5

(iv) Smaller side rails will be acceptable in all ladders of this type when reinforced by a steel wire, rod, or strap running the length of the side rails and adequately secured thereto. Where such reinforcement is used, the reinforced rails shall be equivalent in strength to the side rails specified in Table D-4.

(v) The minimum distance between side rails of the bottom section, inside to inside, shall be 14 1/2 inches on ladders up to and including 28 feet; 16 inches on all ladders over 28 feet up to and including 40 feet; 18 inches on all ladders over 40 feet.

(vi) Rungs. Rungs shall be of white oak, ash, hickory, or wood of equivalent strength not less than 1 1/8 inches in diameter with at least a 7/8 inch diameter tenon. Where the distance between side rails is more than 28 inches rungs shall be supported in the center. Holes for wood rungs shall either extend through the side rails or be bored to give at least a 13/16 inch length of bearing to the rung tenon. In throughbored construction the rungs shall extend at least flush with the outside rail surface. Holes shall be located on the center line of the wide face of the side rails and shall be of such size as to be a tight fit for the rung. The shoulder of the rung shall be forced firmly against the side rails and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning. A 3/16 inch diameter tie rod shall be placed under each rung.

(vii) All locks and guide irons shall be of metal and shall be of such construction and strength as to develop the full strength of the side rails. All locks shall be positive in their action. The guide irons shall be securely attached and so placed as to prevent the upper section from tipping or falling out while raising, lowering, or in use.

(viii) Ladders of this type may be equipped with a rope and pulley, which shall be securely attached to the ladder in such manner as not to weaken either the rungs or the side rails. The pulley shall be not less than 1 1/4 inches in diameter.

(A) The rope used with the pulley shall be not less than five-sixteenths inch in diameter having a minimum breaking strength of 560 pounds, and shall be sufficient length for the purpose intended.

(d) Sectional ladder.

(i) Assembled combinations of sectional ladders longer than lengths specified in (3)(d)(ii) shall not be used.

(ii) The minimum dimensions of side rails shall be as follows for Group 2 or Group 3 woods:

Assembled length of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 21	1 1/8	2 3/4
Over 21 up to and including 31	1 1/8	3 1/8

TABLE D-4

DIMENSIONS OF SIDE RAILS FOR TWO-SECTION LADDER

Size of ladder, overall length (feet)	Rail	
	Thickness (inches)	Depth (inches)
For group 2 woods		
16	1 1/16	X 2
20	1 1/16	X 2 1/4
24	1 1/16	X 2 1/2
28	1 1/16	X 2 3/4
32	1 1/8	X 2 3/4
36	1 5/16	X 2 3/4
40	1 5/16	X 2 3/4
44	1 5/16	X 3
For group 3 woods		
16	1 1/8	X 2
20	1 1/8	X 2 1/4
24	1 1/8	X 2 1/2
28	1 1/8	X 2 3/4
32	1 5/16	X 2 3/4
36	1 5/16	X 3
40	1 3/8	X 3
44	1 3/8	X 3 1/4
48-52	1 3/8	X 3 3/4
56-60	1 5/8	X 3 3/4

(iii) Ladders of this type shall have either straight sides slightly converging toward the top of each section, or shall have flaring sides at the bottom of the first (or bottom) section, with the top section having converging side rails to a width that shall be not less than 4 inches. Except for the top section, the minimum width between side rails shall be 11 inches.

(A) Adjacent sections shall be jointed by means of a groove in the bottom end of each rail of the upper of the two sections setting firmly over extensions outside the side rails, of the topmost rung of the next lower section and, at the same time, a groove in the top end of each rail of the lower of the two sections setting firmly over the bottom rung, inside the side rails, of the section next above.

(B) The distance between the two rungs (top-most rung of one section, bottom rung of the section next above) mentioned in WAC 296-24-78007 (3)(d)(iii)(A) shall not be less than 1 foot.

(C) The fit between rail grooves and rungs mentioned in WAC 296-24-78007 (3)(d)(iii)(A) shall be such as to provide a good fit without binding or unnecessary play.

(D) The grooved ends of the sections shall be reinforced with a metal plate of not less than 18-gauge (manufacturing standard) material properly secured thereto, and a rivet adjacent to the groove, extending through the depth of the rail, or the equivalent thereof.

(e) Trestle and extension trestle ladder.

(i) Trestle ladders, or extension sections or base sections of extension trestle ladders longer than 20 feet shall not be supplied.

(ii) The minimum dimensions of the side rails of the trestle ladder, or the base sections of the extension trestle ladder, shall be as follows for Group 2 or Group 3 woods.

Size of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 16	1 5/16	2 3/4
Over 16 up to and including 20	1 5/16	3

The minimum dimensions of the side rails of the extension section of the extension trestle ladder, which shall have parallel sides, shall be as follows for Group 2 or Group 3 woods.

Size of ladder (feet)	Thickness (inches)	Depth (inches)
Up to and including 12	1 5/16	2 1/4
Over 12 up to and including 16	1 5/16	2 1/2
Over 16 up to and including 20	1 5/16	2 3/4

(iii) Trestle ladders and base sections of extension trestle ladders shall be so spread that when in an open position the spread of the trestle at the bottom, inside to inside, shall be at least 5 1/2 inches per foot of the length of the ladder.

(iv) The width between the side rails at the base of the trestle ladder and the base sections of the extension trestle ladder shall be at least 21 inches for all ladders and sections up to and including 6 feet. Longer lengths shall be increased at least 1 inch for each additional foot of length. The width between the side rails of the extension sections of the trestle ladder shall be not less than 12 inches.

(v) The tops of the side rails of the trestle ladder and of the base section of the extension trestle ladder shall be beveled or equivalent construction, and shall be provided further with a metal hinge to prevent spreading.

(vi) A metal spreader or locking device to hold the front and back sections in an open position, and to hold the extension section securely in the elevated position, shall be a component of all extension trestle ladders and all trestle ladders over 12 feet in length.

(vii) Rungs shall be parallel and level. On the trestle ladder, or on the base sections of the extension trestle ladder, rungs shall be spaced not less than 8 inches or more than 18 inches apart; on the extension section of the extension trestle ladder, rungs shall be spaced not less than 6 inches or more than 12 inches apart.

(viii) Rungs. Rungs shall be of white oak, ash, hickory, or wood of equivalent strength not less than 1 1/8 inches in diameter with at least a 7/8 inch diameter

tenon. Where the distance between side rails is more than 28 inches rungs shall be supported in the center. Holes for wood rungs shall either extend through the side rails or be bored to give at least a 13/16 inch length of bearing to the rung tenon. In throughbored construction the rungs shall extend at least flush with the outside rail surface. Holes shall be located on the center line of the wide face of the side rails and shall be of such size as to be a tight fit for the rung. The shoulder of the rung shall be forced firmly against the side rails and the tenon secured in place with a nail, or the equivalent thereof, to prevent turning. A 3/16 inch diameter tie rod shall be placed under each rung.

(4) Special-purpose ladders. All special-purpose ladders shall comply with the appropriate requirements of WAC 296-24-78007 (1), (2) and (3), except as hereinafter modified in this subsection.

(a) Platform stepladder. A platform stepladder is a modification of a portable stepladder with a working platform provided near the top.

(i) Platform stepladders shall be made in accordance with the requirements of Type I stepladders or in accordance with the requirements for Type II stepladders.

(ii) The slope of the back section shall be such that a vertical from the back edge of the platform will strike the floor at a distance measured toward the front section of not less than 3 inches from the base of the back section.

(iii) The minimum width between side rails at the platform shall be not less than 15 inches.

(iv) The back legs and side rails shall extend at least 24 inches above the platform and shall be connected with a top member to form a three-sided rail, or equivalent construction shall be provided.

(v) Platforms shall be so constructed as to be capable of supporting a load of 200 pounds placed at any point on the platform.

(vi) A separate spreader may be omitted from platform ladders in which the height to the platform is 6 feet or less. If the spreader is omitted, the platform shall be so designed as to function as a spreader or locking device to hold the front and back sections securely in an open position, with the connection between side rails and back legs being through the metal parts of the platform. The wood parts of a combined wood and metal platform functioning as a spreader shall not be depended upon to contribute to the spreading or locking action.

(b) Painter's stepladder.

(i) Painter's stepladders longer than 12 feet shall not be supplied.

(ii) Painter's stepladders shall be made in accordance with the requirements of Type II stepladders except for the following:

(A) The top may be omitted.

(B) A rope spreader may be substituted for the metal spreader required in WAC 296-24-78007 (2)(a)(vi). The rope shall not be less than No. 6 sash cord or its equivalent.

(c) Mason's ladder. A mason's ladder is a special type of single ladder intended for use in heavy construction work.

(i) Mason's ladders longer than 40 feet shall not be supplied.

(ii) The minimum dimensions of the side rails when made of Group 2 or Group 3 woods and rungs (Group 1 woods) of the mason's ladder shall be as follows:

Length of ladder (feet)	Side rails		Diameter	
	Thickness (inches)	Depth (inches)	Rung (inches)	Tenon (inches)
Up to and including 22	1 5/8	3 5/8	1 3/8	1
Over 22 up to and including 40	1 5/8	4 1/2	1 3/8	1

(iii) The width between the side rails at the bottom rung, inside to inside, shall be not less than 12 inches for all ladders up to and including 10 feet. Such minimum widths shall be increased by at least one-fourth inch for each additional 2 feet of length.

(iv) Rungs shall be parallel and level and shall be spaced not less than 8 inches or more than 12 inches apart.

(5) Trolley and side-rolling ladders.

(a) Length. Trolley ladders and side-rolling ladders longer than 20 feet should not be supplied.

(b) Dimensions. The dimensions of the side rails shall not be less than the following for Group 2 or Group 3 woods.

Length of side rails (feet)	Thickness (inch)	Depth (inches)
Up to and including 10	3/4	3
Over 10 up to and including 20	3/4	3 3/4

The minimum thicknesses of side rails provide for the cutting of a groove not over one-eighth inch in depth and shall be increased when grooves of greater depth are used. Flat steps shall have the following minimum dimensions for Group 2 or Group 3 woods.

Length of side rails (feet)	Thickness (inch)	Depth (inches)
Up to and including 16	3/4	3
Over 16 up to and including 20	3/4	3 1/4
Over 20 up to and including 24	3/4	3 1/2
Over 24 up to and including 28	3/4	4

(c) Width. The width between the side rails, inside to inside, shall be at least 12 inches.

(d) Step attachment. Flat steps shall be inset in the side rails one-eighth inch and secured with at least two 6-d nails at each end or the equivalent thereof. They shall be reinforced with angle braces or a 3/16-inch steel rod.

(e) Locking device. Locking devices should be provided on all trolley ladders.

(f) Tracks.

(i) Tracks shall be wood, or metal (excluding cast iron), or a combination of these materials.

(ii) Tracks for the top end of ladders shall be fastened securely and shall be so constructed that the wheels will not jump the track. Tracks shall be so designed as to provide for all probable loads to which they will be subjected.

(iii) The supports shall be securely fastened by the lag screws, machine, hook, or toggle bolts, or their equivalent.

(iv) Track for side-rolling ladders shall be supported by metal or wood brackets securely screwed or bolted to shelving or other permanent structure at not over 3 feet.

(g) Wheel carriages.

(i) Wheel carriages shall be so designed as to provide for all loads to which they will be subjected. Two-point suspension should be used.

(ii) The wheel carriage for the top end of the ladder shall be securely fastened to the top of the ladder with metal brackets bolted either to the side rails or to the top step. When bolted to the top step, this step shall be secured to the side rails with metal braces in addition to those otherwise provided. The wheel carriage shall be so designed that a loose or broken wheel will not allow the ladder to drop or become detached from the track.

(iii) The wheel carriage for the bottom end of the ladder shall be securely fastened to the bottom of the ladder.

(iv) The wheels at the upper end of the ladder shall have minimum wheel base of 8 inches.

(v) When wheels are used at the bottom of the ladder, there shall be at least one wheel supporting each side rail.

(vi) Running gear for bottoms of both trolley and side-rolling ladders shall be so designed and constructed as to provide for any load to which they will be subjected.

(6) Jacob's ladders. Portable type ladders fabricated with side rails of rope, wire, chain, etc., and having rigid rungs. Care and use shall be as follows:

(a) Jacob's ladders shall not be used in lengths longer than 30 feet.

(b) Side rails shall be fabricated from rope, metal bars, wire, chain, or material of substantial construction.

(c) Rungs shall be evenly spaced from 12 to 16 inches apart and not less than 16 inches in length.

(d) Rungs shall be fabricated from wood, metal, or other substantial construction and be securely fastened to the side rails.

(e) The assembled ladder and its means of suspension shall be capable of supporting a minimum of 500 pounds with a safety factor of 5 to 1, unless the side rails are of manila rope which requires a safety factor of 10 to 1.

(f) Care and use of Jacob's ladders shall be in accordance with the applicable portions of WAC 296-24-78009.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-81003 DESIGN REQUIREMENTS. (1) Design considerations. All ladders, appurtenances, and fastenings shall be designed to meet the following load requirements:

(a) The minimum design live load shall be a single concentrated load of 200 pounds.

(b) The number and position of additional concentrated live-load units of 200 pounds each as determined from anticipated usage of the ladder shall be considered in the design.

(c) The live loads imposed by persons occupying the ladder shall be considered to be concentrated at such points as will cause the maximum stress in the structural member being considered.

(d) The weight of the ladder and attached appurtenances together with the live load shall be considered in the design of rails and fastenings.

(2) Design stresses.

(a) Design stresses for wood components of ladders shall not exceed those specified in WAC 296-24-78001 through 296-24-79507. All wood parts of fixed ladders shall meet the requirements of WAC 296-24-78005.

(b) For fixed ladders consisting of wood side rails and wood rungs or cleats, used at a pitch in the range 75 degrees to 90 degrees, and intended for use by no more than one person per section, single ladders as described in WAC 296-24-78007 (3)(b) are acceptable.

(3) Fixed embedded steps. Individual fixed steps used for access or egress, embedded in the walls of risers or the conical top sections of manholes shall be safe, well constructed, and installed in accordance with good engineering practices. Appurtenances penetrating the manhole walls are prohibited.

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-82503 GENERAL REQUIREMENTS FOR ALL SCAFFOLDS. (1) Scaffolds shall be furnished and erected in accordance with this standard for persons engaged in work that cannot be done safely from the ground or from solid construction, except that ladders used for such work shall conform to WAC 296-24-780 through 296-24-78009 and 296-24-795 through 296-24-79507.

(2) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks shall not be used to support scaffolds or planks.

(3) Guardrails and toeboards shall be installed on all open sides and ends of platforms more than 8 feet above the ground or floor except:

(a) Scaffolding wholly within the interior of a building and covering the entire floor area of any room therein and not having any side exposed to a hoistway, elevator shaft, stairwell, or other floor openings, and

(b) Needle-beam scaffolds and floats in use by structural iron workers.

(4) Guardrails should all be 2 x 4 inches or the equivalent, installed no less than 36 inches or not more than 42 inches high, with a midrail, when required, of 1(=) x 4(=)inch nominal lumber or equivalent. Supports should be at intervals not to exceed ten feet. Toeboards shall be a minimum of 4 inches nominal lumber in height.

((4)) (5) Factory-built (laminated) scaffold planks meeting the requirements of wood scaffold planks may be substituted for wood scaffold planks.

(6) Scaffolds and their components shall be capable of supporting without failure at least four times the maximum intended load.

((5)) (7) Scaffolds and other devices mentioned or described in these standards shall be maintained in safe condition. Scaffolds shall not be altered or moved horizontally while they are in use or occupied.

((6)) (8) Any scaffold damaged or weakened from any cause shall be immediately repaired and shall not be used until repairs have been completed.

((7)) (9) Scaffolds shall not be loaded in excess of the working load for which they are intended.

((8)) (10) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 f. (stress grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements. (NOTE: Where nominal sizes of lumber are used in place of rough sizes the nominal size lumber shall be such as to provide equivalent strength to that specified in Tables D-7 through D-12 and D-16.)

((9)) (11) All planking shall be Scaffold Grade as recognized by grading rules for the species of wood used. The maximum permissible spans for 2- x 9-inch or wider planks are shown in the following table:

	Material				
	25	50	75	25	50
Working load (p.s.f.)	25	50	75	25	50
Permissible span (ft.)	10	8	6	8	6

The maximum permissible span for 1 1/4 x 9-inch or wider plank of full thickness is 4 feet with medium loading of 50 p.s.f.

((10)) (12) Nails or bolts used in the construction of scaffolds shall be of adequate size and in sufficient numbers at each connection to develop the designed strength of the scaffold. Nails shall not be subjected to a straight pull and shall be driven full length.

((11)) (13) All planking or platforms shall be overlapped (minimum 12 inches) or secured from movement.

((12)) (14) An access ladder or equivalent safe access shall be provided.

((13)) (15) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 18 inches.

((14)) (16) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

TABLE D-7

MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS LIGHT DUTY

	Maximum height of scaffold	
	20 feet	60 feet
Uniformly distributed load	Not to exceed 25 pounds per square foot.	
Poles or uprights	2 by 4 in.	4 by 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.	10 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.	5 ft. 0 in.
Bearers or putlogs to 3 ft. 0 in. width	2 by 4 in.	2 by 4 in.
Bearers or putlogs to 5 ft. 0 in. width	2 by 6 in. or 3 by 4 in.	2 by 6 in. or 3 by 4 in. (rough)
Ledgers	1 by 4 in.	1 1/4 by 9 in.
Planking	1 1/4 by 9 in. (rough)	2 by 9 in.
Vertical spacing of horizontal members	7 ft. 0 in.	7 ft. 0 in.
Bracing, horizontal and diagonal	1 by 4 in.	1 by 4 in.
Tie-ins	1 by 4 in.	1 by 4 in.
Toeboards	4 in. high (minimum)	4 in. high (minimum)
Guardrail	2 by 4 in.	2 by 4 in.

All members except planking are used on edge.

TABLE D-8

MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS MEDIUM DUTY

Uniformly distributed load	Not to exceed 50 pounds per square foot.
Maximum height of scaffold	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal)	8 ft. 0 in.

TABLE D-8

MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS MEDIUM DUTY

Maximum width of scaffold	5 ft. 0 in.
Bearers or putlogs	2 by 9 in. or 3 by 4 in.
Spacing of bearers or putlogs	8 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members	9 ft. 0 in.
Bracing, horizontal	1 by 6 in. or 1 1/4 by 4 in.
Bracing, diagonal	1 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum)
Guardrail	2 by 4 in.

All members except planking are used on edge.

TABLE D-9

MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF SINGLE POLE SCAFFOLDS HEAVY DUTY

Uniformly distributed load	Not to exceed 75 pounds per square foot.
Maximum height of scaffold	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.
Maximum width of scaffold	5 ft. 0 in.
Bearers or putlogs	2 by 9 in. or 3 by 5 in. (rough).
Spacing of bearers or putlogs	6 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members	6 ft. 6 in.
Bracing, horizontal and diagonal	2 by 4 in.
Tie-ins	1 by 4 in.
Planking	2 by 9 in.
Toeboards	4 in. high (minimum).
Guardrail	2 by 4 in.

All members except planking are used on edge.

TABLE D-10

MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS LIGHT DUTY

	Maximum height of scaffold	
	20 feet	60 feet
Uniformly distributed load	Not to exceed 25 pounds per square foot.	
Poles or uprights	2 by 4 in.	4 by 4 in.
Pole spacing (longitudinal)	6 ft. 0 in.	10 ft. 0 in.
Pole spacing (transverse)	6 ft. 0 in.	10 ft. 0 in.
Ledgers	1 1/4 by 4 in.	1 1/4 by 9 in.
Bearers to 3 ft. 0 in. span	2 by 4 in.	2 by 4 in.
Bearers to 10 ft. 0 in. span	2 by 6 in. or 3 by 4 in.	2 by 9 (rough) or 3 by 8 in.
Planking	1 1/4 by 9 in.	2 by 9 in.
Vertical spacing of horizontal members	7 ft. 0 in.	7 ft. 0 in.
Bracing, horizontal and diagonal	1 by 4 in.	1 by 4 in.
Tie-ins	1 by 4 in.	1 by 4 in.
Toeboards	4 in. high	4 in. high (minimum).
Guardrail	2 by 4 in.	2 by 4 in.

All members except planking are used on edge.

TABLE D-11

MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS MEDIUM DUTY

Uniformly distributed load	Not to exceed 50 pounds per square foot.
Maximum height of scaffold	60 ft.
Poles or uprights	4 by 4 in.
Pole spacing (longitudinal)	8 ft. 0 in.
Pole spacing (transverse)	8 ft. 0 in.
Ledgers	2 by 9 in.
Vertical spacing of horizontal members	6 ft. 0 in.
Spacing of bearers	8 ft. 0 in.
Bearers	2 by 9 in. rough or 2 by 10 in.
Bracing, horizontal	1 by 6 in. or 1 1/4 by 4 in.

TABLE D-11

MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS MEDIUM DUTY

Bracing, diagonal —	1 by 4 in.
Tie-ins —	1 by 4 in.
Planking —	2 by 9 in.
Toeboards —	4 in. high (minimum).
Guardrail —	2 by 4 in.

All members except planking are used on edge.

TABLE D-12

MINIMUM NOMINAL SIZE AND MAXIMUM SPACING OF MEMBERS OF INDEPENDENT POLE SCAFFOLDS HEAVY DUTY

Uniformly distributed load —	Not to exceed 75 pounds per square foot.
Maximum height of scaffold —	60 ft.
Poles or uprights —	4 by 4 in.
Pole spacing (longitudinal) —	6 ft. 0 in.
Pole spacing (transverse) —	8 ft. 0 in.
Ledgers —	2 by 9 in.
Vertical spacing of horizontal members —	4 ft. 6 in.
Bearers —	2 by 9 in. (rough).
Bracing, horizontal and diagonal —	2 by 4 in.
Tie-ins —	1 by 4 in.
Planking —	2 by 9 in.
Toeboards —	4 in. high (minimum).
Guardrail —	2 by 4 in.

All members except planking are used on edge.

~~((15))~~ (17) Materials being hoisted onto a scaffold shall have a tag line.

~~((16))~~ (18) Overhead protection shall be provided for workmen working on a scaffold when they are exposed to overhead hazards.

~~((17))~~ (19) Scaffolds shall be provided with a screen between the toe board and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard Wire one-half-inch mesh or the equivalent, where persons are required to work or pass under the scaffolds.

~~((18))~~ (20) Employees shall not work on scaffolds during storms or high winds.

~~((19))~~ (21) Employees shall not work on scaffolds which are covered with ice or snow.

~~((20))~~ (22) Tools, materials, and debris shall not be allowed to accumulate in quantities to cause a hazard.

~~((21))~~ (23) Only treated or protected fiber rope shall be used for or near any work involving the use of corrosive substances or chemicals.

~~((22))~~ (24) Wire or fiber rope used for scaffold suspension shall be capable of supporting at least six times the intended load.

~~((23))~~ (25) When acid solutions are used for cleaning buildings over 50 feet in height, wire rope supported scaffolds shall be used.

~~((24))~~ (26) The use of shore scaffolds or leanto scaffolds is prohibited.

~~((25))~~ (27) Lumber sizes, when used in WAC 296-24-82505 through 296-24-82545, refer to nominal sizes except where otherwise stated.

~~((26))~~ (28) Scaffolds shall be secured to permanent structures, through use of anchor bolts, reveal bolts, or other equivalent means. Window cleaners' anchor bolts shall not be used.

~~((27))~~ (29) Special precautions shall be taken to protect scaffold members, including any wire or fiber ropes, when using a heat-producing process.

~~((28))~~ (30) When rope falls are used to support swinging scaffolding, the rope falls shall be of sufficient length to reach the ground. Lengthening rope falls by typing on additional lengths shall be prohibited.

~~((29))~~ (31) When screw shackles are used to support staging, etc., the pin must be wired or pinned so that the shackle will not become unscrewed by strain or stress.

~~((30))~~ (32) All hooks on blocks used for raising scaffolding shall be provided with a safety latch or be "moused at the throat" to prevent the hook from becoming dislodged.

~~((31))~~ (33) Lifelines size shall be 3/4 inch manila rope or equivalent with a minimum breaking strength of 5400 pounds. Safety belt lanyards shall be a minimum of 1/2 inch nylon or equivalent with a maximum length to provide for a fall of no greater than 6 feet. This rope shall have a minimum breaking strength of 5400 pounds.

AMENDATORY SECTION (Amending Order 86-24, filed 5/6/86)

WAC 296-52-417 DEFINITIONS. Definitions as used in this chapter, unless a different meaning is plainly required by the context:

(1) "Attend" means the physical presence of an authorized person within the field of vision of explosives. The said attendant shall be awake, alert and not engaged in activities which may divert his attention so that in case of an emergency he can get to the explosives quickly and without interference, except for brief periods of necessary absence, during which absence simple theft of explosives is not ordinarily possible.

(2) "Authorized," "approved" or "approval" means authorized, approved, or approval by the department of labor and industries or other approving agency or individual as specified by the provisions of this chapter.

(3) "Barricaded" means the effective screening of a building containing explosives from a magazine or other building, railway, or highway by a natural or an artificial barrier. A straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine or other building or to a point twelve feet above the center of a railway or highway shall pass through such barrier.

(4) "Blast area" means the area of a blast within the influence of flying rock missiles, gases, and concussion.

(5) "Blast pattern" means the plan of the drill holes laid out on a bench; an expression of the burden distance and the spacing distance and their relationship to each other.

(6) "Blast site" means the area where explosive material is handled during loading, including the perimeter of blast holes and 50 feet in all directions from loaded holes or holes to be loaded. In underground mines 15 feet of solid rib or pillar can be substituted for the 50 foot distance.

(7) "Blaster" means that qualified person in charge of and responsible for the loading and firing of a blast.

(8) "Blasting agent" means any material or mixture consisting of a fuel and oxidizer, intended for blasting, not otherwise classified as an explosive, and in which none of the ingredients are classified as an explosive, provided that the finished product, as mixed and packaged for use or shipment, cannot be detonated when unconfined by means of a No. 8 test blasting cap.

(9) "Day box" means a box which is not approved as a magazine for unattended storage of explosives. Such box may be used for storage of explosives during working hours on a job site, provided that it shall always be guarded against theft, particularly in inhabited areas, and shall be attended or locked and secured against outright lifting, as the risk demands. Caps shall be safely separated from other explosives. Such day boxes shall be marked with the word "explosives(-)" and be constructed in accordance with WAC 296-52-457(7).

(10) "Dealer" means any person who purchases explosives or blasting agents for the sole purpose of resale, and not for use or consumption.

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

(12) "Detonating cord" means a round, flexible cord containing a center core of high explosive and used to initiate other explosives.

(13) "Detonator" means any device containing any initiating or primary explosive that is used for initiating detonation. The term includes, but is not limited to, electric blasting caps of instantaneous and delay types, blasting caps for use with safety fuses, detonating cord delay connectors, and nonelectric instantaneous and delay blasting caps which use detonating cord, shock tube, or any other replacement for electric leg wires.

(14) "Director" means the director of the department of labor and industries, or his designated representative.

(15) "Division" means the division of industrial safety and health of the department.

(16) "Efficient artificial barricade" means an artificial mound or properly revetted wall of earth of a minimum thickness of not less than three feet or such other artificial barricade as approved by the department of labor and industries.

(17) "Explosive" or "explosives" whenever used in this chapter means any chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in

such proportions, quantities or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life or limb. In addition, the term "explosives" shall include all material which is classified as Class A, Class B, and Class C explosives by the federal Department of Transportation: PROVIDED, That for the purposes of this chapter small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds, and black powder not exceeding five pounds shall not be defined as explosives: PROVIDED, That such black powder is intended to be used solely for sporting, recreational, or cultural purposes in antique firearms. Classification of explosives shall include but not be limited to the following:

Note: Classification of explosives is described by the U.S. Department of Transportation as follows (see 49 CFR, Parts 100-199) (1984):

- (a) Class A explosives: (Possessing detonating hazard) dynamite, nitroglycerin, picric acid, lead azide, fulminate of mercury, black powder exceeding five pounds, blasting caps in quantities of 1001 or more, and detonating primers.
- (b) Class B explosives: (Possessing flammable hazard) propellant explosives, including smokeless propellants exceeding fifty pounds.
- (c) Class C explosives: (Including certain types of manufactured articles which contain Class A or Class B explosives, or both, as components but in restricted quantities) blasting caps in quantities of 1000 or less.

(18) "Explosive-actuated power devices" means any tool or special mechanized device which is actuated by explosives, but not to include propellant-actuated power devices.

(19) "Explosives manufacturing building" means any building or other structure (excepting magazines) containing explosives, in which the manufacture of explosives, or any processing involving explosives, is carried on, and any building where explosives are used as a component part or ingredient in the manufacture of any article or device.

(20) "Explosives manufacturing plant" means all lands, with the buildings situated thereon, used in connection with the manufacturing or processing of explosives or in which any process involving explosives is carried on, or the storage of explosives thereat, as well as any premises where explosives are used as a component part or ingredient in the manufacture of any article or device.

(21) "Factory building" means the same as "manufacturing building."

(22) "Forbidden or not acceptable explosives" means explosives which are forbidden or not acceptable for transportation by common carriers by rail freight, rail express, highway, or water in accordance with the regulations of the federal Department of Transportation.

(23) "Fuel" means a substance which may react with oxygen to produce combustion.

(24) "Fuse cap (fuse detonator)" means a detonator which is initiated by a safety fuse; also referred to as an ordinary blasting cap.

(25) "Fuse (safety)" means a flexible cord containing an internal burning medium by which fire or flame is conveyed at a continuous and uniform rate from the point of ignition to the point of use, usually a fuse detonator.

(26) "Handler" means any person/individual who handles explosives for purposes of transporting, moving, or assisting a licensed user (blaster) in loading, firing, blasting, or disposing of explosives and blasting agents. This does not include employees of a licensed manufacturer engaged in manufacturing process, drivers of common carriers or contract haulers.

(27) "Handloader" means any person who engages in the noncommercial assembling of small arms ammunition for his own use, specifically the operation of installing new primers, powder, and projectiles into cartridge cases.

(28) "Handloader components" means small arms ammunition, small arms ammunition primers, smokeless powder not exceeding fifty pounds, and black powder as used in muzzle loading firearms not exceeding five pounds.

(29) "Highway" means any public street, public alley, or public road.

(30) "Inhabited building" means only a building regularly occupied in whole or in part as a habitation for human beings, or any church, schoolhouse, railroad station, store, or other building where people are accustomed to assemble, other than any building or structure occupied in connection with the manufacture, transportation, storage, or use of explosives.

The magazine for indoor storage is not required to be a cubic yard in size as long as it is constructed as stated in WAC 296-52-090(3).

The interpretation of an uninhabited building as defined by the "Bureau of Alcohol, Tobacco, and Firearms" Department of the Treasury, which is the federal regulatory agency of explosives, allows 50 pounds of high explosives or 5,000 caps in a warehouse, wholesale, or retail establishments. It also states: "No indoor facilities for storage of high explosive shall be located in a residence or dwelling."

We only allow 1,000 caps, which is computed to 1-1/2 pounds of explosives and is much less than the Bureau of Alcohol, Tobacco, and Firearms allows. Therefore, the department will allow indoor storage to include shops and maintenance buildings.

(31) "Magazine" means any building, structure or container, other than an explosive manufacturing building, approved for the storage of explosive materials.

(32) "Manufacturer" means any person engaged in the business of manufacturing explosive materials for purposes of sale, distribution, or use.

(33) "Motor vehicle" means any self-propelled automobile, truck, tractor, semitrailer or full trailer, or other conveyance used for the transportation of freight.

(34) "Mudcap" means covering the required number of cartridges that have been laid on top of a boulder with a three or four inch layer of mud (free from rocks or other material which might constitute a missile hazard). Mudcapping is also commonly known as "bulldozing" and "dobyng."

(35) "Natural barricade" means any natural hill, mound, wall, or barrier composed of earth or rock or other solid material of a minimum thickness of not less than three feet.

(36) "Oxidizer" means a substance that yields oxygen readily to stimulate the combustion of organic matter or other fuel.

(37) "Permanent magazines" means magazines that are permanently fastened to a foundation and that are left unattended. The capacity of said permanent magazines shall not exceed the limits stated in RCW 70.74-.040. Permanent magazines shall be approved and licensed.

(38) "Person" means any individual, firm, copartnership, corporation, company, association, joint stock association, and including any trustee, receiver, assignee, or personal representative thereof.

(39) "Person responsible," for an explosives magazine, means the legal person who actually operates the magazine and who is responsible for the proper storage, protection and removal of the explosives. The responsible person may be the owner or the lessee or the authorized operator of the magazine.

(40) "Portable magazines" also called "field" magazines means magazines that are designed to be unattended and that are not permanently fastened to a foundation. Said magazines shall be so constructed or secured that they can not be readily lifted and carried away by unauthorized persons. The capacity of said portable magazines shall be limited to the amount of explosives required for efficient operation. Portable magazines shall be approved and licensed.

(41) "Possess" means the physical possession of explosives in one's hand, vehicle, magazine or building.

(42) "Primer" means a unit, package, cartridge, or explosive used to initiate other explosives or blasting agents.

(43) "Propellant-actuated power device" means any tool or special mechanized device or gas generator system which is actuated by a propellant or which releases and directs work through a propellant charge.

(44) "Public conveyance" means any railroad car, streetcar, ferry, cab, bus, airplane, or other vehicle which is carrying passengers for hire.

(45) "Public utility transmission system" means power transmission lines over 751 volts, telephone cables, or microwave transmission systems, or buried or exposed pipelines carrying water, natural gas, petroleum, or crude oil, or refined products and chemicals, whose services are regulated by the utilities and transportation commission, municipal, or other publicly owned systems.

(46) "Purchaser" means any person who buys, accepts, or receives any explosives or blasting agents.

(47) "Pyrotechnics" means any combustible or explosive compositions or manufactured articles designed and prepared for the purpose of producing audible or visible effects which are commonly referred to as fireworks.

(48) "Railroad" means any steam, electric, or other railroad which carries passengers for hire.

(49) "Railroad freight car" means cars that are built for and loaded with explosives and operated in accordance with DOT rules.

(50) "Semiconductive hose" means a hose with an electrical resistance high enough to limit flow of stray electric currents to safe levels, yet not so high as to prevent drainage of static electric charges to ground; hose of not more than 2 megohms resistance over its entire length and of not less than 5,000 ohms per foot meets the requirement.

(51) "Shall" means that the rule establishes a minimum standard which is mandatory.

(52) "Small arms ammunition" means any shotgun, rifle, pistol, or revolver cartridge, and cartridges for propellant-actuated power devices and industrial guns. Military-type ammunition containing explosive bursting charges, incendiary, tracer, spotting, or pyrotechnic projectiles is excluded from this definition.

(53) "Small arms ammunition primers" means small percussion-sensitive explosive charges encased in a cap or capsule and used to ignite propellant powder and shall include percussion caps as used in muzzle loaders.

(54) "Smokeless propellants" means solid chemicals or solid chemical mixtures in excess of fifty pounds which function by rapid combustion.

(55) "Special industrial explosive devices" means explosive-actuated power devices and propellant-actuated power devices.

(56) "Special industrial explosives materials" means shaped materials and sheet forms and various other extrusions, pellets, and packages of high explosives, which include dynamite, trinitrotoluene (TNT), pentaerythritol tetranitrate (PETN), hexahydro-1, 3, 5-trinitro-s-triazine (RDX), and other similar compounds used for high-energy-rate forming, expanding, and shaping in metal fabrication, and for dismemberment and quick reduction of scrap metal.

(57) "Sprung holes" means to spring or chamber the bottom of the drilled hole to allow room for additional explosives as a bottom load.

(58) "Trailer" means semitrailers or full trailers as defined by DOT, that are built for and loaded with explosives and operated in accordance with DOT rules.

(59) "Unclassified explosives" means any two components which, when mixed become capable of detonation by a No. 6 test blasting cap.

(60) "User" means any natural person, manufacturer, or blaster who acquires, purchases, or uses explosives as an ultimate consumer or who supervises such use.

(61) "Water gels or slurry explosives" comprise a wide variety of materials used for blasting. They all contain substantial proportions of water and high proportions of ammonium nitrate, some of which is in solution in the water. Two broad classes of water gels are:

(a) Those which are sensitized by a material classed as an explosive, such as TNT or smokeless powder,

(b) Those which contain no ingredient classified as an explosive; these are sensitized with metals such as aluminum or with other fuels. Water gels may be premixed at an explosives plant or mixed at the site immediately before delivery into the bore hole.

(62) "DOT specification" are regulations of the Department of Transportation published in 49 CFR Chapter I.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-52-419 BASIC LEGAL OBLIGATIONS. (1) It is unlawful for any person to manufacture, purchase, sell, use, or store any explosive without having a validly issued license from the department of labor and industries which license has not been revoked or suspended. Violation of this section is a gross misdemeanor.

(2) Upon notice from the department of labor and industries or any law enforcement agency having jurisdiction, a person manufacturing, purchasing, selling, using, or storing any explosives without a license shall immediately surrender any and all such explosives to the department or to the respective law enforcement agency.

(3) At any time that the director of labor and industries requests the surrender of explosives from any person pursuant to subsection (2) of this section, the director may in addition request the attorney general to make application to the superior court of the county in which the unlawful practice exists for a temporary restraining order or such other relief as appears to be appropriate under the circumstances.

(4) Miscellaneous provisions - general hazard. No person shall store, handle, or transport explosives or blasting agents when such storage, handling, and transportation of explosives or blasting agents constitutes an undue hazard to life.

AMENDATORY SECTION (Amending Order 86-24, filed 5/6/86)

WAC 296-52-461 STORAGE OF EXPLOSIVES.

(1) General. All Class A, Class B, Class C explosives, and special industrial explosives, and any newly developed and unclassified explosives, shall be kept in magazines which meet the requirements as defined in chapter 70.74 RCW and chapter 296-52 WAC, unless they are in the process of manufacture, being physically handled in the operating process, being used or being transported to a place of storage or use. No explosives and no detonators (blasting caps) in quantities of 1,001 or more shall be stored in any building or structure except a Class 1, permanent, magazine that has been approved and licensed.

Note 1: Separate storage of components capable of detonation when mixed. Any two components which, when mixed, become capable of detonation by a number 6 cap must be stored in separate locked containers or in a licensed, approved magazine.

Note 2: Electromagnetic radiation. Blasting operations or storage of electrical detonators shall be prohibited in vicinity of operating radio frequency (RF) transmitter stations except where the clearances, as referenced in WAC 296-52-493(g), can be observed.

Note 3: Blasting caps, electric blasting caps, detonating primers and primed cartridges shall not be stored in the same magazine with other explosives.

(2) Quantity restrictions. Explosive materials in excess of 300,000 pounds or blasting caps in excess of 20,000,000 shall not be stored in one storage magazine.

(3) Inventory and responsibility.

(a) Magazines shall be in the charge of a competent person at all times who shall be at least twenty-one years of age, and who shall be held responsible for the enforcement of all safety precautions.

(b) All explosives shall be accounted for at all times. Explosives not being used shall be kept in a locked magazine, unavailable to persons not authorized to handle them. The employer shall maintain an inventory and use record of all explosives.

(c) Appropriate authorities shall be notified of any loss, theft, or unauthorized entry into a magazine.

(4) Surrounding area.

(a) ~~((Smoking, matches, open flames, spark-producing devices, and))~~ Firearms (except firearms carried by guards) shall not be permitted inside of or within 50 feet of magazines.

(b) The land surrounding a magazine shall be kept clear of all combustible materials, brush, dried grass, leaves and other materials for a distance of at least 25 feet.

(c) Combustible materials shall not be stored within 50 feet of magazines.

(d) Smoking, matches, open flames, and spark-producing devices are not permitted:

(i) In any magazine;

(ii) Within 50 feet of any outdoor magazine; or

(iii) Within any room containing an indoor magazine.

(5) Signs. The premises on which a magazine is located shall be conspicuously marked with signs containing the words "EXPLOSIVES - KEEP OFF" in letters at least three inches high. Such signs shall warn any person approaching the magazine of the presence of explosives, but shall be so located that a bullet passing directly through the face of the sign will not strike the magazine.

(6) Temporary storage at a site for blasting operations shall be located away from neighboring inhabited buildings, railways, highways, and other magazines. A distance of at least one hundred and fifty feet shall be maintained between magazines and the work in progress when the quantity of explosives kept therein is in excess of 25 pounds, and at least 50 feet when the quantity of explosives is 25 pounds or less.

(7) Explosives recovered from blasting misfires shall be placed in a separate magazine until competent personnel has determined from the manufacturer the method of disposal. Caps recovered from blasting misfires shall not be reused. Such explosives and caps shall then be disposed of in the manner recommended by the manufacturer.

(8) Storage within magazines.

(a) Packages of explosives shall be laid flat with top side up. Black powder when stored in magazines with other explosives shall be stored separately. Black powder stored in kegs shall be stored on ends, bungs down, or on side, seams down. Corresponding grades and brands shall be stored together in such a manner that brands and grade marks show. All stocks shall be stored so as to be easily counted and checked. Packages of explosives shall be piled in a stable manner. When any kind of explosive is removed from a magazine for use, the oldest explosive of that particular kind shall always be taken first.

(b) Packages of explosives shall not be unpacked or repacked in a magazine nor within 50 feet of a magazine or in close proximity to other explosives.

(c) Tools used for opening packages of explosives shall be constructed of nonsparking materials, except that nonsparking metallic slitters may be used for opening fiberboard boxes. A wood wedge and a fiber, rubber, or wood mallet shall be used for opening or closing wood packages of explosives. Opened packages of explosives shall be securely closed before being returned to a magazine.

~~((c))~~ (d) Magazines shall not be used for the storage of any metal tools nor any commodity except explosives, but this restriction shall not apply to the storage of blasting agents and blasting supplies.

~~((d))~~ (e) Magazine floors shall be regularly swept, kept clean, dry, free of grit, paper, empty used packages, and rubbish. Brooms and other cleaning utensils shall not have any spark-producing metal parts. Sweepings from floors of magazines shall be properly disposed of. Magazine floors stained with nitroglycerin shall be cleaned according to instructions by the manufacturer.

~~((e))~~ (f) When any explosive has deteriorated to an extent that it is in an unstable or dangerous condition, or if nitroglycerin leaks from any explosives, then the person in possession of such explosive shall immediately proceed to destroy such explosive in accordance with the instructions of the manufacturer. Only experienced persons shall be allowed to do the work of destroying explosives.

~~((f))~~ (g) When magazines need inside repairs, all explosives shall be removed therefrom and the floors cleaned. In making outside repairs, if there is a possibility of causing sparks or fire the explosives shall be removed from the magazine. Explosives removed from a magazine under repair shall either be placed in another magazine or placed a safe distance from the magazine where they shall be properly guarded and protected until repairs have been completed, when they shall be returned to the magazine.

(9) Underground storage.

(a) Explosives and related materials shall be stored in approved facilities required under the provisions of chapter 296-52 WAC.

(b) No explosives or blasting agents shall be permanently stored in any underground operation until the operation has been developed to the point where at least two modes of exit have been developed.

(c) Permanent underground storage magazines shall be at least 300 feet from any shaft, adit, or active underground working area.

(d) Permanent underground magazines containing detonators shall not be located closer than 50 feet to any magazine containing other explosives or blasting agents.

(e) Upon the approach of an electrical storm, unless a greater hazard would be created thereby, explosives at the adit or the top of any shaft leading to where persons are working shall be moved away from such location a distance equal to that required for inhabited buildings, as listed in the American table of distances for storage of explosive materials.

(10) All explosive manufacturing buildings and magazines in which explosives or blasting agents, except small arms ammunition and smokeless powder are had, kept, or stored, must be located at distances from inhabited buildings, railroads, highways, and public utility transmission systems in conformity with the following quantity and distance tables, and these tables shall be the basis on which applications for license for storage shall be made and license for storage issued, as provided in RCW 70.74.110 and 70.74.120. ~~((All distances prescribed in the following quantity and distance tables are unbarricaded, and, if there is an efficient artificial barricade or natural barricade between the explosives manufacturing building or magazine and another explosives manufacturing building or magazine, building, railroad, highway, or public utility transmission system, the distance prescribed in the following quantity and distance tables may be reduced by one-half.))~~ Blasting and electric blasting caps in strength through number 8 should be rated as one and one-half pounds of explosives per one thousand caps. Blasting and electric blasting caps of strength higher than number 8 should be computed on the combined weight of explosives.

TABLE H-20
TABLE OF DISTANCES FOR STORAGE OF EXPLOSIVES

Column 1 Quantity that may be had, kept or stored		Column 2 Distance From Nearest Inhabited Building		Column 3 Distance from Nearest Railroad		Column 4 Distance from Nearest Highway & Pub. Util. Trans. System	
EXPLOSIVES							
Pounds over	Pounds not over	Barricaded Feet	UnBarricaded Feet	Barricaded Feet	UnBarricaded Feet	Barricaded Feet	UnBarricaded Feet
2	5	70	140	51	102	30	60
5	10	90	180	64	128	35	70
10	20	110	220	81	162	45	90
20	30	125	250	93	186	50	100
30	40	140	280	103	206	55	110
40	50	150	300	110	220	60	120
50	75	170	340	128	254	70	140
75	100	190	380	139	278	75	150
100	125	200	400	150	300	80	160
125	150	215	430	159	318	85	170
150	200	235	470	175	350	95	190
200	250	255	510	189	378	105	210
250	300	270	540	201	402	110	220
300	400	295	590	221	442	120	240
400	500	320	640	238	476	130	260
500	600	340	680	253	506	135	270
600	700	355	710	266	532	145	290
700	800	375	750	278	556	150	300
800	900	390	780	289	578	155	310
900	1,000	400	800	300	600	160	320
1,000	1,200	425	850	318	636	165	330
1,200	1,400	450	900	336	672	170	340
1,400	1,600	470	940	351	702	175	350
1,600	1,800	490	980	366	732	180	360
1,800	2,000	505	1,010	378	756	185	370
2,000	2,500	545	1,090	408	816	190	380
2,500	3,000	580	1,160	432	864	195	390
3,000	4,000	635	1,270	474	948	210	420
4,000	5,000	685	1,370	513	1,026	225	450
5,000	6,000	730	1,460	546	1,092	235	470
6,000	7,000	770	1,540	573	1,146	245	490
7,000	8,000	800	1,600	600	1,200	250	500
8,000	9,000	835	1,670	624	1,248	255	510
9,000	10,000	865	1,730	645	1,290	260	520
10,000	12,000	875	1,750	687	1,374	270	540
12,000	14,000	885	1,770	723	1,446	275	550
14,000	16,000	900	1,800	756	1,512	280	560
16,000	18,000	940	1,880	786	1,572	285	570

18,000	20,000	975	1,950	813	1,626	290	580
20,000	25,000	1,055	2,000	876	1,752	315	630
25,000	30,000	1,130	2,000	933	1,866	340	680
30,000	35,000	1,205	2,000	981	1,962	360	720
35,000	40,000	1,275	2,000	1,026	2,000	380	760
40,000	45,000	1,340	2,000	1,068	2,000	400	800
45,000	50,000	1,400	2,000	1,104	2,000	420	840
50,000	55,000	1,460	2,000	1,140	2,000	440	880
55,000	60,000	1,515	2,000	1,173	2,000	455	910
60,000	65,000	1,565	2,000	1,206	2,000	470	940
65,000	70,000	1,610	2,000	1,236	2,000	485	970
70,000	75,000	1,655	2,000	1,263	2,000	500	1,000
75,000	80,000	1,695	2,000	1,293	2,000	510	1,020
80,000	85,000	1,730	2,000	1,317	2,000	520	1,040
85,000	90,000	1,760	2,000	1,344	2,000	530	1,060
90,000	95,000	1,790	2,000	1,368	2,000	540	1,080
95,000	100,000	1,815	2,000	1,392	2,000	545	1,090
100,000	110,000	1,835	2,000	1,437	2,000	550	1,100
110,000	120,000	1,855	2,000	1,479	2,000	555	1,110
120,000	130,000	1,875	2,000	1,521	2,000	560	1,120
130,000	140,000	1,890	2,000	1,557	2,000	565	1,130
140,000	150,000	1,900	2,000	1,593	2,000	570	1,140
150,000	160,000	1,935	2,000	1,629	2,000	580	1,160
160,000	170,000	1,965	2,000	1,662	2,000	590	1,180
170,000	180,000	1,990	2,000	1,695	2,000	600	1,200
180,000	190,000	2,010	2,010	1,725	2,000	605	1,210
190,000	200,000	2,030	2,030	1,755	2,000	610	1,220
200,000	210,000	2,050	2,055	1,782	2,000	620	1,240
210,000	230,000	2,100	2,100	1,836	2,000	635	1,270
230,000	250,000	2,155	2,155	1,890	2,000	650	1,300
250,000	275,000	2,215	2,215	1,950	2,000	670	1,340
275,000	300,000	2,275	2,275	2,000	2,000	690	1,380

(11) When two or more storage magazines are located on the same property, each magazine must comply with the minimum distances specified from inhabited buildings, railways, and highways, and in addition, they should be separated from each other by not less than the distances shown for "separation of magazines", except that the quantity of explosives contained in cap magazines shall govern in regard to the spacing of said cap magazines from magazines containing other explosives. If any two or more magazines are separated from each other by less than the specified "separation of magazines" distances, then such two or more magazines, as a group, must be considered as one magazine, and the total quantity of explosives stored in such group must be treated as if stored in a single magazine located on the site of any magazine of the group, and must comply with the minimum of distances specified from other magazines, inhabited buildings, railways and highways.

AMENDATORY SECTION (Amending Order 86-24, filed 5/6/86)

WAC 296-52-477 QUANTITY AND DISTANCE TABLE FOR SEPARATION BETWEEN MAGAZINES. Magazines containing blasting caps and electric blasting caps shall be separated from other magazines containing like contents, or from magazines containing explosives by distances ((based on the following:

(1) ~~Blasting caps in strengths through number 8 should be rated at one and one-half pounds of explosive per one thousand caps;~~

(2) ~~For strengths higher than number 8, use the total combined weight of explosives;~~

(3) ~~For quantity and distance purposes, detonating cord of 50 or 60 grains shall be calculated as equivalent to 9 pounds of high explosives per 1,000 feet. Heavier or lighter core loads should be rated proportionately.~~

(4) ~~Magazines in which explosives are kept and stored shall be detached from other structures and separated from other magazines in conformity with the quantity~~

and distance table set forth below:)) in the following table.

TABLE H-21
QUANTITY AND DISTANCE TABLE FOR SEPARATION BETWEEN MAGAZINES CONTAINING EXPLOSIVES

Pounds Over	Pounds Not Over	Separation Distance in Feet Between Magazines	
		Not Barricaded	Barricaded
2	5	12	6
5	10	16	8
10	20	20	10
20	30	22	11
30	40	24	12
40	50	28	14
50	75	30	15
75	100	32	16
100	125	36	18
125	150	38	19
150	200	42	21
200	250	46	23
250	300	48	24
300	400	54	27
400	500	58	29
500	600	62	31
600	700	64	32
700	800	66	33
800	900	70	35
900	1,000	72	36
1,000	1,200	78	39
1,200	1,400	82	41
1,400	1,600	86	43
1,600	1,800	88	44
1,800	2,000	90	45
2,000	2,500	98	49
2,500	3,000	104	52
3,000	4,000	116	58
4,000	5,000	122	61
5,000	6,000	130	65
6,000	7,000	136	68
7,000	8,000	144	72
8,000	9,000	150	75
9,000	10,000	156	78
10,000	12,000	164	82
12,000	14,000	174	87
14,000	16,000	180	90
16,000	18,000	188	94
18,000	20,000	196	98
20,000	25,000	210	105
25,000	30,000	224	112
30,000	35,000	238	119
35,000	40,000	248	124
40,000	45,000	258	129
45,000	50,000	270	135
50,000	55,000	280	140
55,000	60,000	290	145
60,000	65,000	300	150
65,000	70,000	310	155
70,000	75,000	320	160
75,000	80,000	330	165
80,000	85,000	340	170
85,000	90,000	350	175
90,000	95,000	360	180
95,000	100,000	370	185
100,000	110,000	380	195
110,000	120,000	410	205
120,000	130,000	430	215
130,000	140,000	450	225
140,000	150,000	470	235
150,000	160,000	490	245
160,000	170,000	510	255
170,000	180,000	530	265
180,000	190,000	550	275

Pounds Over	Pounds Not Over	Separation Distance in Feet Between Magazines	
		Not Barricaded	Barricaded
190,000	200,000	570	285
200,000	210,000	590	295
210,000	230,000	630	315
230,000	250,000	670	335
250,000	275,000	720	360
275,000	300,000	770	385

Note 1. "Natural barricade" means natural features of the ground, such as hills, or timber of sufficient density that the surrounding exposures which require protection cannot be seen from the magazine when the trees are bare of leaves.

Note 2. "Artificial barricade" means an artificial mound or revetted wall of earth of a minimum thickness of 3 feet.

Note 3. "Barricaded" means that a building containing explosives is effectually screened from a magazine, building, railway, or highway, either by a natural barricade, or by an artificial barricade of such height that a straight line from the top of any sidewall of the building containing explosives to the eave line of any magazine, or building, or to a point 12 feet above the center of a railway or highway, will pass through such intervening natural or artificial barricade.

Note 4. This table applies only to the manufacture and permanent storage of commercial explosives. It is not applicable to transportation of explosives, or any handling or temporary storage necessary or incident thereto. It is not intended to apply to bombs, projectiles, or other heavily encased explosives.

(4) WAC 296-52-461(1) does not apply to:

(a) Stocks of small arms ammunition, propellant-actuated power cartridges, small arms ammunition primers in quantities of less than 750,000, smokeless propellants in quantities of less than 150 pounds or black powder, as used in muzzle loading firearms, in quantities of less than 25 pounds;

(b) Explosive-actuated power devices when in quantities less than 50 pounds net weight of explosives;

(c) Fuse lighters and fuse igniters;

(d) Safety fuses other than cordeau detonant fuses.

AMENDATORY SECTION (Amending Order 86-24, filed 5/6/86)

**WAC 296-52-481 ((BLASTING AGENTS))
RECOMMENDED SEPARATION DISTANCES OF
AMMONIUM NITRATE AND BLASTING
AGENTS FROM EXPLOSIVES OR BLASTING
AGENTS.**

TABLE H-22
TABLE OF RECOMMENDED SEPARATION DISTANCES OF
AMMONIUM NITRATE AND BLASTING AGENTS FROM
EXPLOSIVES OR BLASTING AGENTS^{1 6}

Donor weight		Minimum separation distance of receptor when barricaded ² (ft.)		Minimum thickness of artificial barricades ⁵ (in.)
Pounds over	Pounds not over	Ammonium nitrate ³	Blasting agent ⁴	
	100	3	11	12
100	300	4	14	12

Donor weight		Minimum separation distance of receptor when barricaded ² (ft.)		Minimum thickness of artificial barricades ⁵ (in.)
Pounds over	Pounds not over	Ammonium nitrate ³	Blasting agent ⁴	
300	600	5	18	12
600	1,000	6	22	12
1,000	1,600	7	25	12
1,600	2,000	8	29	12
2,000	3,000	9	32	15
3,000	4,000	10	36	15
4,000	6,000	11	40	15
6,000	8,000	12	43	20
8,000	10,000	13	47	20
10,000	12,000	14	50	20
12,000	16,000	15	54	25
16,000	20,000	16	58	25
20,000	25,000	18	65	25
25,000	30,000	19	68	30
30,000	35,000	20	72	30
35,000	40,000	21	76	30
40,000	45,000	22	79	35
45,000	50,000	23	83	35
50,000	55,000	24	86	35
55,000	60,000	25	90	35
60,000	70,000	26	94	40
70,000	80,000	28	101	40
80,000	90,000	30	108	40
90,000	100,000	32	115	40
100,000	120,000	34	122	50
120,000	140,000	37	133	50
140,000	160,000	40	144	50
160,000	180,000	44	158	50
180,000	200,000	48	173	50
200,000	220,000	52	187	60
220,000	250,000	56	202	60
250,000	275,000	60	216	60
275,000	300,000	64	230	60

Notes to table of recommended separation distances of ammonium nitrate and blasting agents from explosives or blasting agents:

- Note 1. These distances apply to the separation of stores only. Table H-21 shall be used in determining separation distances from inhabited buildings, passenger railways, and public highways.
- Note 2. When the ammonium nitrate and/or blasting agent is not barricaded, the distances shown in the table shall be multiplied by six. These distances allow for the possibility of high velocity metal fragments from mixers, hoppers, truck bodies, sheet metal structures, metal containers, and the like which may enclose the "donor." Where storage is in bullet-resistant magazines recommended for explosives or where the storage is protected by a bullet-resistant wall, distances, and barricade thicknesses in excess of those prescribed in Table H-21 are not required.
- Note 3. The distances in the table apply to ammonium nitrate that passes the insensitivity test prescribed in the definition of ammonium nitrate fertilizer promulgated by the National Plant Food Institute*; and ammonium nitrate failing to pass said test shall be stored at separation distances determined by competent persons. (*Definition and Test Procedures for Ammonium Nitrate Fertilizer, National Plant Food Institute, November 1964.)
- Note 4. These distances apply to nitro-carbo-nitrates and blasting agents which pass the insensitivity test prescribed in the United States Department of Transportation (DOT) regulations.
- Note 5. Earth, or sand dikes, or enclosures filled with the prescribed minimum thickness of earth or sand are acceptable artificial barricades. Natural barricades, such as hills or timber of

sufficient density that the surrounding exposures which require protection cannot be seen from the "donor" when the trees are bare of leaves, are also acceptable.

- Note 6. When the ammonium nitrate must be counted in determining the distances to be maintained from inhabited buildings, passenger railways and public highways, it may be counted at one-half its actual weight because its blast effect is lower.
- Note 7. Guide to use of table of recommended separation distances of ammonium nitrate and blasting agents from explosives or blasting agents.
 - (a) Sketch location of all potential donor and acceptor materials together with the maximum mass of material to be allowed in that vicinity. (Potential donors are high explosives, blasting agents, and combination of masses of detonating materials. Potential acceptors are high explosives, blasting agents, and ammonium nitrate.)
 - (b) Consider separately each donor mass in combination with each acceptor mass. If the masses are closer than table allowance (distances measured between nearest edges), the combination of masses becomes a new potential donor of weight equal to the total mass. When individual masses are considered as donors, distances to potential acceptors shall be measured between edges. When combined masses within propagating distance of each other are considered as a donor, the appropriate distance to the edge of potential acceptors shall be computed as a weighted distance from the combined masses:
 - (i) Calculation of weighted distance from combined masses:

Let $M_2, M_3 \dots M_n$ be donor masses to be combined.
 M_1 is a potential acceptor mass.
 D_{12} is distance from M_1 to M_2 (edge to edge).
 D_{13} is distance from M_1 to M_3 (edge to edge),
 etc.

To find weighted distance $[D_{1(2,3 \dots n)}]$ from combined masses to M_1 , add the products of the individual masses and distances and divide the total by the sum of the masses thus:

$$D_{1(2,3 \dots n)} = \frac{(M_2 \times D_{12} + M_3 \times D_{13} \dots + M_n \times D_{1n})}{M_2 + M_3 \dots + M_n}$$

$$D_{1(2,3 \dots n)} = \frac{M_2 \times D_{12} + M_3 \times D_{13} \dots + M_n \times D_{1n}}{M_2 + M_3 \dots + M_n}$$

Propagation is possible if either an individual donor mass is less than the tabulated distance from an acceptor or a combined mass is less than the weighted distance from an acceptor.
- (c) In determining the distances separating highways, railroads, and inhabited buildings from potential explosions (as prescribed in Table H-21), the sum of all masses which may propagate (i.e., lie at distances less than prescribed in the Table) from either individual or combined donor masses are included. However, when the ammonium nitrate must be included, only 50 percent of its weight shall be used because of its reduced blast effects. In applying Table H-21 to distances from highways, railroads, and inhabited buildings, distances are measured from the nearest edge of potentially explodable material as prescribed in Table H-21, Note 5.
- (d) When all or part of a potential acceptor comprises Explosives Class A as defined in DOT regulations, storage in bullet-resistant magazines is required. Safe distances to stores in bullet-resistant magazines may be obtained from the intermagazine distances prescribed in Table H-21.
- (e) Barricades must not have line-of-sight openings between potential donors and acceptors which permit blast or missiles to move directly between masses.
- (f) Good housekeeping practices shall be maintained around any bin containing ammonium nitrate or blasting agent. This includes keeping weeds and other combustible materials cleared within 25 feet of such bin. Accumulation of spilled product on the ground shall be prevented.

AMENDATORY SECTION (Amending Order 86-24, filed 5/6/86)

WAC 296-52-509 SMALL ARMS AMMUNITION, PRIMERS, PROPELLANTS AND BLACK POWDER. Storage, transportation, and display requirements.

(1) Scope. This section does not apply to in-process storage and intra-plant transportation during manufacture of small arms ammunition, small arms primers, and smokeless propellants.

(2) No quantity limitations are imposed on the storage of small arms ammunition in warehouses, retail stores, and other general occupancy facilities, except those imposed by limitations of storage facilities.

(3) Small arms ammunition shall be separated from flammable liquids, flammable solids as classified in 49 CFR, Part 172, and from oxidizing materials by a fire-resistant wall of one-hour rating or by a distance of 25 feet.

~~((2))~~ (4) Small arms ammunition shall not be stored together with class A or class B explosives unless the storage facility is adequate for this latter storage.

(5) Small arms smokeless propellants.

(a) Small arms smokeless propellant (class B) shall be packed, stored and transported in DOT approved shipping containers ((and)). The following shall apply.

	<u>Maximum Pounds Permitted</u>		<u>Special Restrictions</u>
Private residence or car	25 pounds or less	None	
	25 to 50 pounds	Store in strong box or cabinet constructed of 3/4-inch plywood (minimum) or equivalent, on all sides, top and bottom.	
Dealer's warehouse	((+50)) 100 pounds	20 to ((+50)) 100 pounds	shall be stored in portable wooden boxes having walls at least one inch nominal thickness.
Dealer's display	75 pounds	In one pound containers.	

(b) Quantities in excess of 50 pounds shall be transported in accordance with federal department of transportation regulations.

Quantities in excess of ((+50)) 100 pounds shall be stored in approved, licensed magazines as required in WAC 296-52-441 and 296-52-453.

~~((3))~~ Small arms ammunition primers shall be packed, stored and transported in DOT approved shipping containers. They shall be separate from flammable liquids, flammable solids and oxidizing materials by a fire-resistant wall of one-hour rating or by a distance of 25 feet. The following shall also apply.))

(c) All smokeless propellants shall be stored in shipping containers specified in 49 CFR 173.93 for smokeless propellants.

(d) Commercial stocks of smokeless propellants over 20 pounds and not more than 100 pounds shall be stored in portable wooden boxes having walls of at least 1 inch nominal thickness.

(e) Commercial stocks in quantities not to exceed 750 pounds shall be stored in nonportable storage cabinets having wooden walls of at least 1 inch nominal thickness. Not more than 400 pounds shall be permitted in any one cabinet.

(f) Quantities in excess of 750 pounds shall be stored in magazines in accordance with WAC 296-52-461.

(6) Small arms ammunition primers.

(a) Small arms ammunition primers shall be packed, stored, and transported in DOT approved shipping containers. They shall be separate from flammable liquids, flammable solids, and oxidizing materials by a fire-resistant wall of one-hour rating or by a distance of 25 feet. The following shall also apply.

	<u>Maximum Number Permitted</u>		<u>Special Restrictions</u>
Private residence	10,000 primers	None	
Private car	25,000 primers	None	
Dealer's display	10,000 primers	None	
Dealer's warehouse	750,000 primers	No more than 100,000 shall be stored in a pile and piles shall be separated by at least 15 feet.	

(b) Quantities in excess of 750,000 primers shall be stored in approved, licensed magazines as required by WAC 296-52-441 and 296-52-453.

~~((4))~~ (7) Black powder, as used in muzzle loading firearms, shall be packed, stored and transported in DOT approved shipping containers and the following shall apply.

	<u>Maximum Pounds Permitted</u>		<u>Special Restrictions</u>
Private residence	5 pounds	None	
Private car	5 pounds	None	
Dealer's warehouse	25 pounds	None	
Dealer's display	4 pounds	In one pound containers.	

(8) Quantities in excess of 25 pounds of black powder, as used in muzzle loading firearms, shall be stored in approved, licensed magazines as required by WAC 296-52-441 and 296-52-453.

NEW SECTION

WAC 296-52-510 EXPLOSIVES AT PIERS, RAILWAY STATIONS, AND CARS OR VESSELS

NOT OTHERWISE SPECIFIED IN THIS STANDARD. (1) Railway cars. Except in an emergency and with permission of the local authority, no person shall have or keep explosives in a railway car unless said car and contents and methods of loading are in accordance with the United States Department of Transportation Regulations for the Transportation of Explosives, 49 CFR Chapter I.

(2) Packing and marking. No person shall deliver any explosive to any carrier unless such explosive conforms in all respects, including marking and packing, to the United States Department of Transportation Regulations for the Transportation of Explosives.

(3) Marking cars. Every railway car containing explosives which has reached its designation, or is stopped in transit so as no longer to be in interstate commerce, shall have attached to both sides and ends of the car, cards with the words "explosives—handle carefully—keep fire away" in red letters at least 1 1/2 inches high on a white background.

(4) Storage. Any explosives at a railway facility, truck terminal, pier, wharf, harbor facility, or airport terminal whether for delivery to a consignee, or forwarded to some other destination shall be kept in a safe place, isolated as far as practicable and in such manner that they can be easily and quickly removed.

(5) Hours of transfer. Explosives shall not be delivered to or received from any railway station, truck terminal, pier, wharf, harbor facility, or airport terminal between the hours of sunset and sunrise.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-52-473 QUANTITY AND DISTANCE TABLES FOR STORAGE.

AMENDATORY SECTION (Amending Order 83-19, filed 7/13/83, effective 9/12/83)

WAC 296-62-07314 MEDICAL SURVEILLANCE. (1) At no cost to the employee, a program of medical surveillance shall be established and implemented for employees considered for assignment to enter regulated areas, and for authorized employees.

(2) Examinations.

(a) Before an employee is assigned to enter a regulated area, a preassignment physical examination by a physician shall be provided(~~(-The examination))~~ and shall include (~~(the))~~ a personal history of the employee(~~(:))~~ and/or his/her family and occupation background, including genetic and environmental factors.

(b) Authorized employees shall be provided periodic physical examination, not less often than annually, following the preassignment examination.

(c) In all physical examinations, the examining physician shall be requested to consider whether there exist conditions of increased risk, including reduced immunological competence, those undergoing treatment with steroids or cytotoxic agents, pregnancy and cigarette smoking.

(3) Records.

(a) Employers of employees examined pursuant to this subdivision shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be maintained for the duration of the employee's employment. Upon termination of the employee's employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.

(b) Records required by this section shall be provided upon request to employees, designated representatives, and the director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. These records shall also be provided upon request to the director.

(c) Any employer who requests a physical examination of one of his employees or prospective employees as required by this section shall obtain from the physician a statement of the employee's suitability for employment in the specific exposure.

AMENDATORY SECTION (Amending Order 89-06, filed 7/6/89, effective 8/7/89)

WAC 296-62-07507 MIXTURES. Special consideration shall be given to assessing the health hazards associated with exposure to mixtures of two or more substances which have similar health effects.

(1) In case of a mixture of air-contaminants compute the equivalent exposure as follows:

$$E_m = \frac{C_1}{L_1} + \frac{C_2}{L_2} + \dots + \frac{C_n}{L_n}$$

Where:

- E_m is the equivalent exposure for the mixture.
- C is the concentration of a particular contaminant.
- L is the exposure limit for that contaminant, from Table 1 or 2.

The value of E_m shall not exceed unity (1).

(2) To illustrate the formula consider the following exposures:

Substance	Actual concentration of 8 hour exposure (ppm)	8 hr. TWA PEL (ppm) ((8))
B.....	500	1000
C.....	45	200
D.....	40	200

Substituting in the formula, we have:

$$E_m = 500 \div 1,000 + 45 \div 200 + 40 \div 200$$

$$E_m = 0.500 + 0.225 + 0.200$$

$$E_m = 0.925$$

Since E_m is less than unity (1), the exposure combination is within acceptable limits.

AMENDATORY SECTION (Amending Order 89-06,
filed 7/6/89, effective 8/7/89)

WAC 296-62-07515 CONTROL OF CHEMI-
CAL AGENTS. Chemical agents shall be controlled in
such a manner that the workers exposure shall not ex-
ceed the applicable limits in WAC 296-62-075 through
296-62-07515.

HT/SPECIAL TABLE 1.1

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Abate, see Temephos		---	---	---	---	---	---	---
Acetaldehyde	75-07-0	100	180	150	270	---	---	---
Acetic acid	64-19-7	10	25	---	---	---	---	---
Acetic anhydride	108-24-7	---	---	---	---	5.0	20	---
Acetone	67-64-1	750	1800	1000	2400	---	---	---
Acetonitrile	75-05-8	40	70	60	105	---	---	---
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	---	---	---	---	---	---	---
Acetylene	74-86-2	Simple	Asphyxiant	---	---	---	---	---
Acetylene dichloride (see 1,2-Dichloroethylene)	---	---	---	---	---	---	---	---
Acetylene tetrabromide	79-27-6	1.0	14	---	---	---	---	---
Acetylsalicylic acid (Aspirin)	50-78-2	---	5.0	---	---	---	---	---
Acrolein	107-02-8	0.1	0.25	0.3	0.8	---	---	---
Acrylamide	79-06-1	---	0.03	---	---	---	---	X
Acrylic acid	79-10-7	10	30	---	---	---	---	X
Acrylonitrile (see WAC 296-62-07341)	107-13-1	---	---	---	---	---	---	---
Aldrin	309-00-2	---	0.25	---	---	---	---	X
Allyl alcohol	107-18-6	2.0	5.0	4.0	10	---	---	X
Allyl Chloride	107-05-1	1.0	3.0	2.0	6.0	---	---	---
Allyl glycidyl ether (AGE)	106-92-3	5.0	22	10	44	---	---	---
Allyl propyl disulfide	2179-59-1	2.0	12	3.0	18	---	---	---
alpha-Alumina (see Aluminum oxide)	1344-28-1	---	---	---	---	---	---	---
Total dust		---	10	---	---	---	---	---
Respirable fraction		---	5.0	---	---	---	---	---

HT/SPECIAL TABLE 1.2

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Aluminum, metal and oxide (as Al)	7429-90-5	---	---	---	---	---	---	---
Total dust		---	10	---	---	---	---	---
Respirable fraction		---	5.0	---	---	---	---	---
pyro powders		---	5.0	---	---	---	---	---
welding fumes ^{f/}		---	5.0	---	---	---	---	---
soluble salts		---	2.0	---	---	---	---	---
alkyls (NOC)		---	2.0	---	---	---	---	---
Alundum (see Aluminum oxide)		---	---	---	---	---	---	---
4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	---	---	---	---	---	---	---
2-Aminoethanol (see Ethanolamine)	---	---	---	---	---	---	---	---
2-Aminopyridine	504-29-0	0.5	2.0	---	---	---	---	---
Amitrole	61-82-5	---	0.2	---	---	---	---	---
Ammonia	7664-41-7	25	18	35	27	---	---	---
Ammonium chloride, fume	12125-02-9	---	10	---	20	---	---	---
Ammonium sulfamate (Ammate)	7773-06-0	---	---	---	---	---	---	---
Total dust		---	10	---	---	---	---	---
Respirable fraction		---	5.0	---	---	---	---	---
n-Amyl acetate	628-63-7	100	525	---	---	---	---	---
sec-Amyl acetate	626-38-0	125	650	---	---	---	---	---
Aniline and homologues	62-53-3	2.0	8.0	---	---	---	---	X
Anisidine (o, p-isomers)	29191-52-4	0.1	0.5	---	---	---	---	X
Antimony and Compounds (as Sb)	7440-36-0	---	0.5	---	---	---	---	---
ANTU (alpha Naphthyl thiourea)	86-88-4	---	0.3	---	---	---	---	---
Argon	7440-37-1	Simple	Asphyxiant	---	---	---	---	---
Arsenic, Organic compounds (as As)	7440-38-2	---	0.2	---	---	---	---	---
Arsenic, Inorganic compounds, (as As) (see WAC 296-62-07347 for applications and exclusions)	Varies with compound	---	0.2	---	---	---	---	---

MT/SPECIAL
TABLE 1.3

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Arsine	7784-42-1	0.05	0.2	---	---	---	---	---
Asbestos (see WAC 296-62-07517)	---	---	---	---	---	---	---	---
Asphalt (Petroleum fumes)	8052-42-4	---	5.0	---	---	---	---	---
Atrazine	1912-24-9	---	5.0	---	---	---	---	---
Azinphos methyl	86-50-0	---	0.2	---	---	---	---	X
Barium, soluble compounds (as Ba)	7440-39-3	---	0.5	---	---	---	---	---
Barium Sulfate	7727-43-7	---	---	---	---	---	---	---
Total dust	---	---	10.0	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Benomyl	17804-35-2	---	---	---	---	---	---	---
Total dust	---	0.8	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Benzene, (see WAC 296-62-07523) ^{d/}	71-43-2	1.0	---	5.0	---	---	---	---
Benzidine, (see WAC 296-62-073)	92-87-5	---	---	---	---	---	---	---
p-Benzoquinone, (see Quinone)	---	---	---	---	---	---	---	---
Benzo(a) pyrene; (see Coal tar pitch volatiles)	---	---	---	---	---	---	---	---
Benzoyl peroxide	94-36-0	---	5.0	---	---	---	---	---
Benzyl chloride	100-44-7	1.0	5.0	---	---	---	---	---
Beryllium and beryllium compounds (as Be)	7440-41-7	0.002	---	0.005 (30 min.)	---	0.025	---	---
Biphenyl (see Diphenyl)	---	---	---	---	---	---	---	---
Bismuth telluride, Undoped	1304-82-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Bismuth telluride, Se-doped	---	---	5.0	---	---	---	---	---

MT/SPECIAL
TABLE 1.4

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Borates, tetra, sodium salts:	---	---	---	---	---	---	---	---
Anhydrous	1330-43-4	---	1.0	---	---	---	---	---
Decahydrate	1303-96-4	---	5.0	---	---	---	---	---
Pentahydrate	12179-04-3	---	1.0	---	---	---	---	---
Boron oxide	1303-86-2	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Boron tribromide	10294-33-4	---	---	---	---	1.0	10	---
Boron trifluoride	7637-07-2	---	---	---	---	1.0	3.0	---
Bromacil	314-40-9	1.0	10	---	---	---	---	---
Bromine	7726-95-6	0.1	0.7	0.3	2.0	---	---	---
Bromine pentafluoride	7789-30-2	0.1	0.7	---	---	---	---	---
Bromochloromethane, (see Chlorobromomethane)	---	---	---	---	---	---	---	---
Bromoform	15-25-2	0.5	5.0	---	---	---	---	---
Butadiene (1,3-butadiene)	106-99-0	10	22	---	---	---	---	X
Butane	106-97-8	800	1,900	---	---	---	---	---
Butanethiol (see Butyl mercaptan)	---	---	---	---	---	---	---	---
2-Butanone (Methyl ethyl ketone)	78-93-3	200	590	300	885	---	---	---
2-Butoxy ethanol (Butyl Cellosolve)	111-76-2	25	120	---	---	---	---	X
n-Butyl acetate	123-86-4	150	710	200	950	---	---	---
sec-Butyl acetate	105-46-4	200	950	---	---	---	---	---
tert-Butyl acetate	540-88-5	200	950	---	---	---	---	---
Butyl acrylate	141-32-2	10	55	---	---	---	---	---
n-Butyl alcohol	71-36-3	---	---	---	---	50	150	X
sec-Butyl alcohol	78-92-2	100	305	---	---	---	---	---
tert-Butyl alcohol	75-65-0	100	300	150	450	---	---	---

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 WT/SPECIAL
 TABLE 1.5

TABLE 1: LIMITS FOR AIR CONTAMINANTS
 Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Butylamine	109-73-9	---	---	---	---	5.0	15	X
tert-Butyl chromate (see C ₇ O ₃)	1189-85-1	---	---	---	---	---	0.1	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25	135	---	---	---	---	---
n-Butyl lactate	198-22-7	5.0	25	---	---	---	---	---
Butyl mercaptan	109-79-5	0.5	1.5	---	---	---	---	---
o-sec-Butylphenol	89-72-5	5.0	30	---	---	---	---	X
p-tert-Butyl-toluene	98-51-1	10	60	20	120	---	---	---
Cadmium oxide fume, (as Cd)	1306-19-0	---	---	---	---	---	0.05	---
Cadmium dust and salts (as Cd)	7440-43-9	---	0.05	---	---	---	---	---
Calcium arsenate (see WAC 296-62-07347)	---	---	---	---	---	---	---	---
Calcium carbonate Total dust	1317-65-3	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Calcium cyanamide	156-62-7	---	0.5	---	---	---	---	---
Calcium hydroxide	1305-62-0	---	5.0	---	---	---	---	---
Calcium oxide	1305-78-8	---	2.0	---	---	---	---	---
Calcium silicate Total dust	1344-95-2	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Calcium sulfate Total dust	7778-18-9	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Camphor(synthetic)	76-22-2	---	2.0	---	---	---	---	---
Caprolactam; Dust	105-60-2	---	1.0	---	3.0	---	---	---
Vapor	---	5.0	20	10	40	---	---	---
Captafol (Difolatan®)	2425-06-1	---	0.1	---	---	---	---	X
Captan	133-06-2	---	5.0	---	---	---	---	---

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 TABLE 1.6

TABLE 1: LIMITS FOR AIR CONTAMINANTS
 Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Carbaryl (Sevin®)	63-25-2	---	5.0	---	---	---	---	---
Carbofuran (Furadon®)	1563-66-2	---	0.1	---	---	---	---	---
Carbon black	1333-86-4	---	3.5	---	---	---	---	---
Carbon dioxide	124-38-9	5,000	9,000	30,00	54,000	---	---	---
Carbon disulfide	75-15-8	4.0	12	12	36	---	---	X
Carbon monoxide	630-08-0	35	40	---	---	200	229	---
Carbon tetrabromide	558-13-4	0.1	1.4	0.3	4.0	---	---	---
Carbon tetrachloride	56-23-5	2.0	12.6	---	---	---	---	---
Carbonyl chloride (see Phosgene)	---	---	---	---	---	---	---	---
Carbonyl fluoride	353-50-4	2.0	5.0	5.0	15	---	---	---
Catechol (Pyrocatechol)	120-80-9	5.0	20	---	---	---	---	X
Cellulose (paper fiber) Total dust	9004-34-6	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Cesium hydroxide	21351-79-1	---	2.0	---	---	---	---	---
Chlordane	57-74-9	---	0.5	---	---	---	---	X
Chlorinated camphene	8001-35-2	---	0.5	---	1.0	---	---	X
Chlorinated diphenyl oxide	55720-99-5	---	0.5	---	---	---	---	---
Chlorine	7782-50-5	0.5	1.5	1.0	3.0	1.0	3.0	---
Chlorine dioxide	10049-04-4	0.1	0.3	0.3	0.9	---	---	---
Chlorine trifluoride	7790-91-2	---	---	---	---	0.1	0.4	---
Chloroacetaldehyde	107-20-0	---	---	---	---	1.0	3.0	---
Chloroacetophenone (Phenacylde chloride)	532-21-4	0.05	0.3	---	---	---	---	---
Chloroacetyl chloride	79-04-9	0.05	0.2	---	---	---	---	---
Chlorobenzene (Monochlorobenzene)	108-90-7	75	350	---	---	---	---	---

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TABLE 1.7

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
o-Chlorobenzylidene malonitrile (OCBM)	2698-41-1	---	---	---	---	0.05	0.4	X
Chlorobromomethane	74-97-5	200	1,050	---	---	---	---	---
2-Chloro-1, 3-butadiene (see beta-Chloroprene)	---	---	---	---	---	---	---	---
Chlorodifluoromethane	75-45-6	1,000	3,500	---	---	---	---	---
Chlorodiphenyl (42% Chlorine) (PCB)	53469-21-9	---	1.0	---	---	---	---	X
Chlorodiphenyl (54% Chlorine) (PCB)	11097-69-1	---	0.5	---	---	---	---	X
1-Chloro-2, 3-epoxypropane, (see Epichlorohydrin)	---	---	---	---	---	---	---	---
2-Chloroethanol (see Ethylene chlorohydrin)	---	---	---	---	---	---	---	---
Chloroethylene (see vinyl chloride)	---	---	---	---	---	---	---	---
Chloroform (Trichloromethane)	67-66-3	2.0	9.78	---	---	---	---	---
1-Chloro-1-nitropropane	600-25-9	2.0	10	---	---	---	---	---
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	---	---	---	---	---	---	---
Chloromethyl methyl ether (See Methyl carbomethyl ether)	107-30-2	---	---	---	---	---	---	---
Chloropentafluoroethane	76-15-3	1,000	6,320	---	---	---	---	---
Chloropicrin	76-06-2	0.1	0.7	---	---	---	---	---
beta-Chloroprene	126-99-8	10	35	---	---	---	---	X
o-Chlorostyrene	2039-87-4	50	285	75	428	---	---	---
o-Chlorotoluene	95-49-8	50	250	---	---	---	---	---

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TABLE 1.8

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
2-Chloro-6-(trichloromethyl) pyridine (see Nitrapyrin)	1929-82-4	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Chlorpyrifos	2921-88-2	---	0.2	---	---	---	---	X
Chromic acid and chromates (as Cr ₂ O ₃)	Varies w/compounds	---	---	---	---	---	0.1	---
Chromium (II) compounds (as Cr)	7440-47-3	---	0.5	---	---	---	---	---
Chromium (III) compounds (as Cr)	7440-47-3	---	0.5	---	---	---	---	---
Chromium (VI) compounds (as Cr)	---	---	0.05	---	---	---	---	---
Chromium Metal	7440-47-3	---	0.5	---	---	---	---	---
Chromyl chloride	14977-61-8	0.025	0.15	---	---	---	---	---
Chrysene: (see Coal tar pitch volatiles)	---	---	---	---	---	---	---	---
Clopidol	2971-90-6	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Coal Dust (less than 5% SiO ₂)	---	---	2.0	---	---	---	---	---
Respirable quartz fraction	---	---	---	---	---	---	---	---
Coal dust (greater than or equal to 5% SiO ₂)	---	---	0.1	---	---	---	---	---
Respirable quartz fraction	---	---	---	---	---	---	---	---
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	65996-93-2	---	0.2	---	---	---	---	---
Cobalt, metal fume & dust, (as Co)	7440-48-4	---	0.05	---	---	---	---	---

HT/SPECIAL
TABLE 1.9

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Cobalt carbonyl (as Co)	10210-68-1	---	0.1	---	---	---	---	---
Cobalt hydrocarbonyl (as Co)	16842-03-8	---	0.1	---	---	---	---	---
Coke oven emissions (see WAC 296-62-200)	---	---	---	---	---	---	---	---
Copper fume (as Cu)	7440-50-8	---	0.1	---	---	---	---	---
Dusts and mists (as Cu)	---	---	1.0	---	---	---	---	---
Cotton dust (raw) ^{e/}	---	---	1.0	---	---	---	---	---
Corundum, (see Aluminum oxide)	---	---	---	---	---	---	---	---
Crag® herbicide (Sesone)	136-78-7	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Cresol (all isomers)	1319-77-3	5.0	22	---	---	---	---	X
Crotonaldehyde	123-73-9; 4170-30-3	2.0	6.0	---	---	---	---	---
Crufomate	299-86-5	---	5.0	---	---	---	---	---
Cumene	98-82-8	50	245	---	---	---	---	X
Cyanamide	420-04-2	---	2.0	---	---	---	---	---
Cyanide (as CN)	Varies with Compound	---	5.0	---	---	---	---	X
Cyanogen	460-19-5	10	20	---	---	---	---	---
Cyanogen chloride	506-77-4	---	---	---	---	0.3	0.6	---
Cyclohexane	110-82-7	300	1,050	---	---	---	---	---
Cyclohexanol	108-93-0	50	200	---	---	---	---	X

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TABLE 1.10

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Cyclohexanone	108-94-1	25	100	---	---	---	---	X
Cyclohexene	110-83-8	300	1,015	---	---	---	---	---
Cyclohexylamine	108-91-8	10	40	---	---	---	---	---
Cyclonite (see RDX)	121-82-4	---	1.5	---	---	---	---	X
Cyclopentadiene	542-92-7	75	200	---	---	---	---	---
Cyclopentane	287-92-3	600	1,720	---	---	---	---	---
Cyhexatin	13121-70-5	---	5.0	---	---	---	---	---
2,4-D (Dichlorophenoxy- acetic acid)	94-75-7	---	10	---	---	---	---	---
DDT (Dichlorodiphenyltri- chloroethane)	50-29-3	---	1.0	---	---	---	---	X
DDVP, Dichlorvos	62-73-7	0.1	1.0	---	---	---	---	X
Decaborane	17702-41-9	0.05	0.3	0.15	0.9	---	---	X
Demeton®	8065-48-3	0.01	0.1	---	---	---	---	X
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	123-42-2	50	240	---	---	---	---	---
1, 2-Diaminoethane (see Ethylenediamine)	---	---	---	---	---	---	---	---
Diazinon	333-41-5	---	0.1	---	---	---	---	X
Diazomethane	334-88-3	0.2	0.4	---	---	---	---	---
Diborane	19287-45-7	0.1	0.1	---	---	---	---	---
Dibrom®, (see Naled)	---	---	---	---	---	---	---	---
1, 2-Dibromo-3-chloropropane (see WAC 296-62-D7345)	96-12-3	---	---	---	---	---	---	---
2-N-Dibutylamino ethanol	102-81-8	2.0	14	---	---	---	---	X
Dibutyl phosphate	107-66-4	1.0	5.0	2.0	10	---	---	---

NY/SPECIAL
TABLE 1.11

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Dibutyl phthalate	84-74-2	---	5.0	---	---	---	---	---
Dichloroacetylene	7572-29-4	---	---	---	---	0.1	0.4	---
o-Dichlorobenzene	95-50-1	---	---	---	---	50	300	---
p-Dichlorobenzene	106-46-7	75	450	110	675	---	---	---
3, 3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	---	---	---	---	---	---	---
Dichlorodifluoromethane	75-71-8	1,000	4,950	---	---	---	---	---
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	---	0.2	---	0.4	---	---	---
1, 1-Dichloroethane	75-34-3	100	400	---	---	---	---	---
1, 2-Dichloroethane (see Ethylene dichloride)	---	---	---	---	---	---	---	---
1, 2-Dichloroethylene	540-59-0	200	790	---	---	---	---	---
1, 1-Dichloroethylene (see Vinylidene chloride)	---	---	---	---	---	---	---	---
Dichloroethyl ether	111-44-4	5.0	30	10	60	---	---	X
Dichlorofluoromethane	75-43-4	10	40	---	---	---	---	---
Dichloromethane (see Methylene chloride)	---	---	---	---	---	---	---	---
1, 1-Dichloro-1-nitroethane	594-72-9	2.0	10.	10.	---	---	---	---
1, 2-Dichloropropane (see Propylene dichloride)	---	---	---	---	---	---	---	---
Dichloropropene	542-75-6	1.0	5.0	---	---	---	---	X
2, 2-Dichloropropionic acid	75-99-0	1.0	6.0	---	---	---	---	---
Dichlorotetrafluoroethane	76-14-2	1,000	7,000	---	---	---	---	---
Dichlorvos (DDVP)	62-73-7	0.1	1.0	---	---	---	---	X
Dicrotophos	141-66-2	---	0.25	---	---	---	---	X
Dicyclopentadiene	77-73-6	5.0	30	---	---	---	---	---

NY/SPECIAL
TABLE 1.12

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Dicyclopentadienyl iron	102-54-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Dieldrin	60-57-1	---	0.25	---	---	---	---	---
Diethanolamine	111-42-2	3.0	15	---	---	---	---	X
Diethylamine	109-89-7	10	30	25	75	---	---	---
2-Diethylaminoethanol	100-37-8	10	50	---	---	---	---	---
Diethylene triamine	111-40-0	1.0	4.0	---	---	---	---	X
Diethyl ether (see Ethyl ether)	---	---	---	---	---	---	---	X
Diethyl ketone	96-22-0	200	705	---	---	---	---	---
Diethyl phthalate	84-66-2	---	5.0	---	---	---	---	---
Difluorodibromomethane	75-61-6	100	860	---	---	---	---	---
Diglycidyl ether (DGE)	2238-07-5	0.1	0.5	---	---	---	---	---
Dihydroxybenzene (see Hydroquinone)	---	---	---	---	---	---	---	---
Diisobutyl ketone	108-83-8	25	150	---	---	---	---	---
Diisopropylamine	108-18-9	5.0	20	---	---	---	---	X
Dimethoxymethane (see Methylal)	---	---	---	---	---	---	---	---
Dimethyl acetamide	127-19-5	10	35	---	---	---	---	X
Dimethylamine	124-40-3	10	18	---	---	---	---	---

HT/SPECIAL
TABLE 1.13

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
4-Dimethylaminoazobenzene (see WAC 296-62-073)	60-11-7	---	---	---	---	---	---	---
Dimethylaminobenzene (see Xylidene)	---	---	---	---	---	---	---	---
Dimethylaniline (see N, N-Dimethylaniline)	121-69-7	5.0	25	10	50	---	---	X
Dimethylbenzene (see Xylene)	---	---	---	---	---	---	---	---
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (see Naled)	300-76-5	---	3.0	---	---	---	---	X
Dimethylformamide	68-12-2	10	30	---	---	---	---	X
2, 6-Dimethylheptanone (see Diisobutyl ketone)	---	---	---	---	---	---	---	---
1, 1-Dimethylhydrazine	57-14-7	0.5	1.0	---	---	---	---	X
Dimethyl phthalate	131-11-3	---	5.0	---	---	---	---	---
Dimethyl sulfate	77-78-1	0.1	0.5	---	---	---	---	X
Dinitolmide (3, 5-Dinitro-o-toluamide)	148-01-6	---	5.0	---	---	---	---	---
Dinitrobenzene (all isomers)	(alpha) 528-29-0; (MPTA) 99-65-0; (Para) 100-25-4	0.15	1.0	---	---	---	---	X
Dinitro-o-cresol	534-52-1	---	0.2	---	---	---	---	X
Dinitrotoluene	25321-14-6	---	1.5	---	---	---	---	X
Dioxane (Diethylene dioxide)	123-91-1	25	90	---	---	---	---	X
Dioxathion	78-34-2	---	0.2	---	---	---	---	X
Diphenyl (Biphenyl)	92-52-4	0.2	1.0	---	---	---	---	---
Diphenylamine	122-39-4	---	10	---	---	---	---	---
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	---	---	---	---	---	---	---	---
Dipropylene glycol methyl ether	34590-94-8	100	600	150	900	---	---	X

HT/SPECIAL
TABLE 1.14

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Dipropyl ketone	123-19-3	50	235	---	---	---	---	---
Diquat	85-00-7	---	0.5	---	---	---	---	---
Di-sec, Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	---	5.0	---	10	---	---	---
Disulfam	97-77-8	---	2.0	---	---	---	---	---
Disulfoton	298-04-4	---	0.1	---	---	---	---	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	---	10	---	---	---	---	---
Diuron	330-54-1	---	10	---	---	---	---	---
Divinyl benzene	1321-74-0	10	50	---	---	---	---	---
Emery	112-62-9	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Endosulfan (Thiodan®)	115-29-7	---	0.1	---	---	---	---	X
Endrin	72-20-8	---	0.1	---	---	---	---	X
Epichlorhydrin	106-89-8	2.0	8.0	---	---	---	---	X
EPN	2104-64-5	---	0.5	---	---	---	---	X
1, 2-Epoxypropane (see Propylene oxide)	---	---	---	---	---	---	---	---
2, 3-Epoxy-1-propanol (see Glycidol)	---	---	---	---	---	---	---	---
Ethane	---	Simple	Asphyxiant	---	---	---	---	---
Ethanethiol (see Ethyl mercaptan)	---	---	---	---	---	---	---	---
Ethanolamine	141-43-5	3.0	8.0	6.0	15	---	---	---
Ethion	563-12-2	---	0.4	---	---	---	---	X
2-Ethoxyethanol	110-80-5	5.0	19	---	---	---	---	X
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5.0	27	---	---	---	---	X

NY/SPECIAL
TABLE 1.15

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Ethyl acetate	141-78-6	400	1,400	---	---	---	---	---
Ethyl acrylate	140-88-5	5.0	20	25	100	---	---	X
Ethyl alcohol (ethanol)	64-17-5	1,000	1,900	---	---	---	---	---
Ethylamine	75-04-07	10	18	---	---	---	---	---
Ethyl amyl ketone (5-Methyl-3-heptanone)	541-85-5	25	130	---	---	---	---	---
Ethyl benzene	100-41-4	100	435	125	545	---	---	---
Ethyl bromide	74-96-4	200	890	250	1,110	---	---	---
Ethyl butyl ketone (3-Heptanone)	106-35-4	50	230	---	---	---	---	---
Ethyl chloride	75-00-3	1,000	2,600	---	---	---	---	---
Ethylene	74-85-1	Simple	Asphyxiant	---	---	---	---	---
Ethylene chlorohydrin	107-07-3	---	---	---	---	1.0	3.0	X
Ethylenediamine	107-15-3	10	25	---	---	---	---	X
Ethylene dibromide	106-93-4	0.1	---	0.5	---	---	---	---
Ethylene dichloride	107-06-2	1.0	4.0	2.0	8.0	---	---	---
Ethylene glycol	107-21-1	---	---	---	---	50	125	---
Ethylene glycol dinitrate	628-96-6	---	---	---	0.1	---	---	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	---	5.0	24	---	---	---	---	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	---	---	---	---	---	---	X

NY/SPECIAL
TABLE 1.16

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Ethylene oxide (see WAC 296-62-07353)	75-21-8	1.0	2.0	---	---	---	---	---
Ethyl ether	60-29-7	400	1,200	500	1,500	---	---	---
Ethyl formate	109-94-4	100	300	---	---	---	---	---
Ethylidene chloride (see 1, 1-Dichloroethane)	---	---	---	---	---	---	---	---
Ethylidene norbornene	16219-75-3	---	---	---	---	5.0	25	---
Ethyl mercaptan	75-08-1	0.5	1.0	---	---	---	---	---
n-Ethylmorpholine	100-74-3	5.0	23	---	---	---	---	X
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	---	25	130	---	---	---	---	---
Ethyl silicate	78-10-4	10	85	---	---	---	---	---
Fenamiphos	22224-92-6	---	0.1	---	---	---	---	X
Fensulfothion (Dasanit)	115-90-2	---	0.1	---	---	---	---	---
Fenthion	55-38-9	---	0.2	---	---	---	---	X
Ferbam	14484-64-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Ferrovandium dust	12604-58-9	---	1.0	---	3.0	---	---	---
Fluorides (as F)	Varies w/compound	---	2.5	---	---	---	---	---
Fluorine	7782-41-4	0.1	0.2	---	---	---	---	---
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	---	---	---	---	1,000	5,600	---
Fonofos	944-22-9	---	0.1	---	---	---	---	---
Formaldehyde (see WAC 296-62-07540)	50-00-0	1.0	---	2.0	---	---	---	X
Formamide	75-12-7	20	30	30	45	---	---	---
Formic acid	64-18-6	5.0	9.0	---	---	---	---	---
Furfural	98-01-1	2.0	8.0	---	---	---	---	---
Furfuryl alcohol	98-00-0	10	40	15	60	---	---	X
Gasoline	8006-61-9	300	900	500	1,500	---	---	X
Germanium tetrahydride	7782-65-2	0.2	0.6	---	---	---	---	---

(N/SPECIAL TABLE 1.17

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Glass, fibrous or dust	---	---	10	---	---	---	---	---
Gluteraldehyde	111-30-8	---	---	---	---	0.2	0.8	---
Glycerin mist	56-81-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Glycidol (2, 3-Epoxy-1- propanol)	556-52-5	25	75	---	---	---	---	---
Glycol monoethyl ether (see 2-Ethoxyethanol)	---	---	---	---	---	---	---	---
Grain dust (oat, wheat, barley)	---	---	10	---	---	---	---	---
Graphite, natural	7702-42-5	---	---	---	---	---	---	---
Respirable dust	---	---	2.5	---	---	---	---	---
Graphite, Synthetic	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Guthlon® (see Azinphosmethyl)	---	---	---	---	---	---	---	---
Gypsum	13397-24-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Hafnium	7440-50-6	---	---	---	---	---	---	---
Helium	---	Simple	Asphyxiant	---	---	---	---	---
Heptachlor	76-44-8	---	0.5	---	---	---	---	X
Heptane (n-heptane)	142-02-5	400	1,600	500	2,000	---	---	---
2-Heptanone, (see Methyl n-amyl ketone)	---	---	---	---	---	---	---	---
3-Heptanone (see Ethyl butyl ketone)	---	---	---	---	---	---	---	---
Hexachlorobutadiene	87-68-3	0.02	0.24	---	---	---	---	X
Hexachlorocyclopentadiene	77-47-4	0.01	0.1	---	---	---	---	X
Hexachloroethane	67-72-1	1.0	10	---	---	---	---	X
Hexachloronaphthalene	1335-07-1	---	0.2	---	---	---	---	X
Hexafluoroacetone	684-16-2	0.1	0.7	---	---	---	---	X
Hexane	---	---	---	---	---	---	---	---
n-hexane	110-54-3	50	180	---	---	---	---	---
other isomers	Varies w/compound	500	1,000	1,000	3,600	---	---	---

(N/SPECIAL TABLE 1.18

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5.0	20	---	---	---	---	---
Hexone (Methyl isobutyl ketone)	108-10-1	50	205	75	300	---	---	---
sec-Hexyl acetate	108-84-9	50	300	---	---	---	---	---
Hexylene Glycol	107-41-5	---	---	---	---	25	125	---
Hydrazine	302-01-2	0.1	0.1	---	---	---	---	X
Hydrogen	---	Simple	Asphyxiant	---	---	---	---	---
Hydrogenated terphenyls	61788-32-7	0.5	5.0	---	---	---	---	---
Hydrogen bromide	10035-10-6	---	---	---	---	3.0	10	---
Hydrogen chloride	7647-01-0	---	---	---	---	5.0	7.0	---
Hydrogen cyanide	74-90-8	---	---	4.7	5.0	---	---	X
Hydrogen fluoride	7664-39-3	---	---	---	---	3.0	2.5	---
Hydrogen peroxide	7722-84-1	1.0	1.4	---	---	---	---	---
Hydrogen selenide (as Se)	7783-07-5	0.05	0.2	---	---	---	---	---
Hydrogen Sulfide	7783-06-4	10	14	15	21	---	---	---
Hydroquinone	123-31-9	---	2.0	---	---	---	---	---
4-Hydroxy-4-methyl-2-pentanone (see Diacetone alcohol)	---	---	---	---	---	---	---	---
2-Hydroxypropyl acrylate	999-61-1	0.5	3.0	---	---	---	---	X
Indene	95-13-6	10	45	---	---	---	---	---
Indium and compounds (as In)	7440-74-6	---	0.1	---	---	---	---	---
Iodine	7553-56-2	---	---	---	---	0.1	1.0	---
Iodoform	75-47-8	0.6	10	---	---	---	---	---
Iron oxide dust and fume (as Fe)	1309-37-1	---	---	---	---	---	---	---
Total particulate	---	---	5.0	---	---	---	---	---

HT/SPECIAL
TABLE 1.19

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Iron pentacarbonyl (as Fe)	13463-40-6	0.1	0.8	0.2	1.6	---	---	---
Iron salts, soluble (as Fe)	Varies w/compound	---	1.0	---	---	---	---	---
Isoamyl acetate	123-92-2	100	525	---	---	---	---	---
Isoamyl alcohol (primary and secondary)	123-51-3	100	360	125	450	---	---	---
Isobutyl acetate	110-19-0	150	700	---	---	---	---	---
Isobutyl alcohol	78-83-1	50	150	---	---	---	---	---
Isooctyl alcohol	26952-21-6	50	270	---	---	---	---	---
Isophorone	78-59-1	4.0	23	---	---	5.0	25	X
Isophorone diisocyanate	4098-71-9	0.005	0.045	0.02	---	---	---	X
Isopropoxyethanol	109-59-1	25	105	---	---	---	---	---
Isopropyl acetate	108-21-4	250	950	310	1,185	---	---	---
Isopropyl alcohol	67-63-0	400	980	500	1,225	---	---	---
Isopropylamine	75-31-0	5.0	12	10	24	---	---	---
N-Isopropylaniline	768-52-5	2.0	10	---	---	---	---	X
Isopropyl ether	108-20-3	250	1,050	---	---	---	---	---
Isopropyl glycidyl ether (IGE)	4016-14-2	50	240	75	360	---	---	---
Kaolin								
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Ketene	463-51-4	0.5	0.9	1.5	3.0	---	---	---
Lead inorganic (as Pb) (see WAC 296-62-07521)	7439-92-1	---	0.15	---	---	---	---	---

HT/SPECIAL
TABLE 1.20

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Lead arsenate (see WAC 296-62-07347)	3687-31-8	---	0.15	---	---	---	---	---
Lead chromate	7758-97-6	---	0.05	---	---	---	---	---
Limestone	1317-65-3	---		---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Lindane	58-89-9	---	0.5	---	---	---	---	X
Lithium hydride	7580-67-8	---	0.025	---	---	---	---	---
L.P.G. (liquified petroleum gas)	68476-85-7	1,000	1,800	---	---	---	---	---
Magnesite	546-93-0	---		---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Magnesium oxide fume	1309-48-4	---		---	---	---	---	---
Total particulate	---	---	10	---	---	---	---	---
Malathion	121-75-5	---		---	---	---	---	X
Total dust	---	---	10	---	---	---	---	---
Maleic anhydride	108-31-6	0.25	1.0	---	---	---	---	---
Manganese and compound (as Mn)	7439-96-5	---		---	---	---	5.0	---
Manganese tetroxide and fume (as Mn)	7439-96-5	---	1.0	---	3.0	---	---	---
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	---	0.1	---	---	---	---	X
Manganese tetroxide (as Mn)	1317-35-7	---	1.0	---	---	---	---	---
Marble	1317-65-3	---		---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Mercury (aryl and inorganic) (as Hg)	7439-97-6	---		---	---	---	0.1	X
Mercury (organo-alkyl compounds) (as Hg)	7439-97-6	---	0.01	---	0.03	---	---	X
Mercury (vapor) (as Hg)	7439-97-6	---	0.05	---	---	---	---	X

HT/SPECIAL
TABLE 1.21

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Mesityl oxide	141-79-7	15	60	25	100	---	---	---
Methacrylic acid	79-41-4	20	70	---	---	---	---	X
Methane	---	Simple	Asphyxiant	---	---	---	---	---
Methanethiol (see Methyl mercaptan)	---	---	---	---	---	---	---	---
Methomyl (lannate)	16752-77-5	---	2.5	---	---	---	---	---
Methoxychlor	72-43-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5.0	16	---	---	---	---	X
4-Methoxyphenol	150-76-5	---	5.0	---	---	---	---	---
Methyl acetate	79-20-9	200	610	250	760	---	---	---
Methyl acetylene (propyne)	74-99-7	1,000	1,650	---	---	---	---	---
Methyl acetylene-propadiene mixture (MAPP)	---	1,000	1,800	1,250	2,250	---	---	---
Methyl acrylate	96-33-3	10	35	---	---	---	---	X
Methylacrylonitrile	126-98-7	1.0	3.0	---	---	---	---	X
Methylal (Dimethoxy-methane)	109-87-5	1,000	3,100	---	---	---	---	---
Methyl alcohol (methanol)	67-56-1	200	260	250	325	---	---	X
Methylamine	74-89-5	10	12	---	---	---	---	---
Methyl amyl alcohol (see Methyl isobutyl carbinol)	---	---	---	---	---	---	---	---
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50	235	---	---	---	---	---
N-Methyl aniline (see Monomethyl aniline)	---	---	---	---	---	---	---	---
Methyl bromide	74-83-9	5.0	20	---	---	---	---	X

HT/SPECIAL
TABLE 1.22

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Methyl butyl ketone (see 2-Hexanone)	---	---	---	---	---	---	---	---
Methyl cellosolve (see 2-Methoxyethanol)	109-86-4	5.0	16	---	---	---	---	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5.0	24	---	---	---	---	X
Methyl chloride	74-87-3	50	105	100	210	---	---	---
Methyl chloroform (1, 1, 1-trichloroethane)	71-55-6	350	1,900	450	2,450	---	---	---
Methyl chloromethyl ether (see WAC 296-62-073)	107-30-2	---	---	---	---	---	---	---
Methyl 2-cyanoacrylate	137-05-3	2.0	8.0	4.0	16	---	---	---
Methylcyclohexane	108-87-2	400	1,600	---	---	---	---	---
Methylcyclohexanol	25639-42-3	50	235	---	---	---	---	---
Methylcyclohexanone	583-60-8	50	230	75	345	---	---	X
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	---	0.2	---	---	---	---	X
Methyl demeton	8022-00-2	---	0.5	---	---	---	---	X
Methylene bisphenyl isocyanate (MDI)	101-68-8	---	---	---	---	0.02	0.2	---
4, 4'-Methylene bis (2-chloroaniline (MBOCA)) (see WAC 296-62-073)	101-14-4	0.02	0.22	---	---	---	---	X
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	---	---	---	---	0.01	0.11	---
Methylene chloride	75-09-2	100	---	500	---	---	---	---
4, 4-Methylene dianiline	101-77-9	0.1	0.8	---	---	---	---	X
Methyl ethyl ketone (MEK) (see 2-Butanone)	78-93-3	---	---	---	---	---	---	---
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	---	---	---	---	0.2	1.5	---
Methyl formate	107-31-3	100	250	150	375	---	---	---

WAC/SPECIAL
TABLE 1.23

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
5-Methyl-3-heptanone (see Ethyl amyl ketone)	---	---	---	---	---	---	---	---
Methyl hydrazine (see Monomethyl hydrazine)	60-34-4	---	---	---	---	0.2	0.35	X
Methyl iodide	74-88-4	2.0	10	---	---	---	---	X
Methyl isoamyl ketone	110-12-3	50	240	---	---	---	---	---
Methyl isobutyl carbinol	108-11-2	25	100	40	165	---	---	X
Methyl isobutyl ketone (see Hexone)	---	---	---	---	---	---	---	---
Methyl isocyanate	624-83-9	0.02	0.05	---	---	---	---	X
Methyl isopropyl ketone	563-80-4	200	705	---	---	---	---	---
Methyl mercaptan	74-93-1	0.5	1.0	---	---	---	---	---
Methyl methacrylate	80-62-6	100	410	---	---	---	---	---
Methyl parathion	298-00-0	---	0.2	---	---	---	---	X
Methyl propyl ketone (see 2-Pentanone)	---	---	---	---	---	---	---	---
Methyl silicate	684-84-5	1.0	6.0	---	---	---	---	---
alpha-Methyl styrene	98-83-9	50	240	100	485	---	---	---
Methylene bisphenyl isocyanate (MDI)	101-68-8	---	---	---	---	0.02	0.2	---
Mevinphos® (see Phosdrin)	---	---	---	---	---	---	---	---
Metribuzin	21087-64-9	---	5.0	---	---	---	---	---
Mica (see Silicates)	---	---	---	---	---	---	---	---
Molybdenum (as Mo)	7439-98-7	---	---	---	---	---	---	---
Soluble compounds	---	---	5.0	---	---	---	---	---
Insoluble compounds	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Monomethyl aniline	100-61-8	0.5	2.0	---	---	---	---	---

WAC/SPECIAL
TABLE 1.24

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Monocrotophos (Azodrin®)	6923-22-4	---	0.25	---	---	---	---	---
Monoethyl aniline	100-61-8	0.5	2.0	---	---	---	---	X
Monomethyl hydrazine	---	---	---	---	---	0.2	0.35	---
Morpholine	110-91-8	20	70	30	105	---	---	X
Naled	300-76-5	---	3.0	---	---	---	---	X
Naphtha (Coal tar)	8030-30-6	100	400	---	---	---	---	X
Naphthalene	91-20-3	10	50	15	75	---	---	---
alpha-Naphthylamine (see WAC 296-62-073)	134-32-7	---	---	---	---	---	---	---
beta-Naphthylamine (see WAC 296-62-073)	91-59-8	---	---	---	---	---	---	---
Neon	7440-01-9	Simple	Asphyxiant	---	---	---	---	---
Nickel carbonyl (as Ni)	13463-39-3	0.001	0.007	---	---	---	---	---
Nickel, (as Ni)	7440-02-0	---	---	---	---	---	---	---
Metal and insoluble compounds	---	---	1.0	---	---	---	---	---
Soluble compounds	---	---	0.1	---	---	---	---	---
Nicotine	54-11-5	---	0.5	---	---	---	---	X
Nitrapyrin	1929-82-4	---	10	---	20	---	---	---
Nitric acid	7697-37-2	2.0	5.0	4.0	10	---	---	---
Nitric oxide	10102-43-9	25	30	---	---	---	---	---
p-Nitroaniline	100-01-6	---	3.0	---	---	---	---	X
Nitrobenzene	98-95-3	1.0	5.0	---	---	---	---	X
4-Nitrobiphenyl (see WAC 296-62-073)	92-93-3	---	---	---	---	---	---	---
p-Nitrochlorobenzene	100-00-5	---	0.5	---	---	---	---	X
4-Nitrodiphenyl (see WAC 296-62-073)	---	---	---	---	---	---	---	---
Nitroethane	79-24-3	100	310	---	---	---	---	---
Nitrogen	7727-37-9	Simple	Asphyxiant	---	---	---	---	---
Nitrogen dioxide	10102-44-0	---	---	1.0	1.8	---	---	---
Nitrogen trifluoride	7783-54-2	10	29	---	---	---	---	---
Nitroglycerin	55-63-0	---	---	---	0.1	---	---	X
Nitromethane	75-52-5	100	250	---	---	---	---	---
1-Nitropropane	108-03-2	25	90	---	---	---	---	---

RT/SPECIAL
TABLE 1.25

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
2-Nitropropane	79-46-9	10	35	---	---	---	---	---
N-Nitrosodimethylamine (see WAC 296-62-073)	62-75-9	---	---	---	---	---	---	---
Nitrotoluene:								
o-isomer	88-72-2	2.0	11	---	---	---	---	X
m-isomer	98-08-2	2.0	11	---	---	---	---	X
p-isomer	99-99-0	2.0	11	---	---	---	---	X
Nitrotirchloromethane (see Chloropicrin)	---	---	---	---	---	---	---	---
Nitrous Oxide (Nitrogen oxide)	10024-97-2	30	54	---	---	---	---	---
Nonane	111-84-2	200	1,050	---	---	---	---	---
Octachloronaphthalene	2234-13-1	---	0.1	---	0.3	---	---	X
Octane	111-65-9	300	1,450	375	1,800	---	---	---
Oil mist, mineral (particulate)	8012-95-1	---	5.0	---	---	---	---	---
Osmium tetroxide (as Os)	20816-12-0	0.0002	0.002	0.0006	0.006	---	---	---
Oxalic acid	144-62-7	---	1.0	---	2.0	---	---	---
Oxygen difluoride	7783-41-7	---	---	---	---	0.05	0.1	---
Ozone	10028-15-6	0.1	0.2	0.3	0.6	---	---	---
Paraffin wax fume	8002-74-2	---	2.0	---	---	---	---	---
Paraquat (Respirable dust)	4685-14-7 1910-42-5 2074-50-2	---	0.1	---	---	---	---	X
Parathion	56-38-2	---	0.1	---	---	---	---	X
Particulate polycyclic aromatic hydrocarbons (see coal tar pitch volatiles)	---	---	---	---	---	---	---	---
Particulates not otherwise regulated (see WAC 296-62-07510)	---	---	---	---	---	---	---	---
Total Dust	---	---	10	---	---	---	---	---
Respirable Fraction	---	---	5.0	---	---	---	---	---
Pentaborane	19624-22-7	0.005	0.01	0.015	0.03	---	---	---
Pentachloronaphthalene	1321-64-8	---	0.5	---	---	---	---	X
Pentachlorophenol	87-86-5	---	0.5	---	---	---	---	X

RT/SPECIAL
TABLE 1.26

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Pentaerythritol	115-77-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Pentane	109-66-0	600	1,800	750	2,250	---	---	---
2-Pentanone (methyl propyl ketone)	107-87-9	200	700	250	875	---	---	---
Perchloroethylene (tetrachloroethylene)	127-18-4	25	170	---	---	---	---	---
Perchloromethyl mercaptan	594-42-3	0.1	0.8	---	---	---	---	---
Perchloryl fluoride	7616-94-6	3.0	14	6.0	28	---	---	---
Perlite	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Petroleum distillates (Naptha)	8002-05-9	100	400	---	---	---	---	---
Phenol	108-95-2	5.0	19	---	---	---	---	X
Phenothiazine	92-84-2	---	5.0	---	---	---	---	X
p-Phenylene diamine	106-50-3	---	0.1	---	---	---	---	X
Phenyl ether (vapor)	101-84-8	1.0	7.0	---	---	---	---	---
Phenyl ether-diphenyl mixture (vapor)	---	1.0	7.0	---	---	---	---	---
Phenylethylene, (see Styrene)	---	---	---	---	---	---	---	---
Phenyl glycidyl ether (PGE)	122-60-1	1.0	6.0	---	---	---	---	---
Phenylhydrazine	100-63-0	5.0	20	10	45	---	---	X
Phenyl mercaptan	108-98-5	0.5	2.0	---	---	---	---	---
Phenylphosphine	638-21-1	---	---	---	---	0.05	0.25	---
Phorate	298-02-2	---	0.05	---	0.2	---	---	X
Phosdrin (Mevinphos®)	7786-34-7	0.01	0.1	0.03	0.3	---	---	X

HT/SPECIAL
TABLE 1.27

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Phosgene (carbonyl chloride)	75-44-5	0.1	0.4	---	---	---	---	---
Phosphine	7803-51-2	0.3	0.4	1.0	1.0	---	---	---
Phosphoric acid	7664-38-2	---	1.0	---	3.0	---	---	---
Phosphorus (yellow)	7723-14-0	---	0.1	---	---	---	---	---
Phosphorous oxychloride	10025-87-3	0.1	0.6	---	---	---	---	---
Phosphorus pentachloride	10026-13-8	0.1	1.0	---	---	---	---	---
Phosphorus pentasulfide	1314-80-3	---	1.0	---	3.0	---	---	---
Phosphorus trichloride	7719-12-2	0.2	1.5	0.5	3.0	---	---	---
Phthalic anhydride	85-44-9	1.0	6.0	---	---	---	---	---
m-Phthalodinitrile	626-17-5	---	5.0	---	---	---	---	---
Picloram	1918-02-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Picric acid	88-89-1	---	0.1	---	---	---	---	X
Pindone (see Pival) (2-Pivalyl-1, 3-indandione)	83-26-1	---	0.1	---	---	---	---	---
Piperazine dihydrochloride	142-64-3	---	5.0	---	---	---	---	---
Pival® (see Pindone)	-----	---	---	---	---	---	---	---
Plaster of Paris	26499-65-0	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Platinum (as Pt)	7440-06-4	---	---	---	---	---	---	---
Metal	---	---	1.0	---	---	---	---	---
Soluble salts	---	---	0.002	---	---	---	---	---
Polychlorobiphenyls (see Chlorodiphenyls)	---	---	---	---	---	---	---	---
Portland cement	65997-15-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---

HT/SPECIAL
TABLE 1.28

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Potassium hydroxide	1310-58-3	---	---	---	---	---	2.0	---
Propane	74-98-6	1,000	1,800	---	---	---	---	---
Propargyl alcohol	107-19-7	1.0	2.0	---	---	---	---	X
beta-Propiolactone (see WAC 296-62-073)	52-57-8	---	---	---	---	---	---	---
Propionic acid	79-09-4	10	30	---	---	---	---	---
Propoxur (Baygon)	114-26-1	---	0.5	---	---	---	---	---
n-Propyl acetate	109-60-4	200	840	250	1,050	---	---	---
n-Propyl alcohol	71-23-8	200	500	250	625	---	---	X
n-Propyl nitrate	627-13-4	25	105	40	170	---	---	---
Propylene	---	Simple	Asphyxiant	---	---	---	---	---
Propylene dichloride (1, 2-Dichloropropane)	78-87-5	75	350	110	510	---	---	---
Propylene glycol dinitrate	6423-43-4	0.05	0.3	---	---	---	---	X
Propylene glycol monomethyl ether	107-98-2	100	360	150	540	---	---	---
Propylene imine	75-55-8	2.0	5.0	---	---	---	---	X
Propylene oxide	75-56-9	20	50	---	---	---	---	---
Propyne, (see Methyl acetylene)	---	---	---	---	---	---	---	---
Pyrethrum	8003-34-7	---	5.0	---	---	---	---	---
Pyridine	110-86-1	5.0	15	---	---	---	---	---
Quinone	106-51-4	0.1	0.4	---	---	---	---	---
RDX (See Cyclonite)	---	---	1.5	---	---	---	---	X
Resorcinol	108-46-3	10	45	20	90	---	---	---
Rhodium (as Rh)	7440-16-6	---	---	---	---	---	---	---
Insoluble compounds, Metal fumes and dusts	---	---	0.1	---	---	---	---	---
Soluble compounds, salts	---	---	0.001	---	---	---	---	---

PT/SPECIAL
TABLE 1.29

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Ronnel	299-84-3	---	10	---	---	---	---	---
Rosin core solder, pyrolysis products (as formaldehyde)	---	---	0.1	---	---	---	---	---
Rotenone	83-79-4	---	5.0	---	---	---	---	---
Rouge	---	---	10	---	---	---	---	---
Total dust	---	---	5.0	---	---	---	---	---
Respirable fraction	---	---	---	---	---	---	---	---
Rubber solvent (naphtha)	400	1,600	---	---	---	---	---	---
Selenium compounds (as Se)	7782-49-2	---	0.2	---	---	---	---	---
Selenium hexafluoride (as Se)	7783-79-1	0.05	0.2	---	---	---	---	---
Sesone (see Crag herbicide)	---	---	---	---	---	---	---	---
Silane (see Silicon tetrahydride)	---	---	---	---	---	---	---	---
Silica, amorphous, precipitated and gel	---	---	6.0	---	---	---	---	---
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	---	6.0	---	---	---	---	---
Total dust	---	---	6.0	---	---	---	---	---
Respirable fraction	---	---	3.0	---	---	---	---	---
Silica, crystalline cristobalite (as quartz) respirable dust	14464-46-1	---	0.05	---	---	---	---	---
Silica, crystalline quartz (as quartz), respirable dust	14808-60-7	---	0.1 ^{g/ h/}	---	---	---	---	---
Silica, crystalline tripoli (as quartz), respirable dust	1317-95-9	---	0.1	---	---	---	---	---
Silica, crystalline tridymite (as quartz), respirable dust	15468-32-3	---	0.05	---	---	---	---	---
Silica, fused, respirable dust	60676-86-0	---	0.1	---	---	---	---	---

PT/SPECIAL
TABLE 1.30

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Silicates (less than 1% crystalline silica):								
Mica (Respirable dust)	120D1-26-2	---	3.0	---	---	---	---	---
Soapstone, Total dust	---	---	6.0	---	---	---	---	---
Soapstone, Respirable dust	---	---	3.0	---	---	---	---	---
Talc (containing asbestos), use asbestos limit (see WAC 296-62-07517)	---	---	---	---	---	---	---	---
Talc (containing no asbestos), Respirable dust	14807-96-6	---	2.0	---	---	---	---	---
Tremolite (see WAC 296-62-07517)	---	---	---	---	---	---	---	---
Silicon	7440-21-3	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Silicon Carbide	409-21-2	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Silicon tetrahydride	7803-62-5	5.0	7.0	---	---	---	---	---
Silver, metal and soluble compounds (as Ag)	7440-22-4	---	0.01	---	---	---	---	---
Soapstone (see Silicates)	---	---	---	---	---	---	---	---
Sodium azide (as HN ₃) (as NaN ₃)	26628-22-8	---	---	---	---	0.1	0.3	X
Sodium bisulfite	7631-90-5	---	5.0	---	---	0.1	0.3	X
Sodium-2, 4-dichlorophenoxyethyl sulfate (see Crag herbicide)	---	---	---	---	---	---	---	---
Sodium fluoroacetate	62-74-8	---	0.05	---	0.15	---	---	X
Sodium hydroxide	1310-73-2	---	---	---	---	---	2.0	---
Sodium metabisulfite	7681-57-4	---	5.0	---	---	---	---	---
Starch	9005-25-8	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Stibine	7803-52-3	0.1	0.5	---	---	---	---	---
Stoddard solvent	8052-41-3	100	525	---	---	---	---	---
Strychnine	57-24-9	---	0.15	---	---	---	---	---
Styrene	100-42-5	50	215	100	425	---	---	---

HT/SPECIAL TABLE 1.31

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Subtilisins (proteolytic enzymes)	1395-21-7	---	---	---	---	---	0.00006	---
Sucrose	57-50-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Sulfotep (see TEDP)	---	---	---	---	---	---	---	X
Sulfur dioxide	7446-09-5	2.0	5.0	5.0	10	---	---	---
Sulfur hexafluoride	2551-62-4	1,000	6,000	---	---	---	---	---
Sulfuric acid	7664-93-9	---	1.0	---	---	---	---	---
Sulfur monochloride	10025-67-9	---	---	---	---	1.0	6.0	---
Sulfur pentafluoride	5714-22-1	---	---	---	---	0.01	0.1	---
Sulfur tetrafluoride	7783-60-0	---	---	---	---	0.1	0.4	---
Sulfuryl fluoride	2699-79-8	5.0	20	10	40	---	---	---
Sulprofos	35400-43-2	---	1.0	---	---	---	---	---
Systox (see Demeton®)	---	---	---	---	---	---	---	---
2, 4, 5-T	93-76-5	---	10	---	---	---	---	---
Talc (see Silicates)	---	---	---	---	---	---	---	---
Tantalum	7440-25-7	---	5.0	---	---	---	---	---
Metal and oxide dusts	---	---	---	---	---	---	---	---
TEOP (Sulfotep)	3689-24-5	---	0.2	---	---	---	---	X
Tellurium and compounds (as Te)	13494-80-9	---	0.1	---	---	---	---	---
Tellurium hexafluoride (as Te)	7783-80-4	0.02	0.2	---	---	---	---	---
Temphos	3383-96-8	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
TEPP	107-49-3	0.004	0.05	---	---	---	---	X
Terphenyls	26140-60-3	---	---	---	---	0.5	5.0	---
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500	4,170	---	---	---	---	---

HT/SPECIAL TABLE 1.32

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500	4,170	---	---	---	---	---
1, 1, 2, 2-Tetrachloroethane	79-34-5	1.0	7.0	---	---	---	---	X
Tetrachloroethylene (see Perchloroethylene)	---	---	---	---	---	---	---	---
Tetrachloromethane (see Carbon tetrachloride)	---	---	---	---	---	---	---	---
Tetrachloronaphthalene	1335-88-2	---	2.0	---	---	---	---	X
Tetraethyl lead (as Pb)	78-00-2	---	0.075	---	---	---	---	X
Tetrahydrofuran	109-99-9	200	590	250	735	---	---	---
Tetramethyl lead (as Pb)	75-74-1	---	0.075	---	---	---	---	X
Tetramethyl succinonitrile	3333-52-6	0.5	3.0	---	---	---	---	X
Tetranitromethane	509-14-8	1.0	8.0	---	---	---	---	---
Tetrasodium pyrophosphate	7722-88-5	---	5.0	---	---	---	---	---
Tetryl (2, 4, 6-trinitrophenyl-methylnitramine)	479-45-8	---	1.5	---	---	---	---	X
Thallium (soluble compounds) (as Tl)	7440-28-0	---	0.1	---	---	---	---	X
4, 4-Thiobis (6-tert-butyl-m-cresol)	96-69-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Thioglycolic acid	68-11-1	1.0	4.0	---	---	---	---	X
Thionyl chloride	7719-09-7	---	---	---	---	1.0	5.0	---
Thiram® (see WAC 296-62-07519)	137-26-8	---	5.0	---	---	---	---	---
Tin (as Sn)	7440-31-5	---	2.0	---	---	---	---	---
Inorganic compounds (except oxides)	---	---	---	---	---	---	---	---
Tin, Organic compounds (as Sn)	7440-31-5	---	0.1	---	---	---	---	X

HY/SPECIAL
TABLE 1.33

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Tin Oxide (as Sn)	21651-19-4	---	2.0	---	---	---	---	---
Titanium dioxide	13463-67-7	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Toulene	108-88-3	100	375	150	560	---	---	---
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005	0.04	0.02	0.15	---	---	---
m-Toluidine	108-44-1	2.0	9.0	---	---	---	---	X
o-Toluidine	95-53-4	2.0	9.0	---	---	---	---	X
p-Toluidine	106-49-0	2.0	9.0	---	---	---	---	X
Toxaphene (see Chlorinated camphene)	---	---	---	---	---	---	---	---
Tremolite (see Silicates)	---	---	---	---	---	---	---	---
Tributyl phosphate	126-73-8	0.2	2.5	---	---	---	---	---
Trichloroacetic acid	76-03-9	1.0	7.0	---	---	---	---	---
1, 2, 4-Trichlorobenzene	120-82-1	---	---	---	---	5.0	40	---
1, 1, 1-Trichloroethane (see Methyl chloroform)	---	---	---	---	---	---	---	---
1, 1, 2-Trichloroethane	79-00-5	10	45	---	---	---	---	---
Trichloroethylene	79-01-6	50	270	200	1,080	---	---	---
Trichlorofluoromethane	75-69-4	---	---	---	---	1,000	5,600	---
Trichloromethane (see Chloroform)	---	---	---	---	---	---	---	---
Trichloronaphthalene	1321-65-9	---	5.0	---	---	---	---	X
1, 2, 3-Trichloropropane	96-18-4	10	60	---	---	---	---	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000	7,600	1,250	9,500	---	---	---
Tricyclohexyltin hydroxide (see Cyhexatin)	---	---	---	---	---	---	---	---
Triethylamine	121-44-8	10	40	15	60	---	---	---
Trifluorobromomethane	75-63-8	1,000	6,100	---	---	---	---	---
Trimellitic anhydride	552-30-7	0.005	0.04	---	---	---	---	---

HY/SPECIAL
TABLE 1.34

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Trimethylamine	75-50-3	10	24	15	36	---	---	---
Trimethyl benzene	25551-13-7	25	125	---	---	---	---	---
Trimethyl phosphite	121-45-9	2.0	10	---	---	---	---	---
2, 4, 6-Trinitrophenol (see Picric acid)	---	---	---	---	---	---	---	---
2, 4, 6-Trinitrophenyl- methylnitramine (see Tetryl)	---	---	---	---	---	---	---	---
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	---	0.5	---	---	---	---	X
Triorthocresyl phosphate	78-30-8	---	0.1	---	---	---	---	X
Triphenyl amine	603-34-9	---	5.0	---	---	---	---	---
Triphenyl phosphate	115-86-6	---	3.0	---	---	---	---	---
Tungsten (as W)	7440-33-7	---	---	---	---	---	---	---
Soluble compounds	---	---	1.0	---	3.0	---	---	---
Insoluble compounds	---	---	5.0	---	10	---	---	---
Turpentine	8006-64-2	100	560	---	---	---	---	---
Uranium (as U)	7440-61-1	---	---	---	---	---	---	---
Soluble compounds	---	---	0.05	---	---	---	---	---
Insoluble compounds	---	---	0.2	---	0.6	---	---	---
n-Valeraldehyde	110-62-3	50	175	---	---	---	---	---
Vanadium (as V ₂ O ₅) Respirable dust and fume	1314-62-1	---	0.05	---	---	---	---	---
Vegetable oil mist	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Vinyl acetate	108-05-1	10	30	20	60	---	---	---
Vinyl benzene (see Styrene)	---	---	---	---	---	---	---	---
Vinyl bromide	593-60-2	5.0	20	---	---	---	---	---
Vinyl chloride (see WAC 296-62-07329)	75-01-4	---	---	---	---	---	---	---

NT/SPECIAL
TABLE 1.35

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Vinyl cyanide (see Acrylonitrile)	---	---	---	---	---	---	---	---
Vinyl cyclohexene dioxide	106-87-6	10	60	---	---	---	---	X
Vinyl toluene	25013-15-4	50	240	---	---	---	---	---
Vinylidene chloride (1, 1-Dichloroethylene)	75-35-4	1.0	4.0	---	---	---	---	---
VM & P Naphtha	8032-32-4	300	1,350	400	1,800	---	---	---
Warfarin	81-81-2	---	0.1	---	---	---	---	---
Welding fumes ^{f/} (total particulate)	---	---	5.0	---	---	---	---	---
Wood dust: Nonallergenic; All soft woods and hard woods except allergenics Allergenic; (e.g. cedar, mahogany and teak)	---	---	5.0	---	10	---	---	---
Xylenes (Xylol) (o-, m-, p-isomers)	1330-20-7	100	435	150	655	---	---	---
m-Xylene alpha, alpha-diamine	1477-55-0	---	---	---	---	---	0.1	X
Xylidine	1300-73-8	2.0	10	---	---	---	---	X
Yttrium	7440-65-5	---	1.0	---	---	---	---	---
Zinc chloride fume	7646-85-7	---	1.0	---	2.0	---	---	---
Zinc chromate (as CrO ₃)	Varies w/compound	---	0.05	---	---	---	0.1	---
Zinc oxide	1314-13-2	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Zinc oxide fume	1314-13-2	---	5.0	---	10	---	---	---
Zinc stearate	557-05-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---

NT/SPECIAL
TABLE 1.36

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Zirconium compounds (as Zr)	7440-67-2	---	5.0	---	10	---	---	---

- Notes:
- a/ Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg. pressure (torr).
 - b/ Approximate milligrams of substance per cubic meter of air.
 - c/ Duration is for 15 minutes, unless otherwise noted.
 - d/ The final benzene standard in WAC 296-62-07523 applies to all occupational exposures to benzene except some sub-segments of industry where exposures are consistently under the action level (i.e., distribution and sale of fuels, sealed containers and pipelines, coke production, oil and gas drilling and production, natural gas processing, and the percentage exclusion for liquid mixtures).
 - e/ This 8-hour TWA applies to respirable dust as measured by a vertical elutriator cotton dust sampler or equivalent instrument. The time-weighted average applies to the cotton waste processing operations of waste recycling (sorting, blending, cleaning, and willowing) and garretting. See also WAC 296-62-14533 for cotton dust limits applicable to other sectors.
 - f/ As determined from breathing-zone air samples.
 - g/ Total dust formula for Silica (as quartz) is: $\frac{30 \text{ mg/m}^3}{\% \text{ SiO}_2 + 3}$
 - h/ Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

Containing less than 1% quartz if 1% quartz, use quartz limit.

The measurements under this note refer to the use of an AEC (now NRC) instrument. The respirable fraction of coal dust is determined with an AEC the figure corresponding to that of 2.4 mg/m³ in the table for coal dust is 4.5 mg/m³.

HT/SPECIAL
TABLE 2.1

TABLE 2
TRANSITIONAL LIMITS

The transitional limits listed are in effect until December 31, 1992. These limits require the use of engineering controls, where feasible, the additional protection to achieve the more protective limits listed in Table 1 may be achieved using protective control measures as set forth in WAC 296-62-07501(3).

Substance	PEL		Acceptable Ceiling Concentration	
	ppm	mg/m ³	ppm	mg/m ³
Carbon disulfide	10	---	15	---
Carbon monoxide	50	55	---	---
Carbon tetrachloride	5.0	---	20	---
Chloroform (Trichloromethane)	10	50	50	240
Coal dust-respirable (less than 5% SiO ₂)	---	2.4	---	---
Cobalt metal, dust and fume (as Co)	---	0.1	---	---
Ethylene dichloride	10	---	15	---
Ethylene glycol dinitrate	0.05	0.3	0.2	1.0
Nitrogen dioxide	---	---	5.0	9.0
Nitroglycerin	0.05	0.3	0.2	1.0
Perchloroethylene (Tetrachloroethylene)	50	---	200	---
Styrene	100	---	200	---

HT/PEL
TABLE 1.1

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Abate, see Temephos	---	---	---	---	---	---	---	---
Acetaldehyde	75-07-0	100	180	150	270	---	---	---
Acetic acid	64-19-7	10	25	---	---	---	---	---
Acetic anhydride	108-24-7	---	---	---	---	5.0	20	---
Acetone	67-64-1	750	1800	1000	2400	---	---	---
Acetonitrile	75-05-8	40	70	60	105	---	---	---
2-Acetylaminofluorene (see WAC 296-62-073)	53-96-3	---	---	---	---	---	---	---
Acetylene	74-86-2	Simple	Asphyxiant	---	---	---	---	---
Acetylene dichloride (see 1,2-Dichloroethylene)	---	---	---	---	---	---	---	---
Acetylene tetrabromide	79-27-6	1.0	14	---	---	---	---	---
Acetylsalicylic acid (Aspirin)	50-78-2	---	5.0	---	---	---	---	---
Acrolein	107-02-8	0.1	0.25	0.3	0.8	---	---	---
Acrylamide	79-06-1	---	0.03	---	---	---	---	X
Acrylic acid	79-10-7	10	30	---	---	---	---	X
Acrylonitrile (see WAC 296-62-07341)	107-13-1	---	---	---	---	---	---	---
Aldrin	309-00-2	---	0.25	---	---	---	---	X
Allyl alcohol	107-18-6	2.0	5.0	4.0	10	---	---	X
Allyl Chloride	107-05-1	1.0	3.0	2.0	6.0	---	---	---
Allyl glycidyl ether (AGE)	106-92-3	5.0	22	10	44	---	---	---
Allyl propyl disulfide	2179-59-1	2.0	12	3.0	18	---	---	---
alpha-Alumina (see Aluminum oxide)	1344-28-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---

HT/PEL
TABLE 1.2

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Aluminum, metal and oxide (as Al)	7429-90-5	---	---	---	---	---	---	---
Total dust		---	10	---	---	---	---	---
Respirable fraction		---	5.0	---	---	---	---	---
pyro powders	---	---	5.0	---	---	---	---	---
welding fumes ^{f/}	---	---	5.0	---	---	---	---	---
soluble salts	---	---	2.0	---	---	---	---	---
alkyls (NOC)	---	---	2.0	---	---	---	---	---
Alundum (see Aluminum oxide)	---	---	---	---	---	---	---	---
4-Aminodiphenyl (see WAC 296-62-073)	92-67-1	---	---	---	---	---	---	---
2-Aminoethanol (see Ethanolamine)	---	---	---	---	---	---	---	---
2-Aminopyridine	504-29-0	0.5	2.0	---	---	---	---	---
Amitrole	61-82-5	---	0.2	---	---	---	---	---
Ammonia	7664-41-7	25	18	35	27	---	---	---
Ammonium chloride, fume	12125-02-9	---	10	---	20	---	---	---
Ammonium sulfamate (Ammate)	7773-06-0	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
n-Amyl acetate	628-63-7	100	525	---	---	---	---	---
sec-Amyl acetate	626-38-0	125	650	---	---	---	---	---
Aniline and homologues	62-53-3	2.0	8.0	---	---	---	---	X
Anisidine (o, p-isomers)	29191-52-4	0.1	0.5	---	---	---	---	X
Antimony and Compounds (as Sb)	7440-36-0	---	0.5	---	---	---	---	---
ANTU (alpha Naphthyl thiourea)	86-88-4	---	0.3	---	---	---	---	---
Argon	7440-37-1	Simple	Asphyxiant	---	---	---	---	---
Arsenic, Organic compounds (as As)	7440-38-2	---	0.2	---	---	---	---	---

HT/PEL
TABLE 1.3

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Arsenic, Inorganic compounds, (as As) ((Varies with compound)) (see WAC 296-62-07347 for applications and exclusions)	7440-38-2	---	0.2	---	---	---	---	---
Arsine	7784-42-1	0.05	0.2	---	---	---	---	---
Asbestos (see WAC 296-62-((07545))077 through 62-07753)	---	---	---	---	---	---	---	---
Asphalt (Petroleum fumes)	8052-42-4	---	5.0	---	---	---	---	---
Atrazine	1912-24-9	---	5.0	---	---	---	---	---
Azinphos methyl	86-50-0	---	0.2	---	---	---	---	X
Barium, soluble compounds (as Ba)	7440-39-3	---	0.5	---	---	---	---	---
Barium Sulfate	7727-43-7	---	---	---	---	---	---	---
Total dust	---	---	10.0	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Benomyl	17804-35-2	---	---	---	---	---	---	---
Total dust	---	0.8	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Benzene, (see WAC 296-62-07523) ^{d/}	71-43-2	1.0	---	5.0	---	---	---	---
Benzidine, (see WAC 296-62-073)	92-87-5	---	---	---	---	---	---	---
p-Benzoquinone, (see Quinone)	---	---	---	---	---	---	---	---
Benzo(a) pyrene; (see Coal tar pitch volatiles)	---	---	---	---	---	---	---	---
Benzoyl peroxide	94-36-0	---	5.0	---	---	---	---	---
Benzyl chloride	100-44-7	1.0	5.0	---	---	---	---	---
Beryllium and beryllium compounds (as Be)	7440-41-7	0.002	---	0.005 (30 min.)	---	0.025	---	---

HT/PEL
TABLE 1.4

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Biphenyl (see Diphenyl)	---	---	---	---	---	---	---	---
Bismuth telluride, Undoped	1304-82-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Bismuth telluride, Se-doped	---	---	5.0	---	---	---	---	---
Borates, tetra, sodium salts:	---	---	---	---	---	---	---	---
Anhydrous	1330-43-4	---	1.0	---	---	---	---	---
Decahydrate	1303-96-4	---	5.0	---	---	---	---	---
Pentahydrate	12179-04-3	---	1.0	---	---	---	---	---
Boron oxide	1303-86-2	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
((Respirable Fraction	---	---	5.0	---	---	---	---	---
Boron tribromide	10294-33-4	---	---	---	---	1.0	10	---
Boron trifluoride	7637-07-2	---	---	---	---	1.0	3.0	---
Bromacil	314-40-9	1.0	10	---	---	---	---	---
Bromine	7726-95-6	0.1	0.7	0.3	2.0	---	---	---
Bromine pentafluoride	7789-30-2	0.1	0.7	---	---	---	---	---
Bromochloromethane, (see Chlorobromethane)	---	---	---	---	---	---	---	---
Bromoform	15-25-2	0.5	5.0	---	---	---	---	X
Butadiene (1,3-butadiene)	106-99-0	10	22	---	---	---	---	---
Butane	106-97-8	800	1,900	---	---	---	---	---
Butanethiol (see Butyl mercaptan)	---	---	---	---	---	---	---	---
2-Butanone (Methyl ethyl ketone)	78-93-3	200	590	300	885	---	---	---
2-Butoxy ethanol (Butyl Cellosolve)	111-76-2	25	120	---	---	---	---	X
n-Butyl acetate	123-86-4	150	710	200	950	---	---	---

HT/PEL
TABLE 1.5

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
sec-Butyl acetate	105-46-4	200	950	---	---	---	---	---
tert-Butyl acetate	540-88-5	200	950	---	---	---	---	---
Butyl acrylate	141-32-2	10	55	---	---	---	---	---
n-Butyl alcohol	71-36-3	---	---	---	---	50	150	X
sec-Butyl alcohol	78-92-2	100	305	---	---	---	---	---
tert-Butyl alcohol	75-65-0	100	300	150	450	---	---	---
Butylamine	109-73-9	---	---	---	---	5.0	15	X
tert-Butyl chromate (see CrO ₃)	1189-85-1	---	---	---	---	---	0.1	X
n-Butyl glycidyl ether (BGE)	2426-08-6	25	135	---	---	---	---	---
n-Butyl lactate	138-22-7	5.0	25	---	---	---	---	---
Butyl mercaptan	109-79-5	0.5	1.5	---	---	---	---	---
o-sec-Butylphenol	89-72-5	5.0	30	---	---	---	---	X
p-tert-Butyl-toluene	98-51-1	10	60	20	120	---	---	---
Cadmium oxide fume, (as Cd)	1306-19-0	---	---	---	---	---	0.05	---
Cadmium dust and salts (as Cd)	7440-43-9	---	0.05	---	---	---	---	---
Calcium arsenate (see WAC 296-62-07347)	-----	---	---	---	---	---	---	---
Calcium carbonate	1317-65-3	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Calcium cyanamide	156-62-7	---	0.5	---	---	---	---	---
Calcium hydroxide	1305-62-0	---	5.0	---	---	---	---	---
Calcium oxide	1305-78-8	---	2.0	---	---	---	---	---
Calcium silicate	1344-95-2	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Calcium sulfate	7778-18-9	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---

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TABLE 1.6

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Camphor(synthetic)	76-22-2	---	2.0	---	---	---	---	---
Caprolactam;	105-60-2	---	---	---	---	---	---	---
Dust	---	---	1.0	---	3.0	---	---	---
Vapor	---	5.0	20	10	40	---	---	---
Captafol (Difolatan®)	2425-06-1	---	0.1	---	---	---	---	X
Captan	133-06-2	---	5.0	---	---	---	---	---
Carbaryl (Sevin®)	63-25-2	---	5.0	---	---	---	---	---
Carbofuran (Furadon®)	1563-66-2	---	0.1	---	---	---	---	---
Carbon black	1333-86-4	---	3.5	---	---	---	---	---
Carbon dioxide	124-38-9	5,000	9,000	30,00	54,000	---	---	---
Carbon disulfide	75-15-0	4.0	12	12	36	---	---	X
Carbon monoxide	630-08-0	35	40	---	---	200	229	---
Carbon tetrabromide	558-13-4	0.1	1.4	0.3	4.0	---	---	---
Carbon tetrachloride	56-23-5	2.0	12.6	---	---	---	---	---
Carbonyl chloride (see Phosgene)	---	---	---	---	---	---	---	---
Carbonyl fluoride	353-50-4	2.0	5.0	5.0	15	---	---	---
Catechol (Pyrocatechol)	120-80-9	5.0	20	---	---	---	---	X
Cellulose (paper fiber)	9004-34-6	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Cesium hydroxide	21351-79-1	---	2.0	---	---	---	---	---
Chlordane	57-74-9	---	0.5	---	---	---	---	X
Chlorinated camphene	8001-35-2	---	0.5	---	1.0	---	---	X
Chlorinated diphenyl oxide	55720-99-5	---	0.5	---	---	---	---	---
Chlorine	7782-50-5	0.5	1.5	1.0	3.0	1.0	3.0	---
Chlorine dioxide	10049-04-4	0.1	0.3	0.3	0.9	---	---	---
Chlorine trifluoride	7790-91-2	---	---	---	---	0.1	0.4	---
Chloroacetaldehyde	107-20-0	---	---	---	---	1.0	3.0	---

HT/PEL
TABLE 1.7

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
α-Chloroacetophenone (Phenacyl((de+)) chloride)	532-21-4	0.05	0.3	---	---	---	---	---
Chloroacetyl chloride	79-04-9	0.05	0.2	---	---	---	---	---
Chlorobenzene (Monochlorobenzene)	108-90-7	75	350	---	---	---	---	---
o-Chlorobenzylidene malonitrile (OCBM)	2698-41-1	---	---	---	---	0.05	0.4	X
Chlorobromomethane	74-97-5	200	1,050	---	---	---	---	---
2-Chloro-1, 3-butadiene (see beta-Chloroprene)	---	---	---	---	---	---	---	---
Chlorodifluoromethane	75-45-6	1,000	3,500	---	---	---	---	---
Chlorodiphenyl (42% Chlorine) (PCB)	53469-21-9	---	1.0	---	---	---	---	X
Chlorodiphenyl (54% Chlorine) (PCB)	11097-69-i	---	0.5	---	---	---	---	X
1-Chloro-2, 3-epoxypropane, (see Epichlorhydrin)	---	---	---	---	---	---	---	---
2-Chloroethanol (see Ethylene chlorohydrin)	---	---	---	---	---	---	---	---
Chloroethylene (see vinyl chloride)	---	---	---	---	---	---	---	---
Chloroform (Trichloromethane)	67-66-3	2.0	9.78	---	---	---	---	---
1-Chloro-1-nitropropane	600-25-9	2.0	10	---	---	---	---	---
bis-Chloromethyl ether (see WAC 296-62-073)	542-88-1	---	---	---	---	---	---	---
Chloromethyl methyl ether (See Methyl carbomethyl ether)	107-30-2	---	---	---	---	---	---	---
Chloropentafluoroethane	76-15-3	1,000	6,320	---	---	---	---	---
Chloropicrin	76-06-2	0.1	0.7	---	---	---	---	---
beta-Chloroprene	126-99-8	10	35	---	---	---	---	X

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TABLE1.8

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
o-Chlorostyrene	2039-87-4	50	285	75	428	---	---	---
o-Chlorotoluene	95-49-8	50	250	---	---	---	---	---
2-Chloro-6-trichloromethyl pyridine (see Nitrapyrin)	1929-82-4	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Chlorpyrifos	2921-88-2	---	0.2	---	---	---	---	X
Chromic acid and chromates (as Cr ₂ O ₃)	Varies w/compounds	---	---	---	---	---	0.1	---
Chromium (II) compounds (as Cr)	7440-47-3	---	0.5	---	---	---	---	---
Chromium (III) compounds (as Cr)	7440-47-3	---	0.5	---	---	---	---	---
Chromium (VI) compounds (as Cr)	---	---	0.05	---	---	---	---	---
Chromium Metal	7440-47-3	---	0.5	---	---	---	---	---
Chromyl chloride	14977-61-8	0.025	0.15	---	---	---	---	---
Chrysene: (see Coal tar pitch volatiles)	---	---	---	---	---	---	---	---
Clopidol	2971-90-6	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Coal Dust (less than 5% SiO ₂) Respirable ((quartz)) fraction	---	---	2.0	---	---	---	---	---
Coal dust (greater than or equal to 5% SiO ₂) Respirable ((quartz)) fraction	---	---	0.1	---	---	---	---	---
Coal tar pitch volatiles (benzene soluble fraction anthracene, BaP, phenanthrene, acridine, chrysene, pyrene)	65996-93-2	---	0.2	---	---	---	---	---

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TABLE1.9

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Cobalt, metal fume & dust, (as Co)	7440-48-4	---	0.05	---	---	---	---	---
Cobalt carbonyl (as Co)	10210-68-1	---	0.1	---	---	---	---	---
Cobalt hydrocarbonyl (as Co)	16842-03-8	---	0.1	---	---	---	---	---
Coke oven emissions (see WAC 296-62-200)	---	---	---	---	---	---	---	---
Copper fume (as Cu)	7440-50-8	---	0.1	---	---	---	---	---
Dusts and mists (as Cu)	---	---	1.0	---	---	---	---	---
Cotton dust (raw) ^{e/}	---	---	1.0	---	---	---	---	---
Corundum, (see Aluminum oxide)	---	---	---	---	---	---	---	---
Crag® herbicide (Sesone)	136-78-7	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Cresol (all isomers)	1319-77-3	5.0	22	---	---	---	---	X
Crotonaldehyde	123-73-9; 4170-30-3	2.0	6.0	---	---	---	---	---
Cruformate	299-86-5	---	5.0	---	---	---	---	---
Cumene	98-82-8	50	245	---	---	---	---	X
Cyanamide	420-04-2	---	2.0	---	---	---	---	---
Cyanide (as CN)	Varies with Compound	---	5.0	---	---	---	---	X
Cyanogen	460-19-5	10	20	---	---	---	---	---
Cyanogen chloride	506-77-4	---	---	---	---	0.3	0.6	---
Cyclohexane	110-82-7	300	1,050	---	---	---	---	---
Cyclohexanol	108-93-0	50	200	---	---	---	---	X
Cyclohexanone	108-94-1	25	100	---	---	---	---	X
Cyclohexene	110-83-8	300	1,015	---	---	---	---	---
Cyclohexylamine	108-91-8	10	40	---	---	---	---	---
Cyclonite (see RDX)	121-82-4	---	1.5	---	---	---	---	X
Cyclopentadiene	542-92-7	75	200	---	---	---	---	---

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TABLE 1.10TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Cyclopentane	287-92-3	600	1,720	---	---	---	---	---
Cyhexatin	13121-70-5	---	5.0	---	---	---	---	---
2,4-D (Dichlorophenoxy- acetic acid)	94-75-7	---	10	---	---	---	---	---
DDT (Dichlorodiphenyltri- chloroethane)	50-29-3	---	1.0	---	---	---	---	X
DDVP, Dichlorvos	62-73-7	0.1	1.0	---	---	---	---	X
Decaborane	17702-41-9	0.05	0.3	0.15	0.9	---	---	X
Demeton®	8065-48-3	0.01	0.1	---	---	---	---	X
Diacetone alcohol (4-hydroxy-4-methyl-2-pentanone)	123-42-2	50	240	---	---	---	---	---
1, 2-Diaminoethane (see Ethylenediamine)	---	---	---	---	---	---	---	---
Diazinon	333-41-5	---	0.1	---	---	---	---	X
Diazomethane	334-88-3	0.2	0.4	---	---	---	---	---
Diborane	19287-45-7	0.1	0.1	---	---	---	---	---
Dibrom®, (see Naled)	---	---	---	---	---	---	---	---
1, 2-Dibromo-3-chloropropane (see WAC 296-62-07345)	96-12-3	---	---	---	---	---	---	---
2-N-Dibutylamino ethanol	102-81-8	2.0	14	---	---	---	---	X
Dibutyl phosphate	107-66-4	1.0	5.0	2.0	10	---	---	---
Dibutyl phthalate	84-74-2	---	5.0	---	---	---	---	---
Dichloroacetylene	7572-29-4	---	---	---	---	0.1	0.4	---
o-Dichlorobenzene	95-50-1	---	---	---	---	50	300	---
p-Dichlorobenzene	106-46-7	75	450	110	675	---	---	---
3, 3'-Dichlorobenzidine (see WAC 296-62-073)	91-94-1	---	---	---	---	---	---	---
Dichlorodifluoromethane	75-71-8	1,000	4,950	---	---	---	---	---
1, 3-Dichloro-5, 5-dimethyl hydantoin	118-52-5	---	0.2	---	0.4	---	---	---

HT/PEL
TABLE 1.11TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
1, 1-Dichloroethane	75-34-3	100	400	---	---	---	---	---
1, 2-Dichloroethane (see Ethylene dichloride)	---	---	---	---	---	---	---	---
1, 2-Dichloroethylene	540-59-0	200	790	---	---	---	---	---
1, 1-Dichloroethylene (see Vinylidene chloride)	---	---	---	---	---	---	---	---
Dichloroethyl ether	111-44-4	5.0	30	10	60	---	---	X
Dichlorofluoromethane	75-43-4	10	40	---	---	---	---	---
Dichloromethane (see Methylene chloride)	---	---	---	---	---	---	---	---
1, 1-Dichloro-1-nitroethane	594-72-9	2.0	10.	10.	---	---	---	---
1, 2-Dichloropropane (see Propylene dichloride)	---	---	---	---	---	---	---	---
Dichloropropene	542-75-6	1.0	5.0	---	---	---	---	X
2, 2-Dichloropropionic acid	75-99-0	1.0	6.0	---	---	---	---	---
Dichlorotetrafluoroethane	76-14-2	1,000	7,000	---	---	---	---	---
Dichlorvos (DDVP)	62-73-7	0.1	1.0	---	---	---	---	X
Dicrotophos	141-66-2	---	0.25	---	---	---	---	X
Dicyclopentadiene	77-73-6	5.0	30	---	---	---	---	---
Dicyclopentadienyl iron	102-54-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Dieldrin	60-57-1	---	0.25	---	---	---	---	X
Diethanolamine	111-42-2	3.0	15	---	---	---	---	---
Diethylamine	109-89-7	10	30	25	75	---	---	---
2-Diethylaminoethanol	100-37-8	10	50	---	---	---	---	X
Diethylene triamine	111-40-0	1.0	4.0	---	---	---	---	X
Diethyl ether (see Ethyl ether)	---	---	---	---	---	---	---	---
Diethyl ketone	96-22-0	200	705	---	---	---	---	---
Diethyl phthalate	84-66-2	---	5.0	---	---	---	---	---

HT/PEL
TABLE 1.12

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Difluorodibromomethane	75-61-6	100	860	---	---	---	---	---
Diglycidyl ether (DGE)	2238-07-5	0.1	0.5	---	---	---	---	---
Dihydroxybenzene (see Hydroquinone)	---	---	---	---	---	---	---	---
Diisobutyl ketone	108-83-8	25	150	---	---	---	---	---
Diisopropylamine	108-18-9	5.0	20	---	---	---	---	X
Dimethoxymethane (see Methylal)	---	---	---	---	---	---	---	---
Dimethyl acetamide	127-19-5	10	35	---	---	---	---	X
Dimethylamine	124-40-3	10	18	---	---	---	---	---
4-Dimethylaminoazobenzene (see WAC 296-62-073)	60-11-7	---	---	---	---	---	---	---
Dimethylaminobenzene (see Xylidene)	---	---	---	---	---	---	---	---
Dimethylaniline (see N, N-Dimethylaniline)	121-69-7	5.0	25	10	50	---	---	X
Dimethylbenzene (see Xylene)	---	---	---	---	---	---	---	---
Dimethyl-1, 2-dibromo-2, 2-dichloroethyl phosphate (see Naled)	300-76-5	---	3.0	---	---	---	---	X
Dimethylformamide	68-12-2	10	30	---	---	---	---	X
2, 6-Dimethylheptanone (see Diisobutyl ketone)	---	---	---	---	---	---	---	---
1, 1-Dimethylhydrazine	57-14-7	0.5	1.0	---	---	---	---	X
Dimethyl phthalate	131-11-3	---	5.0	---	---	---	---	---
Dimethyl sulfate	77-78-1	0.1	0.5	---	---	---	---	X
Dinitolmide	148-01-6	---	5.0	---	---	---	---	---
(3, 5-Dinitro-o-toluidide)	---	---	5.0	---	---	---	---	---
Dinitrobenzene (all isomers)	(alpha)528-29-0; 0.15 ((MPTA)meta) 99-65-0; ((P)para) 100-25-4	---	1.0	---	---	---	---	X

HT/PEL
TABLE 1.13

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Dinitro-o-cresol	534-52-1	---	0.2	---	---	---	---	X
Dinitrotoluene	25321-14-6	---	1.5	---	---	---	---	X
Dioxane (Diethylene dioxide)	123-91-1	25	90	---	---	---	---	X
Dioxathion	78-34-2	---	0.2	---	---	---	---	X
Diphenyl (Biphenyl)	92-52-4	0.2	1.0	---	---	---	---	---
Diphenylamine	122-39-4	---	10	---	---	---	---	---
Diphenylmethane diisocyanate (see Methylene bisphenyl isocyanate (MDI))	---	---	---	---	---	---	---	---
Dipropylene glycol methyl ether	34590-94-8	100	600	150	900	---	---	X
Dipropyl ketone	123-19-3	50	235	---	---	---	---	---
Diquat	85-00-7	---	0.5	---	---	---	---	---
Di-sec, Octyl phthalate (Di-2-ethylhexylphthalate)	117-81-7	---	5.0	---	10	---	---	---
Disulfam	97-77-8	---	2.0	---	---	---	---	---
Disulfoton	298-04-4	---	0.1	---	---	---	---	X
2, 6-Di-tert-butyl-p-cresol	128-37-0	---	10	---	---	---	---	---
Diuron	330-54-1	---	10	---	---	---	---	---
Divinyl benzene	1321-74-0	10	50	---	---	---	---	---
Emery	112-62-9	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Endosulfan (Thiodan®)	115-29-7	---	0.1	---	---	---	---	X
Endrin	72-20-8	---	0.1	---	---	---	---	X
Epichlorhydrin	106-89-8	2.0	8.0	---	---	---	---	X
EPN	2104-64-5	---	0.5	---	---	---	---	X
1, 2-Epoxypropane (see Propylene oxide)	---	---	---	---	---	---	---	---
2, 3-Epoxy-1-propanol (see Glycidol)	---	---	---	---	---	---	---	---

HT/PEL
TABLE 1.14TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Design- nation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Ethane	---	Simple	Asphyxiant	---	---	---	---	---
Ethanethiol (see Ethyl mercaptan)	---	---	---	---	---	---	---	---
Ethanolamine	141-43-5	3.0	8.0	6.0	15	---	---	---
Ethion	563-12-2	---	0.4	---	---	---	---	X
2-Ethoxyethanol	110-80-5	5.0	19	---	---	---	---	X
2-Ethoxyethyl acetate (Cellosolve acetate)	111-15-9	5.0	27	---	---	---	---	X
Ethyl acetate	141-78-6	400	1,400	---	---	---	---	---
Ethyl acrylate	140-88-5	5.0	20	25	100	---	---	X
Ethyl alcohol (ethanol)	64-17-5	1,000	1,900	---	---	---	---	---
Ethylamine	75-04-07	10	18	---	---	---	---	---
Ethyl amyl ketone (5-Methyl-3-heptanone)	541-85-5	25	130	---	---	---	---	---
Ethyl benzene	100-41-4	100	435	125	545	---	---	---
Ethyl bromide	74-96-4	200	890	250	1,110	---	---	---
Ethyl butyl ketone (3-Heptanone)	106-35-4	50	230	---	---	---	---	---
Ethyl chloride	75-00-3	1,000	2,600	---	---	---	---	---
Ethylene	74-85-1	Simple	Asphyxiant	---	---	---	---	---
Ethylene chlorohydrin	107-07-3	---	---	---	---	1.0	3.0	X
Ethylenediamine	107-15-3	10	25	---	---	---	---	X
Ethylene dibromide	106-93-4	0.1	---	0.5	---	---	---	---
Ethylene dichloride	107-06-2	1.0	4.0	2.0	8.0	---	---	---
Ethylene glycol	107-21-1	---	---	---	---	50	125	---
Ethylene glycol dinitrate	628-96-6	---	---	---	0.1	---	---	X
Ethylene glycol monomethyl ether acetate (Methyl cellosolve acetate)	---	5.0	24	---	---	---	---	X
Ethyleneimine (see WAC 296-62-073)	151-56-4	---	---	---	---	---	---	X

HT/PEL
TABLE 1.15TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Design- nation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Ethylene oxide (see WAC 296-62-07353)	75-21-8	1.0	2.0	---	---	---	---	---
Ethyl ether	60-29-7	400	1,200	500	1,500	---	---	---
Ethyl formate	109-94-4	100	300	---	---	---	---	---
Ethylidene chloride (see 1, 1-Dichloroethane)	---	---	---	---	---	---	---	---
Ethylidene norbornene	16219-75-3	---	---	---	---	5.0	25	---
Ethyl mercaptan	75-08-1	0.5	1.0	---	---	---	---	---
n-Ethylmorpholine	100-74-3	5.0	23	---	---	---	---	X
Ethyl sec-amyl ketone (5-methyl-3-heptanone)	---	25	130	---	---	---	---	---
Ethyl silicate	78-10-4	10	85	---	---	---	---	---
Fenamiphos	22224-92-6	---	0.1	---	---	---	---	X
Fensulfothion (Dasanit)	115-90-2	---	0.1	---	---	---	---	---
Fenthion	55-38-9	---	0.2	---	---	---	---	X
Ferbam	14484-64-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Ferrovandium dust	12604-58-9	---	1.0	---	3.0	---	---	---
Fluorides (as F)	Varies w/compound	---	2.5	---	---	---	---	---
Fluorine	7782-41-4	0.1	0.2	---	---	---	---	---
Fluorotrichloromethane (see Trichlorofluoro methane)	75-69-4	---	---	---	---	1,000	5,600	---
Fonofos	944-22-9	---	0.1	---	---	---	---	X
Formaldehyde (see WAC 296-62-07540)	50-00-0	1.0	---	2.0	---	---	---	---
Formamide	75-12-7	20	30	30	45	---	---	---
Formic acid	64-18-6	5.0	9.0	---	---	---	---	---
Furfural	98-01-1	2.0	8.0	---	---	---	---	X
Furfuryl alcohol	98-00-0	10	40	15	60	---	---	X
Gasoline	8006-61-9	300	900	500	1,500	---	---	---
Germanium tetrahydride (Respirable Fraction)	7782-65-2	0.2	0.6	---	---	---	---	---

HT/PEL
TABLE 1.16

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Glass, fibrous or dust	---	---	10	---	---	---	---	---
Gluteraldehyde	111-30-8	---	---	---	---	0.2	0.8	---
Glycerin mist	56-81-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Glycidol (2, 3-Epoxy-1- propanol)	556-52-5	25	75	---	---	---	---	---
Glycol monoethyl ether (see 2-Ethoxyethanol)	---	---	---	---	---	---	---	---
Grain dust (oat, wheat, barley)	---	---	10	---	---	---	---	---
Graphite, natural	7782-42-5	---	---	---	---	---	---	---
Respirable dust	---	---	2.5	---	---	---	---	---
Graphite, Synthetic	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Guthion® (see Azinphosmethyl)	---	---	---	---	---	---	---	---
Gypsum	13397-24-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Hafnium	7440-58-6	---	0.5	---	---	---	---	---
Helium	---	Simple	Asphyxiant	---	---	---	---	---
Heptachlor	76-44-8	---	0.5	---	---	---	---	X
Heptane (n-heptane)	142-82-5	400	1,600	500	2,000	---	---	---
2-Heptanone, (see Methyl n-amyl ketone)	---	---	---	---	---	---	---	---
3-Heptanone (see Ethyl butyl ketone)	---	---	---	---	---	---	---	---
Hexachlorobutadiene	87-68-3	0.02	0.24	---	---	---	---	X
Hexachlorocyclopentadiene	77-47-4	0.01	0.1	---	---	---	---	---

HT/PEL
TABLE 1.17

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Hexachloroethane	67-72-1	1.0	10	---	---	---	---	X
Hexachloronaphthalene	1335-87-1	---	0.2	---	---	---	---	X
Hexafluoroacetone	684-16-2	0.1	0.7	---	---	---	---	X
Hexane	---	---	---	---	---	---	---	---
n-hexane	110-54-3	50	180	---	---	---	---	---
other Isomers	Varies w/compound	500	1,800	1,000	3,600	---	---	---
2-Hexanone (Methyl-n-butyl ketone)	591-78-6	5.0	20	---	---	---	---	---
Hexone (Methyl isobutyl ketone)	108-10-1	50	205	75	300	---	---	---
sec-Hexyl acetate	108-84-9	50	300	---	---	---	---	---
Hexylene Glycol	107-41-5	---	---	---	---	25	125	---
Hydrazine	302-01-2	0.1	0.1	---	---	---	---	X
Hydrogen	---	Simple	Asphyxiant	---	---	---	---	---
Hydrogenated terphenyls	61788-32-7	0.5	5.0	---	---	---	---	---
Hydrogen bromide	10035-10-6	---	---	---	---	3.0	10	---
Hydrogen chloride	7647-01-0	---	---	---	---	5.0	7.0	---
Hydrogen cyanide	74-90-8	---	---	4.7	5.0	---	---	X
Hydrogen fluoride	7664-39-3	---	---	---	---	3.0	2.5	---
Hydrogen peroxide	7722-84-1	1.0	1.4	---	---	---	---	---
Hydrogen selenide (as Se)	7783-07-5	0.05	0.2	---	---	---	---	---
Hydrogen Sulfide	7783-06-4	10	14	15	21	---	---	---
Hydroquinone	123-31-9	---	2.0	---	---	---	---	---
4-Hydroxy-4-methyl-2-pentanone (see Diacetone alcohol)	---	---	---	---	---	---	---	---
2-Hydroxypropyl acrylate	999-61-1	0.5	3.0	---	---	---	---	X
Indene	95-13-6	10	45	---	---	---	---	---
Indium and compounds (as In)	7440-74-6	---	0.1	---	---	---	---	---
Iodine	7553-56-2	---	---	---	---	0.1	1.0	---
Iodoform	75-47-8	0.6	10	---	---	---	---	---
Iron oxide dust and fume (as Fe)	1309-37-1	---	---	---	---	---	---	---
Total particulate	---	---	5.0	---	---	---	---	---

HT/PEL
TABLE 1.18

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{i/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Iron pentacarbonyl (as Fe)	13463-40-6	0.1	0.8	0.2	1.6	---	---	---
Iron salts, soluble (as Fe)	Varies w/compound	---	1.0	---	---	---	---	---
Isoamyl acetate	123-92-2	100	525	---	---	---	---	---
Isoamyl alcohol (primary and secondary)	123-51-3	100	360	125	450	---	---	---
Isobutyl acetate	110-19-0	150	700	---	---	---	---	---
Isobutyl alcohol	78-83-1	50	150	---	---	---	---	---
Isooctyl alcohol	26952-21-6	50	270	---	---	---	---	X
Isophorone	78-59-1	4.0	23	---	---	5.0	25	---
Isophorone diisocyanate	4098-71-9	0.005	0.045	0.02	---	---	---	X
Isopropoxyethanol	109-59-1	25	105	---	---	---	---	---
Isopropyl acetate	108-21-4	250	950	310	1,185	---	---	---
Isopropyl alcohol	67-63-0	400	980	500	1,225	---	---	---
Isopropylamine	75-31-0	5.0	12	10	24	---	---	---
N-Isopropylaniline	768-52-5	2.0	10	---	---	---	---	X
Isopropyl ether	108-20-3	250	1,050	---	---	---	---	---
Isopropyl glycidyl ether (IGE)	4016-14-2	50	240	75	360	---	---	---
Kaolin								
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Ketene	463-51-4	0.5	0.9	1.5	3.0	---	---	---
Lead inorganic (as Pb) (see WAC 296-62-07521)	7439-92-1	---	0.15	---	---	---	---	---
Lead arsenate (see WAC 296-62-07347)	3687-31-8	---	0.15	---	---	---	---	---
Lead chromate	7758-97-6	---	0.05	---	---	---	---	---
Limestone	1317-65-3							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Lindane	58-89-9	---	0.5	---	---	---	---	X

HT/PEL
TABLE 1.19

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{i/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Lithium hydride	7580-67-8	---	0.025	---	---	---	---	---
L.P.G. (liquified petroleum gas)	68476-85-7	1,000	1,800	---	---	---	---	---
Magnesite	546-93-0							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Magnesium oxide fume	1309-48-4	---	---	---	---	---	---	---
Total particulate	---	---	10	---	---	---	---	---
Malathion	121-75-5							
Total dust	---	---	10	---	---	---	---	X
Maleic anhydride	108-31-6	0.25	1.0	---	---	---	---	---
Manganese and compound (as Mn)	7439-96-5	---	---	---	---	---	5.0	---
Manganese tetroxide and fume (as Mn)	7439-96-5	---	1.0	---	3.0	---	---	---
Manganese cyclopentadienyl tricarbonyl (as Mn)	12079-65-1	---	0.1	---	---	---	---	X
Manganese tetroxide (as Mn)	1317-35-7	---	1.0	---	---	---	---	---
Marble	1317-65-3							
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Mercury (aryl and inorganic) (as Hg)	7439-97-6	---	---	---	---	---	0.1	X
Mercury (organo-alkyl compounds) (as Hg)	7439-97-6	---	0.01	---	0.03	---	---	X
Mercury (vapor) (as Hg)	7439-97-6	---	0.05	---	---	---	---	X
Mesityl oxide	141-79-7	15	60	25	100	---	---	---
Methacrylic acid	79-41-4	20	70	---	---	---	---	X
Methane	---	Simple	Asphyxiant	---	---	---	---	---
Methanethiol (see Methyl mercaptan)	---	---	---	---	---	---	---	---
Methomyl (lanmate)	16752-77-5	---	2.5	---	---	---	---	---
Methoxychlor	72-43-5							
Total dust	---	---	10	---	---	---	---	---

HT/PEL
TABLE 1.20

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Design- nation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
2-Methoxyethanol (Methyl cellosolve)	109-86-4	5.0	16	---	---	---	---	X
4-Methoxyphenol	150-76-5	---	5.0	---	---	---	---	---
Methyl acetate	79-20-9	200	610	250	760	---	---	---
Methyl acetylene (propyne)	74-99-7	1,000	1,650	---	---	---	---	---
Methyl acetylene-propadiene mixture (MAPP)	---	1,000	1,800	1,250	2,250	---	---	---
Methyl acrylate	96-33-3	10	35	---	---	---	---	X
Methylacrylonitrile	126-98-7	1.0	3.0	---	---	---	---	X
Methylal (Dimethoxy-methane)	109-87-5	1,000	3,100	---	---	---	---	---
Methyl alcohol (methanol)	67-56-1	200	260	250	325	---	---	X
Methylamine	74-89-5	10	12	---	---	---	---	---
Methyl amyl alcohol (see Methyl isobutyl carbinol)	---	---	---	---	---	---	---	---
Methyl n-amyl ketone (2-Heptanone)	110-43-0	50	235	---	---	---	---	---
N-Methyl aniline (see Monomethyl aniline)	---	---	---	---	---	---	---	---
Methyl bromide	74-83-9	5.0	20	---	---	---	---	X
Methyl butyl ketone (see 2-Hexanone)	---	---	---	---	---	---	---	---
Methyl cellosolve (see 2-Methoxyethanol)	109-86-4	5.0	16	---	---	---	---	X
Methyl cellosolve acetate (2-Methoxyethyl acetate)	110-49-6	5.0	24	---	---	---	---	X
Methyl chloride	74-87-3	50	105	100	210	---	---	---
Methyl chloroform (1, 1, 1-trichlorethane)	71-55-6	350	1,900	450	2,450	---	---	---
Methyl chloromethyl ether (see WAC 296-62-073)	107-30-2	---	---	---	---	---	---	---

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TABLE 1.21

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Design- nation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Methyl 2-cyanoacrylate	137-05-3	2.0	8.0	4.0	16	---	---	---
Methylcyclohexane	108-87-2	400	1,600	---	---	---	---	---
Methylcyclohexanol	25639-42-3	50	235	---	---	---	---	---
Methylcyclohexanone	583-60-8	50	230	75	345	---	---	X
Methylcyclopentadienyl manganese tricarbonyl (as Mn)	12108-13-3	---	0.2	---	---	---	---	X
Methyl demeton	8022-00-2	---	0.5	---	---	---	---	X
Methylene bisphenyl isocyanate (MDI)	101-68-8	---	---	---	---	0.02	0.2	---
4, 4'-Methylene bis (2-chloroaniline (MBOCA)) (see WAC 296-62-073)	101-14-4	0.02	0.22	---	---	---	---	X
Methylene bis (4-cyclohexylisocyanate)	5124-30-1	---	---	---	---	0.01	0.11	---
Methylene chloride	75-09-2	100	---	500	---	---	---	---
4, 4-Methylene dianiline	101-77-9	0.1	0.8	---	---	---	---	X
Methyl ethyl ketone (MEK) (see 2-Butanone)	78-93-3	---	---	---	---	---	---	---
Methyl ethyl ketone peroxide (MEKP)	1338-23-4	---	---	---	---	0.2	1.5	---
Methyl formate	107-31-3	100	250	150	375	---	---	---
5-Methyl-3-heptanone (see Ethyl amyl ketone)	---	---	---	---	---	---	---	---
Methyl hydrazine (see Monomethyl hydrazine)	60-34-4	---	---	---	---	0.2	0.35	X
Methyl iodide	74-88-4	2.0	10	---	---	---	---	X
Methyl isoamyl ketone	110-12-3	50	240	---	---	---	---	---
Methyl isobutyl carbinol	108-11-2	25	100	40	165	---	---	X
Methyl isobutyl ketone (see Hexone)	---	---	---	---	---	---	---	---

HT/PEL
TABLE 1.22

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Methyl isocyanate	624-83-9	0.02	0.05	---	---	---	---	X
Methyl isopropyl ketone	563-80-4	200	705	---	---	---	---	---
Methyl mercaptan	74-93-1	0.5	1.0	---	---	---	---	---
Methyl methacrylate	80-62-6	100	410	---	---	---	---	---
Methyl parathion	298-00-0	---	0.2	---	---	---	---	X
Methyl propyl ketone (see 2-Pentanone)	---	---	---	---	---	---	---	---
Methyl silicate	684-84-5	1.0	6.0	---	---	---	---	---
alpha-Methyl styrene	98-83-9	50	240	100	485	---	---	---
Methylene bisphenyl isocyanate (MOI)	101-68-8	---	---	---	---	0.02	0.2	---
Mevinphos® (see Phosdrin)	---	---	---	---	---	---	---	---
Metribuzin	21087-64-9	---	5.0	---	---	---	---	---
Mica (see Silicates)	---	---	---	---	---	---	---	---
Molybdenum (as Mo)	7439-98-7	---	---	---	---	---	---	---
Soluble compounds	---	---	5.0	---	---	---	---	---
Insoluble compounds	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
((Monomethyl aniline Monocrotophos (Azodrin®)	100-16-8 6923-22-4	0.5 ---	2.0 0.25	---	---	---	---	---
Monomethyl aniline	100-61-8	0.5	2.0	---	---	---	---	X
Monomethyl hydrazine	---	---	---	---	---	0.2	0.35	---
Morpholine	110-91-8	20	70	30	105	---	---	X
Naled	300-76-5	---	3.0	---	---	---	---	X
Naphtha (Coal tar)	8030-30-6	100	400	---	---	---	---	X
Naphthalene	91-20-3	10	50	15	75	---	---	---
alpha-Naphthylamine (see WAC 296-62-073)	134-32-7	---	---	---	---	---	---	---
beta-Naphthylamine (see WAC 296-62-073)	91-59-8	---	---	---	---	---	---	---

HT/PEL
TABLE 1.23

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

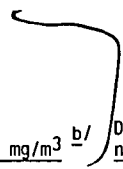
Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Neon	7440-01-9	Simple	Asphyxiant	---	---	---	---	---
Nickel carbonyl (as Ni)	13463-39-3	0.001	0.007	---	---	---	---	---
Nickle, (as Ni)	7440-02-0	---	---	---	---	---	---	---
Metal and insoluble compounds	---	---	1.0	---	---	---	---	---
Soluble compounds	---	---	0.1	---	---	---	---	---
Nicotine	54-11-5	---	0.5	---	---	---	---	X
Nitrapyrin (see 2-Chloro-6 trichloromethyl pyridine)	1929-82-4	---	((10))---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Nitric acid	7697-37-2	2.0	5.0	4.0	10	---	---	---
Nitric oxide	10102-43-9	25	30	---	---	---	---	---
p-Nitroaniline	100-01-6	---	3.0	---	---	---	---	---
Nitrobenzene	98-95-3	1.0	5.0	---	---	---	---	X
4-Nitrobiphenyl (see WAC 296-62-073)	92-93-3	---	---	---	---	---	---	X
p-Nitrochlorobenzene	100-00-5	---	0.5	---	---	---	---	X
4-Nitrodiphenyl (see WAC 296-62-073)	---	---	---	---	---	---	---	---
Nitroethane	79-24-3	100	310	---	---	---	---	---
Nitrogen	7727-37-9	Simple	Asphyxiant	---	---	---	---	---
Nitrogen dioxide	10102-44-0	---	---	1.0	1.8	---	---	---
Nitrogen trifluoride	7783-54-2	10	29	---	---	---	---	---
Nitroglycerin	55-63-0	---	---	---	0.1	---	---	X
Nitromethane	75-52-5	100	250	---	---	---	---	---
1-Nitropropane	108-03-2	25	90	---	---	---	---	---
2-Nitropropane	79-46-9	10	35	---	---	---	---	---
N-Nitrosodimethylamine (see WAC 296-62-073)	62-75-9	---	---	---	---	---	---	---

HT/PEL
TABLE 1.24

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Nitrotoluene:								
o-isomer	88-72-2	2.0	11	---	---	---	---	X
m-isomer	98-08-2	2.0	11	---	---	---	---	X
p-isomer	99-99-0	2.0	11	---	---	---	---	X
Nitrotrichloromethane (see Chloropicrin)	---	---	---	---	---	---	---	---
Nitrous Oxide (Nitrogen oxide)	10024-97-2	30	54	---	---	---	---	---
Nonane	111-84-2	200	1,050	---	---	---	---	---
Octachloronaphthalene	2234-13-1	---	0.1	---	0.3	---	---	X
Octane	111-65-9	300	1,450	375	1,800	---	---	---
Oil mist, mineral (particulate)	8012-95-1	---	5.0	---	---	---	---	---
Osmium tetroxide (as Os)	20816-12-0	0.0002	0.002	0.0006	0.006	---	---	---
Oxalic acid	144-62-7	---	1.0	---	2.0	---	---	---
Oxygen difluoride	7783-41-7	---	---	---	---	0.05	0.1	---
Ozone	10028-15-6	0.1	0.2	0.3	0.6	---	---	---
Paraffin wax fume	8002-74-2	---	2.0	---	---	---	---	---
Paraquat (Respirable dust)	4685-14-7 1910-42-5 2074-50-2	---	0.1	---	---	---	---	X
Parathion	56-38-2	---	0.1	---	---	---	---	X
Particulate polycyclic aromatic hydrocarbons (see coal tar pitch volatiles)	---	---	---	---	---	---	---	---
Particulates not otherwise regulated (see WAC 296-62-07510)	---	---	---	---	---	---	---	---
Total Dust	---	---	10	---	---	---	---	---
Respirable Fraction	---	---	5.0	---	---	---	---	---
Pentaborane	19624-22-7	0.005	0.01	0.015	0.03	---	---	---
Pentachloronaphthalene	1321-64-8	---	0.5	---	---	---	---	X
Pentachlorophenol	87-86-5	---	0.5	---	---	---	---	X

Not out



HT/PEL
TABLE 1.25

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Pentaerythritol	115-77-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Pentane	109-66-0	600	1,800	750	2,250	---	---	---
2-Pentanone (methyl propyl ketone)	107-87-9	200	700	250	875	---	---	---
Perchloroethylene (tetrachloroethylene)	127-18-4	25	170	---	---	---	---	---
Perchloromethyl mercaptan	594-42-3	0.1	0.8	---	---	---	---	---
Perchloryl fluoride	7616-94-6	3.0	14	6.0	28	---	---	---
Perlite	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Petroleum distillates (Naptha)	---	100	400	---	---	---	---	---
Phenol	108-95-2	5.0	19	---	---	---	---	X
Phenothiazine	92-84-2	---	5.0	---	---	---	---	X
p-Phenylene diamine	106-50-3	---	0.1	---	---	---	---	X
Phenyl ether (vapor)	101-84-8	1.0	7.0	---	---	---	---	---
Phenyl ether-diphenyl mixture (vapor)	---	1.0	7.0	---	---	---	---	---
Phenylethylene, (see Styrene)	---	---	---	---	---	---	---	---
Phenyl glycidyl ether (PGE)	122-60-1	1.0	6.0	---	---	---	---	---
Phenylhydrazine	100-63-0	5.0	20	10	45	---	---	X
Phenyl mercaptan	108-98-5	0.5	2.0	---	---	0.05	0.25	---
Phenylphosphine	638-21-1	---	---	---	0.2	---	---	X
Phorate	298-02-2	---	0.05	---	0.2	---	---	X
Phosdrin (Mevinphos®)	7786-34-7	0.01	0.1	0.03	0.3	---	---	X
Phosgene (carbonyl chloride)	75-44-5	0.1	0.4	---	---	---	---	---
Phosphine	7803-51-2	0.3	0.4	1.0	1.0	---	---	---
Phosphoric acid	7664-38-2	---	1.0	---	3.0	---	---	---
Phosphorus (yellow)	7723-14-0	---	0.1	---	---	---	---	---

HT/PEL
TABLE1.26

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Design- nation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Phosphorous oxychloride	10025-87-3	0.1	0.6	---	---	---	---	---
Phosphorus pentachloride	10026-13-8	0.1	1.0	---	---	---	---	---
Phosphorus pentasulfide	1314-80-3	---	1.0	---	3.0	---	---	---
Phosphorus trichloride	7719-12-2	0.2	1.5	0.5	3.0	---	---	---
Phthalic anhydride	85-44-9	1.0	6.0	---	---	---	---	---
m-Phthalodinitrile	626-17-5	---	5.0	---	---	---	---	---
Picloram	1918-02-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Picric acid	88-89-1	---	0.1	---	---	---	---	X
Pindone (see Pival) (2-Pivalyl-1, 3-indandione)	83-26-1	---	0.1	---	---	---	---	---
Piperazine dihydrochloride	142-64-3	---	5.0	---	---	---	---	---
Pival® (see Pindone)	-----	---	---	---	---	---	---	---
Plaster of Paris	26499-65-0	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Platinum (as Pt)	7440-06-4	---	---	---	---	---	---	---
Metal	---	---	1.0	---	---	---	---	---
Soluble salts	---	---	0.002	---	---	---	---	---
Polychlorobiphenyls (see Chlorodiphenyls)	---	---	---	---	---	---	---	---
Portland cement	65997-15-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Potassium hydroxide	1310-58-3	---	---	---	---	---	2.0	---
Propane	74-98-6	1,000	1,800	---	---	---	---	---
Propargyl alcohol	107-19-7	1.0	2.0	---	---	---	---	X
beta-Propiolactone (see WAC 296-62-073)	57-57-8	---	---	---	---	---	---	---
Propionic acid	79-09-4	10	30	---	---	---	---	---

HT/PEL
TABLE1.27

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Design- nation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Propoxur (Baygon)	114-26-1	---	0.5	---	---	---	---	---
n-Propyl acetate	109-60-4	200	840	250	1,050	---	---	---
n-Propyl alcohol	71-23-8	200	500	250	625	---	---	X
n-Propyl nitrate	627-13-4	25	105	40	170	---	---	---
Propylene	---	Simple	Asphyxiant	---	---	---	---	---
Propylene dichloride (1, 2-Dichloropropane)	78-87-5	75	350	110	510	---	---	---
Propylene glycol dinitrate	6423-43-4	0.05	0.3	---	---	---	---	X
Propylene glycol monomethyl ether	107-98-2	100	360	150	540	---	---	---
Propylene imine	75-55-8	2.0	5.0	---	---	---	---	X
Propylene oxide	75-56-9	20	50	---	---	---	---	---
Propyne, (see Methyl acetylene)	---	---	---	---	---	---	---	---
Pyrethrum	8003-34-7	---	5.0	---	---	---	---	---
Pyridine	110-86-1	5.0	15	---	---	---	---	---
Quinone	106-51-4	0.1	0.4	---	---	---	---	---
RDX (See Cyclonite)	---	---	1.5	---	---	---	---	X
Resorcinol	108-46-3	10	45	20	90	---	---	---
Rhodium (as Rh)	7440-16-6	---	---	---	---	---	---	---
Insoluble compounds, Metal fumes and dusts	---	---	0.1	---	---	---	---	---
Soluble compounds, salts	---	---	0.001	---	---	---	---	---
Ronnel	299-84-3	---	10	---	---	---	---	---
Rosin core solder, pyrolysis products (as formaldehyde)	---	---	0.1	---	---	---	---	---
Rotenone	83-79-4	---	5.0	---	---	---	---	---
Rouge	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Rubber solvent (naphtha) ((400))8002-05-9 ((1,600))100 ((---))400	---	---	---	---	---	---	---	---
Selenium compounds (as Se)	7782-49-2	---	0.2	---	---	---	---	---

HT/PEL
TABLE 1.28

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL) ^{c/}

Substance	CAS ^{1/} Number	TWA		STEL		CEILING		Skin Design- nation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Selenium hexafluoride (as Se)	7783-79-1	0.05	0.2	---	---	---	---	---
Sesone (see Crag herbicide)	---	---	---	---	---	---	---	---
Silane (see Silicon tetrahydride)	---	---	---	---	---	---	---	---
Silica, amorphous, precipitated and gel	112926-00-8	---	6.0	---	---	---	---	---
Silica, amorphous, diatomaceous earth, containing less than 1% crystalline silica	61790-53-2	---	6.0	---	---	---	---	---
Total dust	---	---	6.0	---	---	---	---	---
Respirable fraction	---	---	3.0	---	---	---	---	---
Silica, crystalline cristobalite (as quartz) respirable dust	14464-46-1	---	0.05	---	---	---	---	---
Silica, crystalline quartz (as quartz), respirable dust	14808-60-7	---	0.1 ^{g/ h/}	---	---	---	---	---
Silica, crystalline tripoli (as quartz), respirable dust	1317-95-9	---	0.1	---	---	---	---	---
Silica, crystalline tridymite (as quartz), respirable dust	15468-32-3	---	0.05	---	---	---	---	---
Silica, fused, respirable dust	60676-86-0	---	0.1	---	---	---	---	---
Silicates (less than 1% crystalline silica:								
Mica (Respirable dust)	12001-26-2	---	3.0	---	---	---	---	---
Soapstone, Total dust	---	---	6.0	---	---	---	---	---
Soapstone, Respirable dust	---	---	3.0	---	---	---	---	---
Talc (containing asbestos): use asbestos limit (see WAC 296-62-07517)	---	---	---	---	---	---	---	---

HT/PEL
TABLE 1.29

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL) ^{c/}

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Design- nation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Talc (containing no asbestos), Respirable dust	14807-96-6	---	2.0	---	---	---	---	---
Tremolite (see WAC 296-62-07517)	---	---	---	---	---	---	---	---
Silicon	7440-21-3	---	10	---	---	---	---	---
Total dust	---	---	5.0	---	---	---	---	---
Respirable fraction	---	---	---	---	---	---	---	---
Silicon Carbide	409-21-2	---	10	---	---	---	---	---
Total dust	---	---	5.0	---	---	---	---	---
Respirable fraction	---	---	---	---	---	---	---	---
Silicon tetrahydride	7803-62-5	5.0	7.0	---	---	---	---	---
Silver, metal dust and soluble compounds (as Ag)	7440-22-4	---	0.01	---	---	---	---	---
Soapstone (see Silicates)	---	---	---	---	---	---	---	---
Sodium azide (as HN ₃)	26628-22-8	---	---	---	---	0.1	0.3	X
(as NaN ₃)	---	---	---	---	---	0.1	0.3	X
Sodium bisulfite	7631-90-5	---	5.0	---	---	---	---	---
Sodium-2, 4-dichlorophenoxyethyl sulfate (see Crag herbicide)	---	---	---	---	---	---	---	---
Sodium fluoroacetate	62-74-8	---	0.05	---	0.15	---	---	X
Sodium hydroxide	1310-73-2	---	---	---	---	---	2.0	---
Sodium metabisulfite	7681-57-4	---	5.0	---	---	---	---	---
Starch	9005-25-8	---	10	---	---	---	---	---
Total dust	---	---	5.0	---	---	---	---	---
Respirable fraction	---	---	---	---	---	---	---	---
Stibine	7803-52-3	0.1	0.5	---	---	---	---	---
Stoddard solvent	8052-41-3	100	525	---	---	---	---	---
Strychnine	57-24-9	---	0.15	---	---	---	---	---
Styrene	100-42-5	50	215	100	425	---	---	---

HT/PEL
TABLE 1.30

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Design- nation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Subtilisins	((1395-21-7))9014-01-1	---	---	---	0.00006 (60 min.) ^{d/}	---	((0,00006))---	---
Sucrose	57-50-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Sulfotep (see TEDP)	---	---	---	---	---	---	---	X
Sulfur dioxide	7446-09-5	2.0	5.0	5.0	10	---	---	---
Sulfur hexafluoride	2551-62-4	1,000	6,000	---	---	---	---	---
Sulfuric acid	7664-93-9	---	1.0	---	---	---	---	---
Sulfur monochloride	10025-67-9	---	---	---	---	1.0	6.0	---
Sulfur pentafluoride	5714-22-1	---	---	---	---	0.01	0.1	---
Sulfur tetrafluoride	7783-60-0	---	---	---	---	0.1	0.4	---
Sulfuryl fluoride	2699-79-8	5.0	20	10	40	---	---	---
Sulprofos	35400-43-2	---	1.0	---	---	---	---	---
Systox (see Demeton®)	---	---	---	---	---	---	---	---
2, 4, 5-T	93-76-5	---	10	---	---	---	---	---
Talc (see Silicates)	---	---	---	---	---	---	---	---
Tantalum	7440-25-7	---	5.0	---	---	---	---	---
Metal and oxide dusts	---	---	---	---	---	---	---	---
TEDP (Sulfotep)	3689-24-5	---	0.2	---	---	---	---	X
Tellurium and compounds (as Te)	13494-80-9	---	0.1	---	---	---	---	---
Tellurium hexafluoride (as Te)	7783-80-4	0.02	0.2	---	---	---	---	---
Temephos	3383-96-8	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
TEPP	107-49-3	0.004	0.05	---	---	---	---	X
Terphenyls	26140-60-3	---	---	---	---	0.5	5.0	---
1, 1, 1, 2-Tetrachloro-2, 2-difluoroethane	76-11-0	500	4,170	---	---	---	---	---
1, 1, 2, 2-Tetrachloro-1, 2-difluoroethane	76-12-0	500	4,170	---	---	---	---	---

HT/PEL
TABLE 1.31

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Design- nation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
1, 1, 2, 2-Tetrachloroethane	79-34-5	1.0	7.0	---	---	---	---	X
Tetrachloroethylene (see Perchloroethylene)	---	---	---	---	---	---	---	---
Tetrachloromethane (see Carbon tetrachloride)	---	---	---	---	---	---	---	---
Tetrachloronaphthalene	1335-88-2	---	2.0	---	---	---	---	X
Tetraethyl lead (as Pb)	78-00-2	---	0.075	---	---	---	---	X
Tetrahydrofuran	109-99-9	200	590	250	735	---	---	---
Tetramethyl lead (as Pb)	75-74-1	---	0.075	---	---	---	---	X
Tetramethyl succinonitrile	3333-52-6	0.5	3.0	---	---	---	---	X
Tetranitromethane	509-14-8	1.0	8.0	---	---	---	---	---
Tetrasodium pyrophosphate	7722-88-5	---	5.0	---	---	---	---	---
Tetryl (2, 4, 6-trinitrophenyl- methylnitramine)	479-45-8	---	1.5	---	---	---	---	X
Thallium (soluble compounds) (as Tl)	7440-28-0	---	0.1	---	---	---	---	X
4, 4-Thiobis (6-tert-butyl-m-cresol)	96-69-5	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Thioglycolic acid	68-11-1	1.0	4.0	---	---	---	---	X
Thionyl chloride	7719-09-7	---	---	---	---	1.0	5.0	---
Thiram® (see WAC 296-62-07519)	137-26-8	---	5.0	---	---	---	---	---
Tin (as Sn)	7440-31-5	---	2.0	---	---	---	---	---
Inorganic compounds (except oxides)	---	---	---	---	---	---	---	---
Tin, Organic compounds (as Sn)	7440-31-5	---	0.1	---	---	---	---	X
Tin Oxide (as Sn)	21651-19-4	---	2.0	---	---	---	---	---
Titanium dioxide	13463-67-7	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Toulene	108-88-3	100	375	150	560	---	---	---

HT/PEL
TABLE 1.32

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Design- nation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
Toluene-2, 4-diisocyanate (TDI)	584-84-9	0.005	0.04	0.02	0.15	---	---	---
m-Toluidine	108-44-1	2.0	9.0	---	---	---	---	X
o-Toluidine	95-53-4	2.0	9.0	---	---	---	---	X
p-Toluidine	106-49-0	2.0	9.0	---	---	---	---	X
Toxaphene (see Chlorinated camphene)	---	---	---	---	---	---	---	---
Tremolite (see Silicates)	---	---	---	---	---	---	---	---
Tributyl phosphate	126-73-8	0.2	2.5	---	---	---	---	---
Trichloroacetic acid	76-03-9	1.0	7.0	---	---	---	---	---
1, 2, 4-Trichlorobenzene	120-82-1	---	---	---	---	5.0	40	---
1, 1, 1-Trichloroethane (see Methyl chloroform)	---	---	---	---	---	---	---	---
1, 1, 2-Trichloroethane	79-00-5	10	45	---	---	---	---	---
Trichloroethylene	79-01-6	50	270	200	1,080	---	---	---
Trichlorofluoromethane	75-69-4	---	---	---	---	1,000	5,600	---
Trichloromethane (see Chloroform)	---	---	---	---	---	---	---	---
Trichloronaphthalene	1321-65-9	---	5.0	---	---	---	---	X
1, 2, 3-Trichloropropane	96-18-4	10	60	---	---	---	---	X
1, 1, 2-Trichloro-1, 2, 2-trifluoroethane	76-13-1	1,000	7,600	1,250	9,500	---	---	---
Tricyclohexyltin hydroxide (see Cyhexatin)	---	---	---	---	---	---	---	---
Triethylamine	121-44-8	10	40	15	60	---	---	---
Trifluorobromomethane	75-63-8	1,000	6,100	---	---	---	---	---
Trimellitic anhydride	552-30-7	0.005	0.04	---	---	---	---	---
Trimethylamine	75-50-3	10	24	15	36	---	---	---
Trimethyl benzene	25551-13-7	25	125	---	---	---	---	---
Trimethyl phosphite	121-45-9	2.0	10	---	---	---	---	---
2, 4, 6-Trinitrophenol (see Picric acid)	---	---	---	---	---	---	---	---

HT/PEL
TABLE 1.33

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Design- nation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
2, 4, 6-Trinitrophenyl- methylnitramine (see Tetryl)	---	---	---	---	---	---	---	---
2, 4, 6-Trinitrotoluene (TNT)	118-96-7	---	0.5	---	---	---	---	X
Triorthocresyl phosphate	78-30-8	---	0.1	---	---	---	---	X
Triphenyl amine	603-34-9	---	5.0	---	---	---	---	---
Triphenyl phosphate	115-86-6	---	3.0	---	---	---	---	---
Tungsten (as W)	7440-33-7	---	---	---	---	---	---	---
Soluble compounds	---	---	1.0	---	3.0	---	---	---
Insoluble compounds	---	---	5.0	---	10	---	---	---
Turpentine	8006-64-2	100	560	---	---	---	---	---
Uranium (as U)	7440-61-1	---	---	---	---	---	---	---
Soluble compounds	---	---	0.05	---	---	---	---	---
Insoluble compounds	---	---	0.2	---	0.6	---	---	---
n-Valeraldehyde	110-62-3	50	175	---	---	---	---	---
Vanadium (as V ₂ O ₅) Respirable dust and fume	1314-62-1	---	0.05	---	---	---	---	---
Vegetable oil mist	---	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Vinyl acetate	108-05-1	10	30	20	60	---	---	---
Vinyl benzene (see Styrene)	---	---	---	---	---	---	---	---
Vinyl bromide	593-60-2	5.0	20	---	---	---	---	---
Vinyl chloride (see WAC 296-62-07329)	75-01-4	---	---	---	---	---	---	---
Vinyl cyanid (see Acrylonitrile)	---	---	---	---	---	---	---	---
Vinyl cyclohexene dioxide	106-87-6	10	60	---	---	---	---	X
Vinyl toluene	25013-15-4	50	240	---	---	---	---	---
Vinylidene chloride (1, 1-Dichloroethylene)	75-35-4	1.0	4.0	---	---	---	---	---

HT/PEL
TABLE 1.34

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

Substance	CAS ^{1/} Number	TWA		STEL ^{c/}		CEILING		Skin Designation
		ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	ppm ^{a/}	mg/m ³ ^{b/}	
VM & P Naphtha	8032-32-4	300	1,350	400	1,800	---	---	---
Warfarin	81-81-2	---	0.1	---	---	---	---	---
Welding fumes ^{f/} (total particulate)	---	---	5.0	---	---	---	---	---
Wood dust:	---	---	---	---	---	---	---	---
Nonallergenic; All soft woods and hard woods except allergenics	---	---	5.0	---	10	---	---	---
Allergenic; (e.g. cedar, mahogany and teak)	---	---	2.5	---	---	---	---	---
Xylenes(Xylol)	1330-20-7	100	435	150	655	---	---	---
(o-, m-, p-isomers)								
m-Xylene alpha, alpha-diamine	1477-55-0	---	---	---	---	---	0.1	X
Xylidine	1300-73-8	2.0	10	---	---	---	---	X
Yttrium	7440-65-5	---	1.0	---	---	---	---	---
Zinc chloride fume	7646-85-7	---	1.0	---	2.0	---	---	---
Zinc chromate (as CrO ₃)	Varies w/compound	---	0.05	---	---	---	0.1	---
Zinc oxide	1314-13-2	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Zinc oxide fume	1314-13-2	---	5.0	---	10	---	---	---
Zinc stearate	557-05-1	---	---	---	---	---	---	---
Total dust	---	---	10	---	---	---	---	---
Respirable fraction	---	---	5.0	---	---	---	---	---
Zirconium compounds (as Zr)	7440-67-2	---	5.0	---	10	---	---	---

Notes: ^{a/} Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm. Hg. pressure (torr).
^{b/} Approximate milligrams of substance per cubic meter of air.
^{c/} Duration is for 15 minutes, unless otherwise noted.
^{d/} The final benzene standard in WAC 296-62-07523 applies to all occupational exposures to benzene except some sub-segments of industry where exposures are consistently under the action level (i.e., distribution and sale of fuels, sealed containers and pipelines, coke production, oil and gas drilling and production, natural gas processing, and the percentage exclusion for liquid mixtures).

HT/PEL
TABLE 1.35

TABLE 1: LIMITS FOR AIR CONTAMINANTS
Permissible Exposure Limits (PEL)

- ^{e/} This 8-hour TWA applies to respirable dust as measured by a vertical elutriator cotton dust sampler or equivalent instrument. The time-weighted average applies to the cotton waste processing operations of waste recycling (sorting, blending, cleaning, and willowing) and garretting. See also WAC 296-62-14533 for cotton dust limits applicable to other sectors.
- ^{f/} As determined from breathing-zone air samples.
- ^{g/} Total dust formula for Silica (as quartz) is: $\frac{30 \text{ mg/m}^3}{\% \text{ SiO}_2 + 3}$
- ^{h/} Both concentration and percent quartz for the application of this limit are to be determined from the fraction passing a size-selector with the following characteristics:

Aerodynamic diameter (unit density sphere)	Percent passing selector
2	90
2.5	75
3.5	50
5.0	25
10	0

containing less than 1% quartz if 1% quartz, use quartz limit.

The measurements under this note refer to the use of an AEC (now NRC) instrument. The respirable fraction of coal dust is determined with an MRE the figure corresponding to that of 2.4 mg/m³ in the table for coal dust is 4.5 mg/m³.

Notes: ^{1/} The CAS number is for information only. Enforcement is based on the substance name. For an entry covering more than one metal compound measured as the metal, the CAS number for the metal is given -- not CAS numbers for the individual compounds.

^{j/} Compliance with the subtilisins PEL is assessed by sampling with a high volume sampler (600-800 liters per minute) for at least 60 minutes.

HT/PEL
TABLE 2.1

TABLE 2
TRANSITIONAL LIMITS

The transitional limits listed are in effect until December 31, 1992. These limits require the use of engineering controls, where feasible, the additional protection to achieve the more protective limits listed in Table 1 may be achieved using protective control measures as set forth in WAC 296-62-07501(3).

Substance	PEL		Acceptable Ceiling Concentration	
	ppm	mg/m ³	ppm	mg/m ³
Carbon disulfide	10	---	15	---
Carbon monoxide	50	55	---	---
Carbon tetrachloride	5.0	---	20	---
Chloroform (Trichloromethane)	10	50	50	240
Coal dust-respirable (less than 5% SiO ₂)	---	2.4	---	---
Cobalt metal, dust and fume (as Co)	---	0.1	---	---
Ethylene dichloride	10	---	15	---
Ethylene glycol dinitrate	0.05	0.3	0.2	1.0
Nitrogen dioxide	---	---	5.0	9.0
Nitroglycerin	0.05	0.5	0.2	2.0 ($\frac{2.0}{1+\theta}$)
Perchloroethylene (Tetrachloroethylene)	50	---	200	---
Styrene	100	---	200	---

AMENDATORY SECTION (Amending Order 88-11, filed 7/6/88)

WAC 296-62-07521 LEAD. (1) Scope and application.

(a) This section applies to all occupational exposure to lead, except as provided in subdivision (1)(b).

(b) This section does not apply to the construction industry or to agricultural operations covered by chapter 296-306 WAC.

(2) Definitions as applicable to this part.

(a) "Action level" - employee exposure, without regard to the use of respirators, to an airborne concentration of lead of thirty micrograms per cubic meter of air (30 µg/m³) averaged over an eight-hour period.

(b) "Director" - the director of the department of labor and industries.

(c) "Lead" - metallic lead, all inorganic lead compounds, and organic lead soaps. Excluded from this definition are all other organic lead compounds.

(3) Permissible exposure limit (PEL).

(a) The employer shall assure that no employee is exposed to lead at concentrations greater than fifty micrograms per cubic meter of air (50 µg/m³) averaged over an eight-hour period.

(b) If an employee is exposed to lead for more than eight hours in any work day, the permissible exposure limit, as a time weighted average (TWA) for that day, shall be reduced according to the following formula:

$$\text{Maximum permissible limit (in } \mu\text{g/m}^3\text{)} = 400 \div \text{hours worked in the day.}$$

(c) When respirators are used to supplement engineering and work practice controls to comply with the PEL and all the requirements of subsection (6) have been met, employee exposure, for the purpose of determining whether the employer has complied with the PEL, may be considered to be at the level provided by the protection factor of the respirator for those periods the respirator is worn. Those periods may be averaged with exposure levels during periods when respirators are not worn to determine the employee's daily TWA exposure.

(4) Exposure monitoring.

(a) General.

(i) For the purposes of subsection (4), employee exposure is that exposure which would occur if the employee were not using a respirator.

(ii) With the exception of monitoring under subdivision (4)(c), the employer shall collect full shift (for at least seven continuous hours) personal samples including at least one sample for each shift for each job classification in each work area.

(iii) Full shift personal samples shall be representative of the monitored employee's regular, daily exposure to lead.

(b) Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

(c) Basis of initial determination.

(i) The employer shall monitor employee exposures and shall base initial determinations on the employee

exposure monitoring results and any of the following, relevant considerations:

- (A) Any information, observations, or calculations which would indicate employee exposure to lead;
- (B) Any previous measurements of airborne lead; and
- (C) Any employee complaints of symptoms which may be attributable to exposure to lead.

(ii) Monitoring for the initial determination may be limited to a representative sample of the exposed employees who the employer reasonably believes are exposed to the greatest airborne concentrations of lead in the workplace.

(iii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy the requirement to monitor under item (4)(c)(i) if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(d) Positive initial determination and initial monitoring.

(i) Where a determination conducted under subdivision (4)(b) and (4)(c) of this section shows the possibility of any employee exposure at or above the action level, the employer shall conduct monitoring which is representative of the exposure for each employee in the workplace who is exposed to lead.

(ii) Measurements of airborne lead made in the preceding twelve months may be used to satisfy this requirement if the sampling and analytical methods used meet the accuracy and confidence levels of subdivision (4)(i) of this section.

(e) Negative initial determination. Where a determination, conducted under subdivisions (4)(b) and (4)(c) of this section is made that no employee is exposed to airborne concentrations of lead at or above the action level, the employer shall make a written record of such determination. The record shall include at least the information specified in subdivision (4)(c) of this section and shall also include the date of determination, location within the worksite, and the name and social security number of each employee monitored.

(f) Frequency.

(i) If the initial monitoring reveals employee exposure to be below the action level the measurements need not be repeated except as otherwise provided in subdivision (4)(g) of this section.

(ii) If the initial determination or subsequent monitoring reveals employee exposure to be at or above the action level but below the permissible exposure limit the employer shall repeat monitoring in accordance with this subsection at least every six months. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the action level at which time the employer may discontinue monitoring for that employee except as otherwise provided in subdivision (4)(g) of this section.

(iii) If the initial monitoring reveals that employee exposure is above the permissible exposure limit the employer shall repeat monitoring quarterly. The employer shall continue monitoring at the required frequency until at least two consecutive measurements, taken at least seven days apart, are below the PEL but at or above the

action level at which time the employer shall repeat monitoring for that employee at the frequency specified in item (4)(f)(ii), except as otherwise provided in subdivision (4)(g) of this section.

(g) Additional monitoring. Whenever there has been a production, process, control or personnel change which may result in new or additional exposure to lead, or whenever the employer has any other reason to suspect a change which may result in new or additional exposures to lead, additional monitoring in accordance with this subsection shall be conducted.

(h) Employee notification.

(i) Within five working days after the receipt of monitoring results, the employer shall notify each employee in writing of the results which represent that employee's exposure.

(ii) Whenever the results indicate that the representative employee exposure, without regard to respirators, exceeds the permissible exposure limit, the employer shall include in the written notice a statement that the permissible exposure limit was exceeded and a description of the corrective action taken or to be taken to reduce exposure to or below the permissible exposure limit.

(i) Accuracy of measurement. The employer shall use a method of monitoring and analysis which has an accuracy (to a confidence level of ninety-five percent) of not less than plus or minus twenty percent for airborne concentrations of lead equal to or greater than 30 $\mu\text{g}/\text{m}^3$.

(5) Methods of compliance.

(a) Engineering and work practice controls.

(i) Where any employee is exposed to lead above the permissible exposure limit for more than thirty days per year, the employer shall implement engineering and work practice controls (including administrative controls) to reduce and maintain employee exposure to lead in accordance with the implementation schedule in Table I below, except to the extent that the employer can demonstrate that such controls are not feasible. Wherever the engineering and work practice controls which can be instituted are not sufficient to reduce employee exposure to or below the permissible exposure limit, the employer shall nonetheless use them to reduce exposures to the lowest feasible level and shall supplement them by the use of respiratory protection which complies with the requirements of subsection (6) of this section.

(ii) Where any employee is exposed to lead above the permissible exposure limit, but for thirty days or less per year, the employer shall implement engineering controls to reduce exposures to 200 $\mu\text{g}/\text{m}^3$, but thereafter may implement any combination of engineering, work practice (including administrative controls), and respiratory controls to reduce and maintain employee exposure to lead to or below 50 $\mu\text{g}/\text{m}^3$.

TABLE I
IMPLEMENTATION SCHEDULE

Industry ¹	((Compliance Dates ²		
	200 $\mu\text{g}/\text{m}^3$	100 $\mu\text{g}/\text{m}^3$	50 $\mu\text{g}/\text{m}^3$
Primary lead production	(3)	3	10
Secondary lead production	(2)	3	5
Lead-acid battery manufacturing (3)		2	5

Industry ¹	((Compliance Dates ²		
	200 μg/m ³	100 μg/m ³	50 μg/m ³
Automobile manufacture/ solder grinding	(³)	N/A	7
Electronics, gray iron found- ries, ink manufacture, paints and coatings man- ufacture, wall paper man- ufacture, can manufac- ture, and printing	(³)	N/A	†
Lead pigment manufacture; nonferrous foundries; leaded steel manufacture; lead chemical manufac- ture, shipbuilding and ship repair, battery breaking in the collection and pro- cessing of scrap (excluding collection and processing of scrap which is part of a secondary smelting op- eration), secondary lead smelting of copper, and lead casting	(³)	N/A	N/A
All other industries	(³)	N/A	2 1/2

Industry ¹	Compliance Dates ²		
	200 μg/m ³	100 μg/m ³	50 μg/m ³
Primary lead production	(³)	² June 29, 1984.....	² June 29, 1991.
Secondary lead production	(³)	² June 29, 1984.....	² June 29, 1986.
Lead-acid battery manufacturing	(³)	² June 29, 1983.....	² June 29, 1986.
Automobile manufacture/ solder grinding	(³)	N/A	² June 29, 1988.
Electronics, gray iron found- ries, ink manufacture, paints and coatings man- ufacture, wall paper man- ufacture, can manufac- ture, and printing	(³)	N/A	² June 29, 1982.
Brass and bronze ingot manufacture, lead chemical manufacture, and secondary copper smelting	(³)	N/A	⁴ 5 years.
Nonferrous foundries	(³)	N/A	⁴ 2 1/2 years.
All other industries	(³)	N/A	⁴ 2 1/2 years.

Note: ¹Includes ancillary activities located on the same worksite.
 ((²Expressed as the number of years from the effective date by which compliance with the given airborne exposure level, as an eight-hour TWA, must be achieved:)) ²This date is calculated by counting, from June 29, 1981, (the date when the United States Supreme Court denied certiorari and lifted the stay on the implementation of paragraph (5)(a)), the number of years specified for the particular industry in the original lead standard for compliance with the given airborne exposure level. The denial of certiorari followed a decision of the United States Court of Appeals for the District of Columbia Circuit finding compliance with paragraph (5)(a) to be feasible for the relevant industries.
³On effective date. This continues an obligation from WAC 296-62-07515 Table 1 which had been in effect since 1973.
⁴Expressed as the number of years from the date on which the court lifts the stay on the implementation of paragraph (5)(a) for the particular industry.

(b) Respiratory protection. Where engineering and work practice controls do not reduce employee exposure to or below the 50 μg/m³ permissible exposure limit, the employer shall supplement these controls with respirators in accordance with subsection (6).

(c) Compliance program.

(i) Each employer shall establish and implement a written compliance program to reduce exposures to or below the permissible exposure limit, and interim levels if applicable, solely by means of engineering and work practice controls in accordance with the implementation schedule in subdivision (5)(a).

(ii) Written plans for these compliance programs shall include at least the following:

(A) A description of each operation in which lead is emitted; e.g., machinery used, material processed, controls in place, crew size, employee job responsibilities, operating procedures and maintenance practices;

(B) A description of the specific means that will be employed to achieve compliance, including engineering plans and studies used to determine methods selected for controlling exposure to lead;

(C) A report of the technology considered in meeting the permissible exposure limit;

(D) Air monitoring data which documents the source of lead emissions;

(E) A detailed schedule for implementation of the program, including documentation such as copies of purchase orders for equipment, construction contracts, etc.;

(F) A work practice program which includes items required under subsections (7), (8) and (9) of this regulation;

(G) An administrative control schedule required by subdivision (5)(f), if applicable; and

(H) Other relevant information.

(iii) Written programs shall be submitted upon request to the director, and shall be available at the worksite for examination and copying by the director, any affected employee or authorized employee representatives.

(iv) Written programs shall be revised and updated at least every six months to reflect the current status of the program.

(d) Bypass of interim level. Where an employer's compliance plan provides for a reduction of employee exposures to or below the PEL solely by means of engineering and work practice controls in accordance with the implementation schedule in Table I, and the employer has determined that compliance with the 100 μg/m³ interim level would divert resources to the extent that it clearly precludes compliance, otherwise attainable, with the PEL by the required time, the employer may proceed with the plan to comply with the PEL in lieu of compliance with the interim level if:

(i) The compliance plan clearly documents the basis of the determination;

(ii) The employer takes all feasible steps to provide maximum protection for employees until the PEL is met; and

(iii) The employer notifies the director in writing within ten working days of the completion or revision of the compliance plan reflecting the determination.

(e) Mechanical ventilation.

(i) When ventilation is used to control exposure, measurements which demonstrate the effectiveness of the system in controlling exposure, such as capture velocity, duct velocity, or static pressure shall be made at least every three months. Measurements of the system's effectiveness in controlling exposure shall be made within five days of any change in production, process, or control which might result in a change in employee exposure to lead.

(ii) Recirculation of air. If air from exhaust ventilation is recirculated into the workplace, the employer shall assure that (A) the system has a high efficiency filter with reliable back-up filter; and (B) controls to monitor the concentration of lead in the return air and to bypass the recirculation system automatically if it fails are installed, operating, and maintained.

(f) Administrative controls. If administrative controls are used as a means of reducing employees TWA exposure to lead, the employer shall establish and implement a job rotation schedule which includes:

(i) Name or identification number of each affected employee;

(ii) Duration and exposure levels at each job or work station where each affected employee is located; and

(iii) Any other information which may be useful in assessing the reliability of administrative controls to reduce exposure to lead.

(6) Respiratory protection.

(a) General. Where the use of respirators is required under this section, the employer shall provide, at no cost to the employee, and assure the use of respirators which comply with the requirements of this subsection. Respirators shall be used in the following circumstances:

(i) During the time period necessary to install or implement engineering or work practice controls, except that after the dates for compliance with the interim levels in Table I, no employer shall require an employee to wear a negative pressure respirator longer than 4.4 hours per day;

(ii) In work situations in which engineering and work practice controls are not sufficient to reduce exposures to or below the permissible exposure limit; and

(iii) Whenever an employee requests a respirator.

(b) Respirator selection.

(i) Where respirators are required under this section the employer shall select the appropriate respirator or combination of respirators from Table II.

TABLE II
RESPIRATORY PROTECTION FOR LEAD AEROSOLS

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Not in excess of 0.5 mg/m ³ (10X PEL).	Half-mask, air-purifying respirator equipped with high efficiency filters. ²
Not in excess of 2.5 mg/m ³ (50X PEL).	Full facepiece, air-purifying respirator with high efficiency filters. ³

Airborne Concentration of Lead or Condition of Use	Required Respirator ¹
Not in excess of 50 mg/m ³ (1000X PEL).	(1) Any powered, air-purifying respirator with high efficiency filters ³ ; or (2) Half-mask supplied air respirator operated in positive-pressure mode. ²
Not in excess of 100 mg/m ³ (2000X PEL).	Supplied-air respirators with full facepiece, hood, helmet, or suit, operated in positive pressure mode.
Greater than 100 mg/m ³ , unknown concentration or fire fighting.	Full facepiece, self-contained breathing apparatus operated in positive-pressure mode.

Note: ¹Respirators specified for high concentrations can be used at lower concentrations of lead.

²Full facepiece is required if the lead aerosols cause eye or skin irritation at the use concentrations.

³A high efficiency particulate filter means 99.97 percent efficient against 0.3 micron size particles.

(ii) The employer shall provide a powered, air-purifying respirator in lieu of the respirator specified, in Table II whenever:

(A) An employee chooses to use this type of respirator; and

(B) This respirator will provide adequate protection to the employee.

(iii) The employer shall select respirators from among those approved for protection against lead dust, fume, and mist by the Mine Safety and Health Administration and the National Institute for Occupational Safety and Health (NIOSH) under the provisions of 30 CFR Part 11.

(c) Respirator usage.

(i) The employer shall assure that the respirator issued to the employee exhibits minimum facepiece leakage and that the respirator is fitted properly.

(ii) Employers shall perform either quantitative or qualitative face fit tests at the time of initial fitting and at least every six months thereafter for each employee wearing negative pressure respirators. The qualitative fit tests may be used only for testing the fit of half-mask respirators where they are permitted to be worn, and shall be conducted in accordance with Appendix D. The tests shall be used to select facepieces that provide the required protection as prescribed in Table II.

(iii) If an employee exhibits difficulty in breathing during the fitting test or during use, the employer shall make available to the employee an examination in accordance with subitem (10)(c)(i)(C) of this section to determine whether the employee can wear a respirator while performing the required duty.

(d) Respirator program.

(i) The employer shall institute a respiratory protection program in accordance with WAC 296-62-071.

(ii) The employer shall permit each employee who uses a filter respirator to change the filter elements whenever an increase in breathing resistance is detected and shall maintain an adequate supply of filter elements for this purpose.

(iii) Employees who wear respirators shall be permitted to leave work areas to wash their face and respirator facepiece whenever necessary to prevent skin irritation associated with respirator use.

(7) Protective work clothing and equipment.

(a) Provision and use. If an employee is exposed to lead above the PEL, without regard to the use of respirators or where the possibility of skin or eye irritation exists, the employer shall provide at no cost to the employee and assure that the employee uses appropriate protective work clothing and equipment such as, but not limited to:

- (i) Coveralls or similar full-body work clothing;
- (ii) Gloves, hats, and shoes or disposable shoe coverlets; and
- (iii) Face shields, vented goggles, or other appropriate protective equipment which complies with WAC 296-24-078.

(b) Cleaning and replacement.

(i) The employer shall provide the protective clothing required in subdivision (7)(a) of this section in a clean and dry condition at least weekly, and daily to employees whose exposure levels without regard to a respirator are over $200 \mu\text{g}/\text{m}^3$ of lead as an eight-hour TWA.

(ii) The employer shall provide for the cleaning, laundering, or disposal of protective clothing and equipment required by subdivision (7)(a) of this section.

(iii) The employer shall repair or replace required protective clothing and equipment as needed to maintain their effectiveness.

(iv) The employer shall assure that all protective clothing is removed at the completion of a work shift only in change rooms provided for that purpose as prescribed in subdivision (9)(b) of this section.

(v) The employer shall assure that contaminated protective clothing which is to be cleaned, laundered, or disposed of, is placed in a closed container in the change-room which prevents dispersion of lead outside the container.

(vi) The employer shall inform in writing any person who cleans or launders protective clothing or equipment of the potentially harmful effects of exposure to lead.

(vii) The employer shall assure that the containers of contaminated protective clothing and equipment required by subdivision (7)(b)(v) are labeled as follows:

CAUTION: CLOTHING CONTAMINATED WITH LEAD. DO NOT REMOVE DUST BY BLOWING OR SHAKING. DISPOSE OF LEAD CONTAMINATED WASH WATER IN ACCORDANCE WITH APPLICABLE LOCAL, STATE, OR FEDERAL REGULATIONS.

(viii) The employer shall prohibit the removal of lead from protective clothing or equipment by blowing, shaking, or any other means which disperses lead into the air.

(8) Housekeeping.

(a) Surfaces. All surfaces shall be maintained as free as practicable of accumulations of lead.

(b) Cleaning floors.

(i) Floors and other surfaces where lead accumulates may not be cleaned by the use of compressed air.

(ii) Shoveling, dry or wet sweeping, and brushing may be used only where vacuuming or other equally effective methods have been tried and found not to be effective.

(c) Vacuuming. Where vacuuming methods are selected, the vacuums shall be used and emptied in a

manner which minimizes the reentry of lead into the workplace.

(9) Hygiene facilities and practices.

(a) The employer shall assure that in areas where employees are exposed to lead above the PEL, without regard to the use of respirators, food or beverage is not present or consumed, tobacco products are not present or used, and cosmetics are not applied, except in change rooms, lunchrooms, and showers required under subdivision (9)(b) through (9)(d) of this section.

(b) Change rooms.

(i) The employer shall provide clean change rooms for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that change rooms are equipped with separate storage facilities for protective work clothing and equipment and for street clothes which prevent cross-contamination.

(c) Showers.

(i) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators, shower at the end of the work shift.

(ii) The employer shall provide shower facilities in accordance with WAC 296-24-12009.

(iii) The employer shall assure that employees who are required to shower pursuant to item (9)(c)(i) do not leave the workplace wearing any clothing or equipment worn during the work shift.

(d) Lunchrooms.

(i) The employer shall provide lunchroom facilities for employees who work in areas where their airborne exposure to lead is above the PEL, without regard to the use of respirators.

(ii) The employer shall assure that lunchroom facilities have a temperature controlled, positive pressure, filtered air supply, and are readily accessible to employees.

(iii) The employer shall assure that employees who work in areas where their airborne exposure to lead is above the PEL without regard to the use of a respirator wash their hands and face prior to eating, drinking, smoking or applying cosmetics.

(iv) The employer shall assure that employees do not enter lunchroom facilities with protective work clothing or equipment unless surface lead dust has been removed by vacuuming, downdraft booth, or other cleaning method.

(e) Lavatories. The employer shall provide an adequate number of lavatory facilities which comply with WAC 296-24-12009 (1) and (2).

(10) Medical surveillance.

(a) General.

(i) The employer shall institute a medical surveillance program for all employees who are or may be exposed above the action level for more than thirty days per year.

(ii) The employer shall assure that all medical examinations and procedures are performed by or under the supervision of a licensed physician.

(iii) The employer shall provide the required medical surveillance including multiple physician review under

item (10)(c)(iii) without cost to employees and at a reasonable time and place.

(b) Biological monitoring.

(i) Blood lead and ZPP level sampling and analysis. The employer shall make available biological monitoring in the form of blood sampling and analysis for lead and zinc protoporphyrin levels to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least every six months to each employee covered under item (10)(a)(i) of this section;

(B) At least every two months for each employee whose last blood sampling and analysis indicated a blood lead level at or above 40 $\mu\text{g}/100\text{ g}$ of whole blood. This frequency shall continue until two consecutive blood samples and analyses indicate a blood lead level below 40 $\mu\text{g}/100\text{ g}$ of whole blood; and

(C) At least monthly during the removal period of each employee removed from exposure to lead due to an elevated blood lead level.

(ii) Follow-up blood sampling tests. Whenever the results of a blood lead level test indicate that an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i), the employer shall provide a second (follow-up) blood sampling test within two weeks after the employer receives the results of the first blood sampling test.

(iii) Accuracy of blood lead level sampling and analysis. Blood lead level sampling and analysis provided pursuant to this section shall have an accuracy (to a confidence level of ninety-five percent) within plus or minus fifteen percent or 6 $\mu\text{g}/100\text{ ml}$, whichever is greater, and shall be conducted by a laboratory licensed by the Center for Disease Control (CDC), United States Department of Health, Education and Welfare or which has received a satisfactory grade in blood lead proficiency testing from CDC in the prior twelve months.

(iv) Employee notification. Within five working days after the receipt of biological monitoring results, the employer shall notify in writing each employee whose blood lead level exceeds 40 $\mu\text{g}/100\text{ g}$: (A) of that employee's blood lead level and (B) that the standard requires temporary medical removal with medical removal protection benefits when an employee's blood lead level exceeds the numerical criterion for medical removal under item (11)(a)(i) of this section.

(c) Medical examinations and consultations.

(i) Frequency. The employer shall make available medical examinations and consultations to each employee covered under item (10)(a)(i) of this section on the following schedule:

(A) At least annually for each employee for whom a blood sampling test conducted at any time during the preceding twelve months indicated a blood lead level at or above 40 $\mu\text{g}/100\text{ g}$;

(B) Prior to assignment for each employee being assigned for the first time to an area in which airborne concentrations of lead are at or above the action level;

(C) As soon as possible, upon notification by an employee either that the employee has developed signs or symptoms commonly associated with lead intoxication, that the employee desires medical advice concerning the

effects of current or past exposure to lead on the employee's ability to procreate a healthy child, or that the employee has demonstrated difficulty in breathing during a respirator fitting test or during use; and

(D) As medically appropriate for each employee either removed from exposure to lead due to a risk of sustaining material impairment to health, or otherwise limited pursuant to a final medical determination.

(ii) Content. Medical examinations made available pursuant to subitems (10)(c)(i)(A) through (B) of this section shall include the following elements:

(A) A detailed work history and a medical history, with particular attention to past lead exposure (occupational and nonoccupational), personal habits (smoking, hygiene), and past gastrointestinal, hematologic, renal, cardiovascular, reproductive and neurological problems;

(B) A thorough physical examination, with particular attention to teeth, gums, hematologic, gastrointestinal, renal, cardiovascular, and neurological systems. Pulmonary status should be evaluated if respiratory protection will be used;

(C) A blood pressure measurement;

(D) A blood sample and analysis which determines:

(I) Blood lead level;

(II) Hemoglobin and hematocrit determinations, red cell indices, and examination of peripheral smear morphology;

(III) Zinc protoporphyrin;

(IV) Blood urea nitrogen; and

(V) Serum creatinine;

(E) A routine urinalysis with microscopic examination; and

(F) Any laboratory or other test which the examining physician deems necessary by sound medical practice.

The content of medical examinations made available pursuant to subitems (10)(c)(i)(C) through (D) of this section shall be determined by an examining physician and, if requested by an employee, shall include pregnancy testing or laboratory evaluation of male fertility.

(iii) Multiple physician review mechanism.

(A) If the employer selects the initial physician who conducts any medical examination or consultation provided to an employee under this section, the employee may designate a second physician:

(I) To review any findings, determinations or recommendations of the initial physician; and

(II) To conduct such examinations, consultations, and laboratory tests as the second physician deems necessary to facilitate this review.

(B) The employer shall promptly notify an employee of the right to seek a second medical opinion after each occasion that an initial physician conducts a medical examination or consultation pursuant to this section. The employer may condition its participation in, and payment for, the multiple physician review mechanism upon the employee doing the following within fifteen days after receipt of the foregoing notification, or receipt of the initial physician's written opinion, whichever is later:

(I) The employee informing the employer that he or she intends to seek a second medical opinion, and

(II) The employee initiating steps to make an appointment with a second physician.

(C) If the findings, determinations or recommendations of the second physician differ from those of the initial physician, then the employer and the employee shall assure that efforts are made for the two physicians to resolve any disagreement.

(D) If the two physicians have been unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician:

(I) To review any findings, determinations or recommendations of the prior physicians; and

(II) To conduct such examinations, consultations, laboratory tests and discussions with the prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(E) The employer shall act consistent with the findings, determinations and recommendations of the third physician, unless the employer and the employee reach an agreement which is otherwise consistent with the recommendations of at least one of the three physicians.

(iv) Information provided to examining and consulting physicians.

(A) The employer shall provide an initial physician conducting a medical examination or consultation under this section with the following information:

(I) A copy of this regulation for lead including all appendices;

(II) A description of the affected employee's duties as they relate to the employee's exposure;

(III) The employee's exposure level or anticipated exposure level to lead and to any other toxic substance (if applicable);

(IV) A description of any personal protective equipment used or to be used;

(V) Prior blood lead determinations; and

(VI) All prior written medical opinions concerning the employee in the employer's possession or control.

(B) The employer shall provide the foregoing information to a second or third physician conducting a medical examination or consultation under this section upon request either by the second or third physician, or by the employee.

(v) Written medical opinions.

(A) The employer shall obtain and furnish the employee with a copy of a written medical opinion from each examining or consulting physician which contains the following information:

(I) The physician's opinion as to whether the employee has any detected medical condition which would place the employee at increased risk of material impairment of the employee's health from exposure to lead;

(II) Any recommended special protective measures to be provided to the employee, or limitations to be placed upon the employee's exposure to lead;

(III) Any recommended limitation upon the employee's use of respirators, including a determination of whether the employee can wear a powered air purifying respirator if a physician determines that the employee cannot wear a negative pressure respirator; and

(IV) The results of the blood lead determinations.

(B) The employer shall instruct each examining and consulting physician to:

(I) Not reveal either in the written opinion, or in any other means of communication with the employer, findings, including laboratory results, or diagnoses unrelated to an employee's occupational exposure to lead; and

(II) Advise the employee of any medical condition, occupational or nonoccupational, which dictates further medical examination or treatment.

(vi) Alternate physician determination mechanisms. The employer and an employee or authorized employee representative may agree upon the use of any expeditious alternate physician determination mechanism in lieu of the multiple physician review mechanism provided by this subsection so long as the alternate mechanism otherwise satisfies the requirements contained in this subsection.

(d) Chelation.

(i) The employer shall assure that any person whom he retains, employs, supervises or controls does not engage in prophylactic chelation of any employee at any time.

(ii) If therapeutic or diagnostic chelation is to be performed by any person in item (10)(d)(i), the employer shall assure that it be done under the supervision of a licensed physician in a clinical setting with thorough and appropriate medical monitoring and that the employee is notified in writing prior to its occurrence.

(11) Medical removal protection.

(a) Temporary medical removal and return of an employee.

(i) Temporary removal due to elevated blood lead levels.

(A) First year of the standard. During the first year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above $100 \mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $80 \mu\text{g}/100 \text{ g}$ of whole blood;

(B) Second year of the standard. During the second year following the effective date of the standard, the employer shall remove an employee from work having a daily eight hour TWA exposure to lead at or above $50 \mu\text{g}/\text{m}^3$ on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $70 \mu\text{g}/100 \text{ g}$ of whole blood;

(C) Third year of the standard, and thereafter. Beginning with the third year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a periodic and a follow-up blood sampling test conducted pursuant to this section indicate that the employee's blood lead level is at or above $60 \mu\text{g}/100 \text{ g}$ of whole blood; and

(D) Fifth year of the standard, and thereafter. Beginning with the fifth year following the effective date of the standard, the employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that the average of the last three blood sampling tests conducted pursuant to this

section (or the average of all blood sampling tests conducted over the previous six months, whichever is longer) indicates that the employee's blood lead level is at or above 50 $\mu\text{g}/100\text{ g}$ of whole blood; provided, however, that an employee need not be removed if the last blood sampling test indicates a blood lead level at or below 40 $\mu\text{g}/100\text{ g}$ of whole blood.

(ii) Temporary removal due to a final medical determination.

(A) The employer shall remove an employee from work having an exposure to lead at or above the action level on each occasion that a final medical determination results in a medical finding, determination, or opinion that the employee has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the phrase "final medical determination" shall mean the outcome of the multiple physician review mechanism or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section.

(C) Where a final medical determination results in any recommended special protective measures for an employee, or limitations on an employee's exposure to lead, the employer shall implement and act consistent with the recommendation.

(iii) Return of the employee to former job status.

(A) The employer shall return an employee to his or her former job status:

(I) For an employee removed due to a blood lead level at or above 80 $\mu\text{g}/100\text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 60 $\mu\text{g}/100\text{ g}$ of whole blood;

(II) For an employee removed due to a blood lead level at or above 70 $\mu\text{g}/100\text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 50 $\mu\text{g}/100\text{ g}$ of whole blood;

(III) For an employee removed due to a blood lead level at or above 60 $\mu\text{g}/100\text{ g}$, or due to an average blood lead level at or above 50 $\mu\text{g}/100\text{ g}$, when two consecutive blood sampling tests indicate that the employee's blood lead level is at or below 40 $\mu\text{g}/100\text{ g}$ of whole blood;

(IV) For an employee removed due to a final medical determination, when a subsequent final medical determination results in a medical finding, determination, or opinion that the employee no longer has a detected medical condition which places the employee at increased risk of material impairment to health from exposure to lead.

(B) For the purposes of this section, the requirement that an employer return an employee to his or her former job status is not intended to expand upon or restrict any rights an employee has or would have had, absent temporary medical removal, to a specific job classification or position under the terms of a collective bargaining agreement.

(iv) Removal of other employee special protective measure or limitations. The employer shall remove any limitations placed on an employee or end any special protective measures provided to an employee pursuant to a final medical determination when a subsequent final

medical determination indicates that the limitations or special protective measures are no longer necessary.

(v) Employer options pending a final medical determination. Where the multiple physician review mechanism, or alternate medical determination mechanism used pursuant to the medical surveillance provisions of this section, has not yet resulted in a final medical determination with respect to an employee, the employer shall act as follows:

(A) Removal. The employer may remove the employee from exposure to lead, provide special protective measures to the employee, or place limitations upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status.

(B) Return. The employer may return the employee to his or her former job status, end any special protective measures provided to the employee, and remove any limitations placed upon the employee, consistent with the medical findings, determinations, or recommendations of any of the physicians who have reviewed the employee's health status, with two exceptions. If:

(I) The initial removal, special protection, or limitation of the employee resulted from a final medical determination which differed from the findings, determinations, or recommendations of the initial physician; or

(II) The employee has been on removal status for the preceding eighteen months due to an elevated blood lead level, then the employer shall await a final medical determination.

(b) Medical removal protection benefits.

(i) Provision of medical removal protection benefits. The employer shall provide to an employee up to eighteen months of medical removal protection benefits on each occasion that an employee is removed from exposure to lead or otherwise limited pursuant to this section.

(ii) Definition of medical removal protection benefits. For the purposes of this section, the requirement that an employer provide medical removal protection benefits means that the employer shall maintain the earnings, seniority and other employment rights and benefits of an employee as though the employee had not been removed from normal exposure to lead or otherwise limited.

(iii) Follow-up medical surveillance during the period of employee removal or limitation. During the period of time that an employee is removed from normal exposure to lead or otherwise limited, the employer may condition the provision of medical removal protection benefits upon the employee's participation in follow-up medical surveillance made available pursuant to this section.

(iv) Workers' compensation claims. If a removed employee files a claim for workers' compensation payments for a lead-related disability, then the employer shall continue to provide medical removal protection benefits pending disposition of the claim. To the extent that an award is made to the employee for earnings lost during the period of removal, the employer's medical removal protection obligation shall be reduced by such amount. The employer shall receive no credit for workers' compensation payments received by the employee for treatment related expenses.

(v) Other credits. The employer's obligation to provide medical removal protection benefits to a removed employee shall be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program, or receives income from employment with another employer made possible by virtue of the employee's removal.

(vi) Employees whose blood lead levels do not adequately decline within eighteen months of removal. The employer shall take the following measures with respect to any employee removed from exposure to lead due to an elevated blood lead level whose blood lead level has not declined within the past eighteen months of removal so that the employee has been returned to his or her former job status:

(A) The employer shall make available to the employee a medical examination pursuant to this section to obtain a final medical determination with respect to the employee;

(B) The employer shall assure that the final medical determination obtained indicates whether or not the employee may be returned to his or her former job status, and if not, what steps should be taken to protect the employee's health;

(C) Where the final medical determination has not yet been obtained, or once obtained indicates that the employee may not yet be returned to his or her former job status, the employer shall continue to provide medical removal protection benefits to the employee until either the employee is returned to former job status, or a final medical determination is made that the employee is incapable of ever safely returning to his or her former job status.

(D) Where the employer acts pursuant to a final medical determination which permits the return of the employee to his or her former job status despite what would otherwise be an unacceptable blood lead level, later questions concerning removing the employee again shall be decided by a final medical determination. The employer need not automatically remove such an employee pursuant to the blood lead level removal criteria provided by this section.

(vii) Voluntary removal or restriction of an employee. Where an employer, although not required by this section to do so, removes an employee from exposure to lead or otherwise places limitations on an employee due to the effects of lead exposure on the employee's medical condition, the employer shall provide medical removal protection benefits to the employee equal to that required by item (11)(b)(i) of this section.

(12) Employee information and training.

(a) Training program.

(i) Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

(ii) The employer shall institute a training program for and assure the participation of all employees who are subject to exposure to lead at or above the action level or for whom the possibility of skin or eye irritation exists.

(iii) The employer shall provide initial training by one hundred eighty days from the effective date for those employees covered by item (12)(a)(ii) on the standard's effective date and prior to the time of initial job assignment for those employees subsequently covered by this subsection.

(iv) The training program shall be repeated at least annually for each employee.

(v) The employer shall assure that each employee is informed of the following:

(A) The content of this standard and its appendices;

(B) The specific nature of the operations which could result in exposure to lead above the action level;

(C) The purpose, proper selection, fitting, use, and limitations of respirators;

(D) The purpose and a description of the medical surveillance program, and the medical removal protection program including information concerning the adverse health effects associated with excessive exposure to lead (with particular attention to the adverse reproductive effects on both males and females);

(E) The engineering controls and work practices associated with the employee's job assignment;

(F) The contents of any compliance plan in effect; and

(G) Instructions to employees that chelating agents should not routinely be used to remove lead from their bodies and should not be used at all except under the direction of a licensed physician.

(b) Access to information and training materials.

(i) The employer shall make readily available to all affected employees a copy of this standard and its appendices.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) In addition to the information required by item (12)(a)(v), the employer shall include as part of the training program, and shall distribute to employees, any materials pertaining to the Occupational Safety and Health Act, the regulations issued pursuant to the act, and this lead standard, which are made available to the employer by the director.

(13) Signs.

(a) General.

(i) The employer may use signs required by other statutes, regulations or ordinances in addition to, or in combination with, signs required by this subsection.

(ii) The employer shall assure that no statement appears on or near any sign required by this subsection which contradicts or detracts from the meaning of the required sign.

(b) Signs.

(i) The employer shall post the following warning signs in each work area where the PEL is exceeded:

WARNING
LEAD WORK AREA
POISON
NO SMOKING OR EATING

(ii) The employer shall assure that signs required by this subsection are illuminated and cleaned as necessary so that the legend is readily visible.

(14) Recordkeeping.**(a) Exposure monitoring.**

(i) The employer shall establish and maintain an accurate record of all monitoring required in subsection (4) of this section.

(ii) This record shall include:

(A) The date(s), number, duration, location and results of each of the samples taken, including a description of the sampling procedure used to determine representative employee exposure where applicable;

(B) A description of the sampling and analytical methods used and evidence of their accuracy;

(C) The type of respiratory protective devices worn, if any;

(D) Name, social security number, and job classification of the employee monitored and of all other employees whose exposure the measurement is intended to represent; and

(E) the environmental variables that could affect the measurement of employee exposure.

(iii) The employer shall maintain these monitoring records for at least forty years or for the duration of employment plus twenty years, whichever is longer.

(b) Medical surveillance.

(i) The employer shall establish and maintain an accurate record for each employee subject to medical surveillance as required by subsection (10) of this section.

(ii) This record shall include:

(A) The name, social security number, and description of the duties of the employee;

(B) A copy of the physician's written opinions;

(C) Results of any airborne exposure monitoring done for that employee and the representative exposure levels supplied to the physician; and

(D) Any employee medical complaints related to exposure to lead.

(iii) the employer shall keep, or assure that the examining physician keeps, the following medical records:

(A) A copy of the medical examination results including medical and work history required under subsection (10) of this section;

(B) A description of the laboratory procedures and a copy of any standards or guidelines used to interpret the test results or references to that information; and

(C) A copy of the results of biological monitoring.

(iv) The employer shall maintain or assure that the physician maintains those medical records for at least forty years, or for the duration of employment plus twenty years, whichever is longer.

(c) Medical removals.

(i) The employer shall establish and maintain an accurate record for each employee removed from current exposure to lead pursuant to subsection (11) of this section.

(ii) Each record shall include:

(A) The name and social security number of the employee;

(B) The date on each occasion that the employee was removed from current exposure to lead as well as the corresponding date on which the employee was returned to his or her former job status;

(C) A brief explanation of how each removal was or is being accomplished; and

(D) A statement with respect to each removal indicating whether or not the reason for the removal was an elevated blood lead level.

(iii) The employer shall maintain each medical removal record for at least the duration of an employee's employment.

(d) Availability.

(i) The employer shall make available upon request all records required to be maintained by subsection (14) of this section to the director for examination and copying.

(ii) Environmental monitoring, medical removal, and medical records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217. Medical removal records shall be provided in the same manner as environmental monitoring records.

(iii) Upon request, the employer shall make an employee's medical records required to be maintained by this section available to the affected employee or former employee or to a physician or other individual designated by such affected employee or former employees for examination and copying.

(e) Transfer of records.

(i) Whenever the employer ceases to do business, the successor employer shall receive and retain all records required to be maintained by subsection (14) of this section.

(ii) Whenever the employer ceases to do business and there is no successor employer to receive and retain the records required to be maintained by this section for the prescribed period, these records shall be transmitted to the director.

(iii) At the expiration of the retention period for the records required to be maintained by this section, the employer shall notify the director at least three months prior to the disposal of such records and shall transmit those records to the director if requested within the period.

(iv) The employer shall also comply with any additional requirements involving transfer of records set forth in WAC 296-62-05215.

(15) Observation of monitoring.

(a) Employee observation. The employer shall provide affected employees or their designated representatives an opportunity to observe any monitoring of employee exposure to lead conducted pursuant to subsection (4) of this section.

(b) Observation procedures.

(i) Whenever observation of the monitoring of employee exposure to lead requires entry into an area where the use of respirators, protective clothing or equipment is required, the employer shall provide the observer with and assure the use of such respirators, clothing and such equipment, and shall require the observer to comply with all other applicable safety and health procedures.

(ii) Without interfering with the monitoring, observers shall be entitled to:

(A) Receive an explanation of the measurement procedures;

(B) Observe all steps related to the monitoring of lead performed at the place of exposure; and

(C) Record the results obtained or receive copies of the results when returned by the laboratory.

(16) Effective date. The effective date of this standard is September 6, 1980.

(17) Appendices. The information contained in the appendices to this section is not intended by itself, to create any additional obligations not otherwise imposed by this standard nor detract from any existing obligation. Appendices are available from:

The Technical Services Section
Division of Industrial Safety and Health
P.O. Box 207
Olympia, WA 98504 (206) 753-6381

(18) Startup dates. All obligations of this standard commence on the effective date except as follows:

(a) The initial determination under subdivision (4)(b) shall be made as soon as possible but no later than thirty days from the effective date.

(b) Initial monitoring under subdivision (4)(d) shall be completed as soon as possible but no later than ninety days from the effective date.

(c) Initial biological monitoring and medical examinations under subsection (10) shall be completed as soon as possible but no later than one hundred eighty days from the effective date. Priority for biological monitoring and medical examinations shall be given to employees whom the employer believes to be at greatest risk from continued exposure.

(d) Initial training and education shall be completed as soon as possible but no later than one hundred eighty days from the effective date.

(e) Hygiene and lunchroom facilities under subsection (9) shall be in operation as soon as possible but no later than one year from the effective year.

(f) Respiratory protection required by subsection (6) shall be provided as soon as possible but no later than the following schedule:

(i) Employees whose eight-hour TWA exposure exceeds $200 \mu\text{g}/\text{m}^3$ - on the effective date.

(ii) Employees whose eight-hour TWA exposure exceeds the PEL but is less than $200 \mu\text{g}/\text{m}^3$ - one hundred fifty days from the effective date.

(iii) Powered, air-purifying respirators provided under (6)(b)(ii) - two hundred ten days from the effective date.

(iv) Quantitative fit testing required under item (6)(c)(ii) - one year from effective date. Qualitative fit testing is required in the interim.

(g) Written compliance plans required by subdivision (5)(c) shall be completed and available for inspection and copying as soon as possible but no later than the following schedule:

(i) Employers for whom compliance with the PEL or interim level is required within one year from the effective date - six months from the effective date.

(ii) Employers in secondary lead smelting and refining(~~;~~) and in lead storage battery manufacturing(~~;~~

~~lead pigment manufacturing and nonferrous foundry industries~~) - one year from the effective date.

(iii) Employers in primary smelting and refining industry - one year from the effective date from the interim level; five years from the effective date for PEL.

(iv) Plans for construction of hygiene facilities, if required - six months from the effective date.

(v) All other industries - one year from the date on which the court lifts the stay on the implementation of paragraph (5)(a) for the particular industry.

(h) The permissible exposure limit in subsection (3) shall become effective one hundred fifty days from the effective date.

AMENDATORY SECTION (Amending Order 88-23, filed 10/6/88, effective 11/7/88)

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.)~~) adequate to protect against formaldehyde exposure 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(;) with chin style or chest or back mounted type((,with)) industrial size canister specifically approved for protection against formaldehyde. Type C supplied-air respirator(;) <u>pressure demand or continuous flow</u> 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(;) with chin style or 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.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

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)) WISHA 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~~)) A.C.R.O. 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~~)) A.C.R.O. (also use methods F.O.R.M. and F.O.R.M. 2 when applicable).

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 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 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 ((\pm)) 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, ((24.25))
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 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 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 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.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-99-015 APPLICATION. (1) WAC 296-99-010 through 296-99-070 apply to grain elevators, feed mills, flour mills, rice mills, dust pelletizing plants, dry corn mills, soybean flaking operations, and the dry grinding operations of soybean.

(2) WAC 296-99-075, 296-99-080, and 296-99-085 apply only to grain elevators.

(3) Chapter 296-99 WAC shall not apply to alfalfa storage or processing operations providing that the processing operations do not utilize grain products, such as in feed mill operations.

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-99-050 HOUSEKEEPING. (1) The employer shall develop and implement a written housekeeping program that establishes the frequency and method(s) determined best to reduce accumulations of fugitive grain dust on ledges, floors, equipment, and other exposed surfaces.

(2) In addition, the housekeeping program for grain elevators shall (~~address fugitive grain dust accumulations at priority housekeeping areas~~) require that a special emphasis be made with respect to keeping priority housekeeping areas free from accumulations of fugitive grain dust.

(a) Priority housekeeping areas shall include at least the following:

(i) Floor areas within thirty-five feet (10.7 m) of inside bucket elevators;

(ii) Floors of enclosed areas containing grinding equipment;

(iii) Floors of enclosed areas containing grain dryers located inside the facility.

(b) (~~The employer shall immediately remove any fugitive grain dust accumulations whenever they exceed one-eighth inch (.32 cm) at priority housekeeping areas, pursuant to the housekeeping program, or shall demonstrate and assure, through the development and implementation of the housekeeping program, that equivalent protection is provided.~~) Employers shall not permit fugitive grain dust to accumulate in priority housekeeping areas described in (2)(a)(i), (ii), and (iii) of this section.

(3) The use of compressed air to blow dust from ledges, walls, and other areas shall only be permitted when all machinery that presents an ignition source in the area is shut-down, and all other known potential ignition sources in the area are removed or controlled.

(4) Grain and product spills shall not be considered fugitive grain dust accumulations. However, the housekeeping program shall address the procedures for removing such spills from the work area.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-485 SCAFFOLDING. (1) General requirements. Scaffolds shall be furnished and erected in accordance with this standard for persons engaged in work that cannot be done safely from the ground or from solid construction, except that ladders used for such work shall conform to WAC 296-155-480 through 296-155-48090.

(a) All rules for design, construction, maintenance, operation, testing, and use of scaffolds contained in WAC 296-24-825 through 296-24-84013 apply within the construction industry.

(b) Scaffolds shall be erected in accordance with requirements of this section.

(c) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks, shall not be used to support scaffolds or planks.

(d) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.

(e) Standard guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beam scaffolds and floats. Scaffolds 4 feet to 10 feet in height, having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails and toeboards installed on all open sides and ends of the scaffold platform.

(f) Where persons are required to work or pass under the scaffold, scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard wire 1/2-inch mesh, or the equivalent.

(g) Scaffolds and their components shall be capable of supporting without failure at least 4 times the maximum intended load.

(h) Any scaffold including accessories such as braces, brackets, trusses, screw legs, ladders, etc. damaged or weakened from any cause shall be immediately repaired or replaced.

(i) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 fiber (stress grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

(j) All planking shall be scaffold grades, or equivalent, as recognized by approved grading rules for the species of wood used. The maximum permissible spans for 2- x 10-inch or wider planks shall be as shown in Table J-1.

(k) The maximum permissible span for 1 1/4- x 9-inch or wider plank of full thickness shall be 4 feet with medium duty loading of 50 p.s.f.

(l) Platforms shall be level. All planking or platforms shall be overlapped (minimum 12 inches), or secured from movement. The platform shall be a minimum of

two 2-inch by 10-inch planks in width or a minimum of 18 inches.

(m) An access ladder or equivalent safe access shall be provided.

(n) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches.

(o) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(p) Overhead protection shall be provided for persons on a scaffold exposed to overhead hazards.

(q) Slippery conditions on scaffolds shall be eliminated as soon as possible after they occur.

(r) No welding, burning, riveting, or open flame work shall be performed on any staging suspended by means of fiber or synthetic rope. Only treated or protected fiber or synthetic ropes shall be used for or near any work involving the use of corrosive substances or chemicals. Specific requirements for boatswain's chairs and float or ship scaffolds are contained in subsections (12) and (23) of this section.

(s) Wire, synthetic, or fiber rope used for scaffold suspension shall be capable of supporting at least 6 times the rated load.

(t) The use of shore or lean-to scaffolds is prohibited.

(u) The height of freestanding scaffold towers shall not exceed four times the minimum base dimension.

(v) Factory-built (laminated) scaffold planks meeting the requirements of wood scaffold planks may be substituted for wood scaffold planks.

(2) Wood pole scaffolds.

(a) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the pole over a sufficient area to prevent settlement. All poles shall be set plumb.

(b) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall be not less than 4 feet in length, overlapping the abutted ends equally, and have the same width and not less than the cross-sectional area of the pole. Splice plates or other materials of equivalent strength may be used.

(c) Independent pole scaffolds shall be set as near to the wall of the building as practicable.

(d) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.

(e) Putlogs or bearers shall be set with their greater dimension vertical, and long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.

(f) Every wooden putlog on single pole scaffolds shall be reinforced with a 3/16- x 2-inch steel strip, or equivalent, secured to its lower edge throughout its entire length.

(g) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.

(h) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling

(i) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.

(j) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced only at the poles. The inner row of poles on medium and heavy duty scaffolds shall be braced in a similar manner.

(k) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.

(l) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of planks due to deflection, and the ends shall be secured to prevent their dislodgment.

(m) When a scaffold materially changes its direction, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at an angle shall be laid so as to extend over and rest on the first layer of planking.

(n) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.

(o) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with Tables J-2 to J-8. If they are over 60 feet in height, they shall be designed by a qualified engineer competent in this field, and shall be constructed and erected in accordance with such design. Design drawings shall be available at the jobsite.

(3) Tube and coupler scaffolds.

(a) A light duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(b) A medium duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2 1/2-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(c) A heavy duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D.

steel tubing, with the posts spaced not more than 6 feet by 6 feet-6 inches. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(d) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in Tables J-8, J-9 and J-10. Drawings and specifications of all tube and coupler scaffolds above the limitations in Tables J-8, J-9 and J-10 shall be designed by a qualified engineer competent in this field. Design drawings shall be available at the jobsite.

(e) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads, as set forth in Tables J-8, J-9 and J-10, or as set forth in the specifications by a licensed professional engineer competent in this field.

(f) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(g) Runners shall be erected along the length of the scaffold, located on both the inside and the outside posts at even height. Runners shall be interlocked to the inside and the outside posts at even heights. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet-6 inches on centers. When tube and coupler guardrails and midrails are used on outside posts, they may be used in lieu of outside runners.

(h) Bearers shall be installed transversely between posts and shall be securely coupled to the posts with the inboard coupler bearing on the runner coupler. Where guardrails and midrails are required, no outboard runner is required.

(i) The length of the bearer shall exceed the post spacing of the width of the scaffold by the amount necessary to have full contact with the coupler. Bearers used to provide a cantilever support for use as brackets for light and medium-duty scaffolds shall not carry more than two ten-inch planks unless knee braced.

(j) Bracing across the width of the scaffold shall be installed at the ends of the scaffold at least at every fourth level. Such bracing shall extend diagonally from the outer post or runner at this level upward to the inner post or runner at the next level.

(k) Longitudinal diagonal bracing shall be installed on the outer rows of poles at approximately forty degrees to fifty degrees angle from near the base of the first and last outer post upward to the top center of the scaffold. If the scaffold is long, the above diagonal bracing shall be repeated. On short but high runs, the diagonal bracing shall be installed at forty degrees to fifty degrees from the base of the first outer post to the last outer post alternating directions to the top of the scaffold. When conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(l) When a scaffold exceeds either 30 feet horizontally or 26 feet vertically, the entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(4) Fabricated tubular welded frame scaffolds.

(a) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders,

etc., shall safely support four times the maximum rated load. The maximum rated load shall not be exceeded.

(b) Spacing of panels or frames shall be consistent with the loads imposed.

(c) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and align vertical members so that the erected scaffold is always plumb, level, square, and rigid. All brace connections shall be made secure.

(d) Panel or frame legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum rated load.

(e) The panels or frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(f) Where uplift may occur, panels shall be locked together vertically by pins or equivalent method.

(g) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(h) Maximum permissible spans or planking shall be in conformity with (1)(j) of this section.

(i) Fabricated tubular frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer. Copies of the drawings and specifications shall be available at the jobsite.

(j) Guardrails, midrails, and toeboards shall be installed as required by subsection (1)(e) of this section. Wire mesh shall be provided between the top rail and toeboard when persons are working below.

(k) All fabricated tubular frame scaffolds shall be erected by competent and experienced personnel.

(l) All brackets shall be seated correctly with side brackets parallel to the frames and end brackets at ninety degrees to the frames. Brackets shall not be bent or twisted from normal position. Brackets (except mobile brackets designed to carry materials) are to be used as work platforms only and shall not be used for storage of material or equipment.

(m) Scaffold frames and their components manufactured by different companies shall not be intermixed unless they are compatible and the manufacturer has given written approval. The manufacturer's letter of approval shall be available at the jobsite.

(n) Periodic inspections by the employer shall be made of all fabricated tubular frames and accessories. Any maintenance required shall be made before further use.

(5) Outrigger scaffolds, general.

(a) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to the inboard point of support, shall be not less than 1 1/2 times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.

(b) The inboard ends of outrigger beams shall be positively secured either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary, or by a securely fastened solid body counterweight. (Water in an open container or loose material in bags shall not be permitted.) The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(c) Unless outrigger scaffolds are designed by a registered professional engineer competent in this field, they shall be constructed and erected in accordance with Table J-11. Outrigger scaffolds, designed by a registered professional engineer, shall be constructed and erected in accordance with such design. A copy of the drawings and specifications shall be available at the jobsite.

(d) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be secured to the beams.

(6) Masons' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.

(b) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories, Factory Mutual Engineering Corporation, or other agency or laboratory approved by the department of labor and industries.

(c) The platform shall be supported by wire ropes, capable of supporting at least 6 times the intended load, suspended from overhead outrigger beams.

(d) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(e) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(f) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed under the supervision of a competent person.

(g) All outrigger beams shall be set and maintained with their webs in a vertical position.

(h) A stop bolt shall be placed at each end of every outrigger beam.

(i) The outrigger beam shall rest on suitable wood bearing blocks.

(j) The free end of the suspension wire ropes shall be equipped with proper size thimbles and secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum. At least four turns of wire rope shall remain on the drum when the platform is at ground level. The use of fiber rope is prohibited.

(k) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(l) The scaffold platform shall be equivalent in strength to at least 2-inch planking. (For maximum planking spans, see subsection (1)(j) of this section.)

(m) When employees are at work on the scaffold and an overhead hazard exists, overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking, or material of equivalent strength, laid tight, and extending not less than the width of the scaffold.

(n) Each scaffold shall be installed or relocated under the supervision of a competent person.

(o) When channel iron outrigger beams are used instead of I-beams, they shall be securely fastened together with the flanges turned out.

(p) All parts of the scaffold, such as bolts, nuts, fittings, clamps, wire rope, outrigger beams and their fastenings shall be maintained in sound condition and shall be inspected before each installation and periodically thereafter. All parts shall be of the grade specified by the manufacturer.

(7) Two-point suspension scaffolds.

(a) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(b) The hangers of two-point suspension scaffolds shall be made of wrought iron, mild steel, or other equivalent material, having a cross-sectional area capable of sustaining 4 times the maximum rated load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(c) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories, Factory Mutual Engineering Corporation, or by an agency or laboratory approved by the department of labor and industries.

(d) The roof irons or hooks shall be of mild steel, or other equivalent material, of proper size and design, securely installed and anchored. The roof irons or hooks and any other devices shall have tiebacks of 3/4-inch manila rope, or the equivalent, to serve as a secondary means of anchorage, installed at right angles to the face of the building, whenever possible, and secured to a structurally sound portion of the building.

(e) Two-point suspension scaffolds shall be suspended by wire, synthetic or fiber ropes capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least four times the rated load.

(f) The sheaves of all blocks, consisting of at least one double and one single block, shall fit the size and type of rope used and shall be a minimum of six inches in diameter.

(g) All wire ropes, fiber and synthetic ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(h) On suspension scaffolds designed for a working load of 500 pounds, no more than two persons shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three

persons shall be permitted to work at one time. On suspension scaffolds with a working load of 1,000 pounds, no more than four persons shall be permitted to work at one time. Each employee shall be protected by an approved safety life belt attached to a dropline. The droplines shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the employee in case of a fall. In order to keep the dropline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the dropline shall be appropriately changed as the work progresses.

(i) When a multi-tiered two-point suspension scaffold is used, it shall be provided with safety droplines that attach to each end of the scaffold through an approved quick acting safety device, in case either or both of the main suspension lines should break. The lanyard of the safety belt shall be tied off to a substantial member of the scaffold itself or to a horizontal lifeline attached to each end of the scaffold or a sliding device on the horizontal lifeline. The two additional safety droplines shall be individually suspended from roof irons, hooks, or other approved devices and shall be near the suspension droplines to prevent unnecessary side impact. The safety dropline shall have a 6 to 1 safety factor. Such scaffolds shall be designed by a licensed professional engineer and a copy of the drawings and specifications shall be available at the jobsite.

(j) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent the scaffolds from swaying. Window cleaners' anchors shall not be used for this purpose.

(k) The platform of every two-point suspension scaffold shall be one of the following types:

(i) Ladder-type platforms. The side stringer shall be of clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1 1/8 inch in diameter, with 7/8-inch tenons mortised into the side stringers at least 7/8-inch. The stringers shall be tied together with the tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighths inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with Table J-12.

(ii) Plank-type platforms. Plank-type platforms shall be composed of not less than two nominal 2- x 10-inch unspliced planks, properly cleated together on the underside, starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 12 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 8 feet.

(iii) Beam-type platforms. Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- x 6-inch cross beams, laid flat and set

into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floor boards shall not be spaced more than one-half inch apart.

(iv) Light metal-type platforms, when used, shall be tested and listed according to Underwriters' Laboratories, Factory Mutual Engineering Corporation, or the department of labor and industries.

(l) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(m) When acid solutions are used, natural or synthetic fiber rope shall not be used.

(n) Every swinging scaffold shall be tested before using by raising the platform one foot from the ground and loading it with at least four times the maximum weight to be imposed when aloft.

(8) Stone setters' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(b) When used, the hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the department of labor and industries.

(c) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means. (For materials and spans, see item (ii) of subsection (7)(k), Plank-type Platforms and Table J-12 of this section.)

(d) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks.

(e) Outriggers, when used, shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(f) The scaffold shall be supported by wire rope capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least 4 times the rated load.

(g) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall remain on the drum at all times.

(h) When two or more scaffolds are used on a building or structure, they shall not be bridged one to the other; but shall be maintained at even height with platforms abutting closely.

(i) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(j) Each scaffold shall be installed or relocated in accordance with approved designs and instructions under the supervision of a competent designated person.

(k) Where additional working levels are required to be supported, the plans and specifications of the support and scaffold components shall be designed by a licensed

professional engineer. These plans and specifications shall be available at the site.

(9) Single-point adjustable suspension scaffolds.

(a) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the department of labor and industries.

(b) The power units may be either electrically or air motor driven.

(c) All power-operated gears and brakes shall be enclosed.

(d) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(e) The hoisting machines, cables, and equipment shall be regularly serviced and inspected.

(f) The units may be combined to form a two-point suspension scaffold. Such scaffold shall comply with subsection (7) of this section.

(g) When the supporting wire rope is not plumb for its entire length, supports shall be designed to sustain any additional load or stress upon the line.

(h) Suspension methods and employee safeguards shall conform to the provisions of subsections (6) and (7) of this section.

(i) For additional details not covered in this subsection applicable technical portions of American National Standards Institute, A120.1-1970, Power-Operated Devices for Exterior Building Maintenance Powered Platforms, shall be used.

(10) Boatswain's chairs.

(a) The chair seat shall not be less than 12 x 24 inches, and 1-inch thick. The seat shall be reinforced on the underside by cleats securely fastened to prevent the board from splitting. Specially designed seats having dimensions other than those specified in this subsection may be used provided they have been designed and tested (with a safety factor of four) to sustain a load of two hundred fifty pounds.

(b) The two fiber rope seat slings shall be of 5/8-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(c) Seat slings shall be of at least 3/8-inch wire rope when an employee is conducting a heat-producing process, such as gas welding.

(d) The employee shall be protected by a safety belt and lifeline in accordance with WAC 296-155-225. The attachment point of the lifeline to the structure shall be appropriately changed as the work progresses.

(e) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced 5/8-inch diameter first grade manila rope, or equivalent.

(f) The roof irons, hooks, or the object to which the tackle is anchored, shall be securely installed. Tiebacks, when used, shall be installed at right angles to the face of the building and securely fastened.

(g) The scaffolding, including power units shall be of tested design.

(h) All power operated gears and brakes shall be enclosed.

(i) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(11) Carpenters' bracket scaffolds.

(a) The brackets shall consist of a triangular wood frame not less than 2 x 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(b) Each bracket shall be attached to the structure by means of one of the following:

(i) A bolt, no less than 5/8-inch in diameter, which shall extend through to the inside of the building wall;

(ii) A metal stud attachment device;

(iii) Welding to steel tanks;

(iv) Hooking over a well-secured and adequately strong supporting member.

(c) The brackets shall be spaced no more than 8 feet apart.

(d) No more than two employees shall occupy any given 8 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(e) The platform shall consist of not less than two 2- x 10-inch planks extending not more than 12 inches or less than 6 inches beyond each end support. Fabricated planking may be used if properly engineered and tested.

(12) Bricklayers' square scaffolds.

(a) The squares shall not exceed 5 feet in width and 5 feet in height.

(b) Members shall be not less than those specified in Table J-13.

(c) The squares shall be reinforced on both sides of each corner with 1- x 6-inch gusset pieces. They shall also have diagonal braces 1 x 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(d) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing, 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

(e) Platform planks shall be at least 2 x 10-inch. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares. Fabricated planking may be used if properly engineered and tested.

(f) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(g) Scaffolds shall be level and set upon a firm foundation.

(13) Horse scaffolds.

(a) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(b) The members of the horses shall be not less than those specified in Table J-14.

(c) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(d) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(e) On all scaffolds arranged in tiers, the legs shall be nailed down or otherwise secured to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

(f) Horses or parts which have become weak or defective shall not be used.

(14) Needle beam scaffold.

(a) Wood needle beams shall be not less than 4 x 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent, conforming to subsections (1)(h) and (j) of this section, may be used and shall not be altered or moved horizontally while they are in use.

(b) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- x 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(c) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and a half hitch.

(d) The scaffold hitch shall be arranged so as to prevent the needle beam from rolling or becoming otherwise displaced.

(e) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 6 inches and not more than 12 inches.

(f) When needle beam scaffolds are used, the planks shall be secured against slipping.

(g) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers, properly secured.

(h) One end of a needle beam scaffold may be supported by a permanent structural member conforming to subsections (1)(h) and (j) of this section.

(i) Each employee working on a needle beam scaffold shall be protected by a safety belt and lifeline in accordance with WAC 296-155-225.

(15) Plasterers', decorators', and large area scaffolds.

(a) Plasters', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds. (See subsection (2) of this section and Tables J-5, J-6 and J-7.)

(b) All platform planks shall be laid with the edges close together.

(c) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.

(16) Interior hung scaffolds.

(a) An interior hung scaffold shall be hung or suspended from the roof structure or ceiling beams.

(b) The suspending wire or fiber rope shall be capable of supporting at least 6 times the rated load. The rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips properly installed.

(c) For hanging wood scaffolds, the following minimum nominal size material shall be used:

(i) Supporting bearers 2 x 10 inches on edge;

(ii) Planking 2 x 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

(d) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

(e) All overhead supporting members shall be inspected and have required strength assured before the scaffold is erected.

(17) Ladder jack scaffolds.

(a) All ladder jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.

(b) All ladders used in connection with ladder jack scaffolds shall be Type I heavy-duty ladders and shall be designed and constructed in accordance with American National Standards Institute A14.1-1982, Safety Code for Portable Wood Ladders, and A14.2-1982, Safety Code for Portable Metal Ladders. Cleated ladders shall not be used for this purpose.

(c) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.

(d) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.

(e) The wood platform planks shall be not less than 2 inches in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches and shall be secured to prevent movement. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

(f) No more than two persons shall be within any 8 feet section of any ladder jack scaffold at any one time. When the use of standard guardrails as required by subsection (1)(e) of this section is impractical, safety belts and lifelines shall be used in accordance with WAC 296-155-225.

(18) Window jack scaffolds.

(a) Window jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(b) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(c) Window jack scaffolds shall be provided with guardrails unless safety belts with lifelines are attached and used by the employee.

(d) Not more than one employee shall occupy a window jack scaffold at any one time.

(e) Window jacks shall be designed and constructed so as to provide a secure anchorage on the window opening and be capable of supporting the design load.

(19) Roofing brackets.

All roofing brackets must be installed and used in accordance with the requirements of WAC 296-155-50503(1).

(20) Crawling boards or chicken ladders.

All crawling boards or chicken ladders shall be installed and used in accordance with the requirements of WAC 296-155-50503(2).

(21) Float or ship scaffolds.

(a) Float or ship scaffolds shall not be used to support more than three persons and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed as designed in subdivisions (b) through (f) of this subsection, unless substitute designs and materials provide equivalent strength, stability, and safety.

(b) The platform shall be not less than 3 feet wide and 6 feet long, made of 3/4-inch plywood, equivalent to American Plywood Association Grade B-B, Group I, Exterior, or other similar material.

(c) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, "selected lumber," or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.

(d) An edging of wood not less than 3/4 x 1 1/2 inches or equivalent shall be placed around all sides of the platform to prevent tools from rolling off.

(e) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they shall be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(f) Each employee shall be protected by an approved safety lifebelt and lifeline, in accordance with WAC 296-155-225.

(22) Form scaffolds.

(a) Form scaffolds shall be constructed of wood or other suitable materials, such as steel or aluminum members of known strength characteristics. All scaffolds shall be designed and erected with a minimum safety factor of 4, computed on the basis of the maximum rated load.

(b) All scaffold planking shall be a minimum of 2- x 10-inch nominal Scaffold Grade, as recognized by approved grading rules for the species of lumber used, or equivalent material. Maximum permissible spans shall not exceed 8 feet on centers for 2- x 10-inch nominal planking. Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at least 6 inches. Unsupported projecting ends of

scaffolding planks shall be limited to a maximum overhang of 12 inches.

(c) Scaffolds shall not be loaded in excess of the working load for which they were designed.

(d) Figure-four form scaffolds:

(i) Figure-four scaffolds are intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot unless specifically designed for heavier loading. For minimum design criteria, see Table J-15.

(ii) Figure-four form scaffold frames shall be spaced not more than 8 feet on centers and constructed from sound lumber, as follows: The outrigger ledger shall consist of two pieces of 1- x 6-inch or heavier material nailed on opposite sides of the vertical form support. Ledgers shall project not more than 3 feet 6 inches from the outside of the form support and shall be substantially braced and secured to prevent tipping or turning. The knee or angle brace shall intersect the ledger at least 3 feet from the form at an angle of approximately 45°, and the lower end shall be nailed to a vertical support. The platform shall consist of two or more 2- x 10-inch planks, which shall be of such length that they extend at least 6 inches beyond ledgers at each end unless secured to the ledgers. When planks are secured to the ledgers (nailed or bolted), a wood filler strip shall be used between the ledgers. Unsupported projecting ends of planks shall be limited to an overhang of 12 inches.

(e) Metal bracket form scaffolds:

(i) Metal brackets or scaffold jacks which are an integral part of the form shall be securely bolted or welded to the form. Folding type brackets shall be either bolted or secured with a locking-type pin when extended for use.

(ii) "Clip-on" or "hook-over" brackets may be used, provided the form walers are bolted to the form or secured by snap ties or shea-bolt extending through the form and securely anchored.

(iii) Metal brackets shall be spaced not more than 8 feet on centers.

(iv) Scaffold planks shall be either bolted to the metal brackets or of such length that they overlap the brackets at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(v) Metal bracket form scaffolds shall be equipped with wood guardrails, intermediate rails, toeboards, and scaffold planks meeting the minimum dimensions shown in Table J-16. (Metal may be substituted for wood, providing it affords equivalent or greater design strength.)

(f) Wooden bracket form scaffolds:

(i) Wooden bracket form scaffolds shall be an integral part of the form panel. The minimum design criteria set forth herein and in Table J-17 cover scaffolding intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot, unless specifically designed for heavier loading.

(ii) Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(23) Pump jack scaffolds.

(a) Pump jack scaffolds shall:

(i) Not carry a working load exceeding 500 pounds;

(ii) Be capable of supporting without failure at least four times the maximum intended load; and

(iii) Shall not have components loaded in excess of the manufacturer's recommended limits.

(b) Pump jack brackets, braces, and accessories shall be fabricated from metal plates and angles. Each pump jack bracket shall have two positive gripping mechanisms to prevent any failure or slippage.

(c) The platform bracket shall be fully docked and the planking secured. Planking, or equivalent, shall conform with subsection (1) of this section.

(d)(i) When wood scaffold planks are used as platforms, poles used for pump jacks shall not be spaced more than 10 feet center to center. When fabricated platforms are used that fully comply with all other provisions of this subsection, pole spacing may exceed 10 feet center to center.

(ii) Poles shall not exceed 30 feet in height.

(iii) Poles shall be secured to the work wall by rigid triangular bracing, or equivalent, at the bottom, top, and other points as necessary, to provide a maximum vertical spacing of not more than 10 feet between braces. Each brace shall be capable of supporting a minimum of 225 pounds tension or compression.

(iv) For the pump jack bracket to pass bracing already installed, an extra brace shall be used approximately 4 feet above the one to be passed until the original brace is reinstalled.

(e) All poles shall bear on mud sills or other adequate firm foundations.

(f) Pole lumber shall be two 2 x 4's, of Douglas fir or equivalent, straight-grained, clear, free of cross-grain, shakes, large loose or dead knots, and other defects which might impair strength.

(g) When poles are constructed of two continuous lengths, they shall be two by fours, spiked together with the seam parallel to the bracket, and with 10d common nails, no more than 12 inches center to center, staggered uniformly from opposite outside edges.

(h) If two by fours are spliced to make up the pole, the splices shall be so constructed as to develop the full strength of the member. Three-eighths inch or one-half inch exterior grade plywood shall be used for a spacer between the two by fours. The joints for the splices shall be staggered on opposite sides of the pole at least four feet apart. Joints shall be no less than four feet from either end of the pole.

(i) A ladder, in accordance with WAC 296-155-480, shall be provided for access to the platform during use.

(j) Not more than two persons shall be permitted at one time upon a pump jack scaffold between any two supports.

(k) Pump jack scaffolds shall be provided with standard guardrails, unless safety belts with lifelines are used by employees.

(l) When a work bench is used at an approximate height of 42 inches, the top guardrail may be eliminated, if the work bench is fully decked, the planking secured, and is capable of withstanding 200 pounds pressure in any direction.

(m) Employees shall not be permitted to use a work bench as a scaffold platform.

(24) Factory-built scaffold units. Factory-built or prefabricated scaffold units intended for assembly on the job, prefabricated plank, staging, etc., mechanical hoisting units, or other devices for use on or in connection with any type scaffolds, shall be approved by an agency or laboratory approved by the department before being used.

(25) Waler bracket scaffolds.

(a) Waler brackets shall be constructed of 1 5/8" x 1 1/2" x 3/16" angle iron minimum size, or material of equivalent strength.

(b) All steel connections shall be welded and riveted or bolted, except where detrimental to strength of materials.

(c) The maximum length of horizontal leg shall not be more than 36" between bracket hook and railing standard.

(d) A 4" x 4" x 3/16" gusset plate shall be securely welded at inside of leg angle.

(e) Nailing holes shall be provided in lower end of vertical leg for purpose of securing bracket against lifting or shifting.

(f) Waler hook or hooks shall be a minimum of 4-inch depth and be constructed of material of a strength to support a minimum of 400 pounds at extreme outer end of bracket.

(26) Chimney, stack and tank bracket scaffolds.

(a) General. A chimney, stack or tank bracket scaffold shall be composed of a platform supported by brackets which are hooked over a steel cable which surrounds the circumference of the chimney, stack or tank approximately in a horizontal plane. The platform shall be not less than two 2 x 10 inch planks. For a minimum width of eighteen inches wide and be designed with a safety factor of not less than 4.

(b) All brackets shall have a mild steel suspension hook 2 inches by 1/4-inch with at least 3 inches projecting beyond the throat of the hook. Hooks shall be integral with or securely attached to the bracket.

(c) Wood spacer blocks shall be provided to hold the suspending cable away from the structure at the points where brackets are hooked on. These spacer blocks shall be not less than 2 inches by 4 inches by 12 inches.

(d) All suspending cables shall be improved plow steel 6 x 19 wire rope or equivalent. In no case shall less than 1/2-inch diameter wire rope be used.

(e) The turnbuckle used to tighten suspending cables shall be not less than 1 inch drop forged steel. The cables shall be provided with thimbles and not less than 3 U-bolt type clips at each end and be attached to the turnbuckles by means of shackles. Open hooks shall not be used.

(f) All chimney, stack and tank bracket scaffolds shall be provided with standard guard rails, intermediate rails and toeboards.

(g) For access to a chimney, stack or tank bracket scaffold, ladders or a boatswain's chair shall be used.

(h) All chimney, stack or tank brackets for scaffolds shall be welded and riveted or bolted.

(27) Scaffold platforms supported by catenary or stretch cables.

(a) When a scaffold platform is supported by cables at least 4 cables shall be used, two near each end of the scaffold.

(b) The cables shall be attached to the scaffold by means of U-bolts or the equivalent through which the cables pass.

(c) Cables shall not be tightened beyond their safe working load. A hanger or set of falls shall be used approximately every 50 feet to pick up the sag in the cable.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-505 GUARDRAILS, HANDRAILS, AND COVERS. (1) General provisions. This part applies to temporary or emergency conditions where there is danger of employees or materials falling through floor, roof, or wall openings, or from stairways, runways, ramps, open sided floors, open sides of structures, bridges, or other open sided walking or working surfaces. When guardrails or covers required by this section must be temporarily removed to perform a specific task, the area shall be constantly attended by a monitor to warn others of the hazard or shall be protected by a movable barrier.

(2) Guarding of floor openings and floor holes.

(a) Floor openings shall be guarded by a standard railing and toe boards or cover, as specified in subsections (2)(g) and (6) of this section. In general, the railing shall be provided on all exposed sides, except at entrances to stairways. All vehicle service pits shall have a cover or removable type standard guardrail. When not in use, pits shall be covered or guarded. Where vehicle service pits are to be used again immediately, and the service man is within a 50 foot distance of the unguarded pit and also within line of sight of the unguarded pit, the cover or guardrail need not be replaced between uses. Where vehicle service pits are used frequently, the perimeters of the pits shall be delineated by high visibility, luminescent, skid resistant paint. Such painted delineation shall be kept clean and free of extraneous materials.

(b) Ladderway floor openings or platforms shall be guarded by standard railings with standard toe boards on all exposed sides, except at entrance to opening, with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.

(c) Hatchways and chute floor openings shall be guarded by one of the following:

(i) Hinged covers of standard strength and construction and a standard railing with only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings;

(ii) A removable standard railing with toe board on not more than two sides of the opening and fixed standard railings with toe boards on all other exposed sides. The removable railing shall be kept in place when the opening is not in use and shall be hinged or otherwise mounted so as to be conveniently replaceable.

(d) Wherever there is danger of falling through a skylight opening, and the skylight itself is not capable of sustaining the weight of a two hundred pound person with a safety factor of four, standard guardrails shall be provided on all exposed sides or the skylight shall be covered in accordance with (g) of this subsection.

(e) Pits and trap-door floor openings shall be guarded by floor opening covers of standard strength and construction. While the cover is not in place, the pit or trap openings shall be protected on all exposed sides by removable standard railings.

(f) Manhole floor openings shall be guarded by standard covers which need not be hinged in place. While the cover is not in place, the manhole opening shall be protected by standard railings.

(g) All floor opening covers shall be capable of supporting the maximum potential load but never less than two hundred pounds (with a safety factor of four).

(i) The cover shall be recessed to conform to the level of the surrounding floor or to be flush with the perimeter of the opening.

(ii) The cover shall be secured by fastening devices to prevent unintentional removal.

(iii) If it becomes necessary to remove the cover, a monitor shall remain at the opening until the cover is replaced. The monitor shall advise persons entering the area of the hazard, shall prevent exposure to the fall hazard and shall perform no other duties.

(h) Floor holes, into which persons can accidentally walk, shall be guarded by either a standard railing with standard toe board on all exposed sides, or a floor hole cover of standard strength and construction that is secured against accidental displacement. While the cover is not in place, the floor hole shall be protected by a standard railing.

(i) Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width of the platform to less than 20 inches.

(3) Guarding of wall openings.

(a) Wall openings, from which there is a drop of more than 4 feet, and the bottom of the opening is less than 3 feet above the working surface, shall be guarded as follows:

(i) When the height and placement of the opening in relation to the working surface is such that either a standard rail or intermediate rail will effectively reduce the danger of falling, one or both shall be provided;

(ii) The bottom of a wall opening, which is less than 4 inches above the working surface, regardless of width, shall be protected by a standard toe board or an enclosing screen either of solid construction or as specified in (6)(g)(ii) of this section.

(b) An extension platform, outside a wall opening, onto which materials can be hoisted for handling shall

have standard guardrails on all exposed sides or equivalent. One side of an extension platform may have removable railings in order to facilitate handling materials.

(c) When a chute is attached to an opening, the provisions of (a) of this subsection shall apply, except that a toe board is not required.

(4) Guarding of open-sided surfaces.

(a) Every open-sided floor, platform or surface four feet or more above adjacent floor or ground level shall be guarded by a standard railing, or the equivalent, as specified in subsection (6)(a) of this section, on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a standard toe board wherever, beneath the open sides, persons can pass, or there is moving machinery, or there is equipment with which falling materials could create a hazard.

(b) Runways shall be guarded by a standard railing, or the equivalent, as specified in subsection (6) of this section, on all open sides, 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toe board shall also be provided on each exposed side.

(c) Runways used exclusively for special purposes may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling hazard is minimized by using a runway not less than 18 inches wide.

(d) Where employees entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding shall be provided.

(e) Regardless of height, open-sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards, shall be guarded with a standard railing and toe board.

(f) Open sides of gardens, patios, recreation areas and similar areas located on roofs of buildings or structures shall be guarded by permanent standard railings or the equivalent. Where a planting area has been constructed adjacent to the open sides of the roof and the planting area is raised above the normal walking surface of the roof area, the open side of the planting area shall also be protected with standard railings or the equivalent.

(5) Stairway railings and guards.

(a) Every flight of stairs having four or more risers shall be equipped with standard stair railings or standard handrails as specified below, the width of the stair to be measured clear of all obstructions except handrails:

(i) On stairways less than 44 inches wide having both sides enclosed, at least one handrail, preferably on the right side descending;

(ii) On stairways less than 44 inches wide having one side open, at least one stair railing on the open side;

(iii) On stairways less than 44 inches wide having both sides open, one stair railing on each side;

(iv) On stairways more than 44 inches wide but less than 88 inches wide, one handrail on each enclosed side and one stair railing on each open side;

(v) On stairways 88 or more inches wide, one handrail on each enclosed side, one stair railing on each open side, and one intermediate stair railing located approximately midway of the width.

(b) Winding stairs shall be equipped with a handrail offset to prevent walking on all portions of the treads having width less than 6 inches.

(6) Standard specifications.

(a) A standard railing shall consist of top rail, intermediate rail, toe board, and posts, and shall have a vertical height of 36 inches to 42 inches from upper surface of top rail to floor, platform, runway, or ramp level. Each length of lumber shall be smooth-surfaced throughout the length of the railing. The intermediate rail shall be halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard. Minimum requirements for standard railings under various types of construction are specified in the following items:

(i) For wood railings, the posts shall be of at least 2-inch by 4-inch stock spaced not to exceed 8 feet; the top rail shall be of at least 2-inch by 4-inch stock; the intermediate rail shall be of at least 1-inch by 6-inch stock.

(ii) For pipe railings, posts and top and intermediate railings shall be at least 1 1/2 inches nominal OD diameter with posts spaced not more than 8 feet on centers.

(iii) For structural steel railings, posts and top and intermediate rails shall be of 2-inch by 2-inch by 3/8-inch angles or other metal shapes of equivalent bending strength, with posts spaced not more than 8 feet on centers.

(iv) For wire rope railings, the top and intermediate railings shall be at least 1/2-inch fibre core rope, or the equivalent ~~(-with)~~ to meet strength factor and deflection of subsection (6)(a)(v). Posts shall be spaced not more than 8 feet on centers. The rope shall be stretched taut, so as to present a minimum deflection.

(v) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail, with a minimum of deflection.

(vi) Railings receiving heavy stresses from employees trucking or handling materials shall be provided additional strength by the use of heavier stock, closer spacing of posts, bracing, or by other means.

(vii) Other types, sizes, and arrangements of railing construction are acceptable, provided they meet the following conditions:

(A) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of between 36 inches and 42 inches;

(B) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure with a minimum of deflection;

(C) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(D) Elimination of overhang of rail ends unless such overhang does not constitute a hazard.

(b) A stair railing shall be of construction similar to a standard railing, but the vertical height shall be not more than 34 inches nor less than 30 inches from upper surface to top rail to surface of tread in line with face of riser at forward edge of tread.

(c)(i) A standard toe board shall be 4 inches minimum in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and have not more than 1/4-inch clearance above floor level. It may be made of any substantial material, either solid, or with openings not over 1 inch in greatest dimension.

(ii) Where material is piled to such height that a standard toe board does not provide protection, paneling, or screening from floor to intermediate rail or to top rail shall be provided.

(d)(i) A standard handrail shall be of construction similar to a standard railing except that it is mounted on a wall or partition, and does not include an intermediate rail. It shall have a smooth surface along the top and both sides of the handrail. The handrail shall have an adequate handhold for any one grasping it to avoid falling. Ends of the handrail shall be constructed so as not to constitute a projection hazard.

(ii) The height of handrails shall be not more than 34 inches nor less than 30 inches from upper surface of handrail to surface of tread, in line with face of riser or to surface of ramp.

(iii) All handrails and railings shall be provided with a clearance of approximately 3 inches between the handrail or railing and any other object.

(e) Floor opening covers shall be of any material that meets the following strength requirements:

(i) Conduits, trenches, and manhole covers and their supports, when located in roadways, and vehicular aisles shall be designed to carry a truck rear-axle load of at least 2 times the maximum intended load;

(ii) All floor opening covers shall be capable of supporting the maximum potential load but never less than two hundred pounds (with a safety factor of four).

(A) The cover shall be recessed to conform to the level of the surrounding floor or to be flush with the perimeter of the opening.

(B) The cover shall be secured by fastening devices to prevent unintentional removal.

(C) If it becomes necessary to remove the cover, a monitor shall remain at the opening until the cover is replaced. The monitor shall advise persons entering the area of the hazard, shall prevent exposure to the fall hazard and shall perform no other duties.

(f) Skylight openings that create a falling hazard shall be guarded with a standard railing, or covered in accordance with (e)(ii) of this subsection.

(g) Wall opening protection shall meet the following requirements:

(i) Barriers shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward), with a minimum

of deflection at any point on the top rail or corresponding member.

(ii) Screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grill work with openings not more than 8 inches long, or of slat work with openings not more than 4 inches wide with length unrestricted.

(7) Guarding of low-pitched roof perimeters during the performance of built-up roofing work.

(a) General provisions. During the performance of built-up roofing work on low-pitched roofs with a ground to eave height greater than 16 feet (4.9 meters), employees engaged in such work shall be protected from falling from all unprotected sides and edges of the roof as follows:

(i) By the use of a motion-stopping-safety system (MSS system); or

(ii) By the use of a warning line system erected and maintained as provided in subdivision (7)(c) of this section and supplemented for employees working between the warning line and the roof edge by the use of either an MSS system or, where mechanical equipment is not being used or stored, by the use of a safety monitoring system; or

(iii) By the use of a safety monitoring system on roofs 50 feet (15.25 meters) or less in width (see WAC 296-155-50501 Appendix—Roofs), where mechanical equipment is not being used or stored.

(b) Exception. The provisions of (7)(a) of this section do not apply at points of access such as stairways, ladders, and ramps, or when employees are on the roof only to inspect, investigate, or estimate roof level conditions. Roof edge materials handling areas and materials storage areas shall be guarded as provided in subdivision (7)(e) of this section.

(c) Warning lines.

(i) Warning lines shall be erected around all sides of the work area.

(A) When mechanical equipment is not being used, the warning line shall be erected not less than six feet (1.8 meters) from the roof edge;

(B) When mechanical equipment is being used, the warning line shall be erected not less than six feet (1.8 meters) from the roof edge which is parallel to the direction of mechanical equipment operation, and not less than 10 feet (3.1 meters) from the roof edge which is perpendicular to the direction of mechanical equipment operation.

(ii) The warning line shall consist of a rope, wire, or chain, and supporting stanchions erected as follows:

(A) The rope, wire, or chain shall be flagged at not more than six foot (1.8 meters) intervals with high-visibility material;

(B) The rope, wire, or chain shall be rigged and supported in such a way that its lowest point (including sag) is no less than 34 inches (.86 meters) from the roof surface and its highest point is no more than 39 inches (1 meter) from the roof surface;

(C) After being erected, with the rope, wire, or chain attached, stanchions shall be capable of resisting, without tipping over, a force of at least 16 pounds (71 Newtons) applied horizontally against the stanchion, 30 inches (0.76 meters) above the roof surface, perpendicular to the warning line, and in the direction of the roof edge;

(D) The rope, wire, or chain shall have a minimum tensile strength of 500 pounds (227 Kilograms), and after being attached to the stanchions, shall be capable of supporting, without breaking, the loads applied to the stanchions as prescribed in subitem (7)(c)(ii)(C) of this section; and

(E) The line shall be attached at each stanchion in such a way that pulling on one section of the line between stanchions will not result in slack being taken up in adjacent sections before the stanchion tips over.

(iii) Access paths shall be erected as follows:

(A) Points of access, materials handling areas and storage areas shall be connected to the work area by a clear access path formed by two warning lines.

(B) When the path to a point of access is not in use, a rope, wire, or chain, equal in strength and height to the warning line, shall be placed across the path at the point where the path intersects the warning line erected around the work area.

(d) Mechanical equipment. Mechanical equipment may be used or stored only in areas where employees are being protected by either a warning line or an MSS system. Mechanical equipment may not be used or stored between the warning line and the roof edge unless the employees are being protected by an MSS system. Mechanical equipment may not be used or stored where the only protection provided is by a safety monitoring system.

(e) Roof edge materials handling areas and materials storage. Employees working in a roof edge materials handling or materials storage area located on a low-pitched roof with a ground to eave height greater than 16 feet (4.9 meters) shall be protected from falling by the use of an MSS system along all unprotected roof sides and edges of the area.

(i) When guardrails are used at hoisting areas, a minimum of four feet of guardrail shall be erected on each side of the access point through which materials are hoisted.

(ii) A chain or gate shall be placed across the opening between the guardrail sections when hoisting operations are not taking place.

(iii) When guardrails are used at bitumen pipe outlets, a minimum of four feet of guardrail shall be erected on each side of the pipe.

(iv) When safety belt systems are used, they shall not be attached to the hoist.

(v) When safety belt systems are used, they shall be rigged to allow the movement of employees only as far as the roof edge.

(vi) Materials may not be stored within six feet of the roof edge unless guardrails are erected at the roof edge.

(vii) Materials which are piled, grouped, or stacked shall be stable and self-supporting.

(f) Training.

(i) The employer shall provide a training program for all employees engaged in built-up roofing work so that they are able to recognize and deal with the hazards of falling associated with working near a roof perimeter. The employees shall also be trained in the safety procedures to be followed in order to prevent such falls.

(ii) The employer shall assure that employees engaged in built-up roofing work have been trained and instructed in the following areas:

(A) The nature of fall hazards in the work area near a roof edge;

(B) The function, use, and operation of the MSS system, warning line, and safety monitoring systems to be used;

(C) The correct procedures for erecting, maintaining, and disassembling the systems to be used;

(D) The role of each employee in the safety monitoring system when this system is used;

(E) The limitations on the use of mechanical equipment; and

(F) The correct procedures for the handling and storage of equipment and materials.

(iii) Training shall be provided for each newly hired employee, and for all other employees as necessary, to assure that employees maintain proficiency in the areas listed in item (7)(f)(ii) of this section.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-155-680 GENERAL PROVISIONS.

(1) General. All equipment, material and construction techniques used in concrete construction and masonry work shall meet the applicable requirements for design, construction, inspection, testing, maintenance and operations as prescribed in ANSI A10.9-1970, Safety Requirements for Concrete Construction and Masonry Work.

(2) Construction loads. No construction loads shall be placed on a concrete structure or portion of a concrete structure unless the employer determines, based on information received from a person who is qualified in structural design, that the structure or portion of the structure is capable of supporting the loads.

(3) Vertical loads. Vertical loads consist of a dead load plus an allowance for live load. The weight of formwork together with the weight of freshly placed concrete is dead load. The live load consists of the weight of workmen, equipment, runways and impact, and shall be computed in pounds per square foot (psf) of horizontal projection.

(4) Lateral loads. Braces and shores shall be designed to resist all foreseeable lateral loads such as wind, cable tensions, inclined supports, impact of placement, and starting and stopping of equipment. The assumed value of load due to wind, impact of concrete, and equipment acting in any direction at each floor line shall not be less than one hundred pounds per lineal foot of floor edge or two percent of total dead load of the floor, whichever is greater. Wall forms shall be designed for a minimum wind load of ten psf, and bracing for wall forms should be designed for a lateral load of at least one hundred

pounds per lineal foot of wall, applied at the top. Walls of unusual height require special consideration.

(5) Special loads. Formwork shall be designed for all special conditions of construction likely to occur, such as unsymmetrical placement of concrete, impact of machine-delivered concrete, uplift, and concentrated loads.

(6) Construction loads. Imposition of any construction loads on the partially completed structure shall not be permitted unless such loading has been considered in the design and approved by the engineer-architect.

(7) Form supports and wedges shall be checked during concrete placement to prevent distortion or failure.

(8) Reinforcing steel.

(a) Employees shall not be permitted to work above vertically protruding reinforcing steel unless it has been protected to eliminate the hazard of impalement.

Note: Acceptable methods to meet this requirement to prevent impalement will be to secure a plank or platform over the vertical ends of the reinforcing steel bars or to bend bars over to the extent they would be horizontal instead of vertical.

(b) Wire mesh rolls: Wire mesh rolls shall be secured at each end to prevent dangerous recoiling action.

(c) Guying: Reinforcing steel for walls, piers, columns, and similar vertical structures shall be guyed and supported to prevent overturning and to prevent collapse.

(9) Post-tensioning operations.

(a) No employee (except those essential to the post-tensioning operations) shall be permitted to be behind the jack during tensioning operations.

(b) Signs and barriers shall be erected to limit employee access to the post-tensioning area during tensioning operations.

(10) Working under loads.

(a) No employee shall be permitted to work under concrete buckets while buckets are being elevated or lowered into position.

(b) To the extent practical, elevated concrete buckets shall be routed so that no employee, or the fewest number of employees, are exposed to the hazards associated with falling concrete buckets.

(11) Personal protective equipment.

(a) No employee shall be permitted to apply a cement, sand, and water mixture through a pneumatic hose unless the employee is wearing protective head and face equipment.

(b) No employee shall be permitted to place or tie reinforcing steel more than six feet (1.8 m) above any adjacent working surface unless the employee is protected by the use of a safety belt or equivalent fall protection meeting the criteria of WAC 296-155-225.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-155-48533 CRANE OR DERRICK SUSPENDED PERSONNEL PLATFORMS. (1) Scope, application, and definitions.

(a) Scope and application. This standard applies to the design, construction, testing, use and maintenance of personnel platforms, and the hoisting of personnel platforms on the load lines of cranes or derricks.

(b) Definitions. For the purposes of this section, the following definitions apply:

(i) "Failure" means load refusal, breakage, or separation of components.

(ii) "Hoist" (or hoisting) means all crane or derrick functions such as lowering, lifting, swinging, booming in and out or up and down, or suspending a personnel platform.

(iii) "Load refusal" means the point where the ultimate strength is exceeded.

(iv) "Maximum intended load" means the total load of all employees, tools, materials, and other loads reasonably anticipated to be applied to a personnel platform or personnel platform component at any one time.

(v) "Runway" means a firm, level surface designed, prepared, and designated as a path of travel for the weight and configuration of the crane being used to lift and travel with the crane suspended platform. An existing surface may be used as long as it meets these criteria.

(2) General requirements. The use of a crane or derrick to hoist employees on a personnel platform is prohibited, except when the erection, use, and dismantling of conventional means of reaching the worksite, such as a personnel hoist, ladder, stairway, aerial lift, elevating work platform or scaffold, would be more hazardous, or is not possible because of structural design or worksite conditions.

(3) Cranes and derricks.

(a) Operational criteria.

(b) Hoisting of the personnel platform shall be performed in a slow, controlled, cautious manner with no sudden movements of the crane or derrick, or the platform.

(c) Load lines shall be capable of supporting, without failure, at least seven times the maximum intended load, except that where rotation resistant rope is used, the lines shall be capable of supporting without failure, at least ten times the maximum intended load. The required design factor is achieved by taking the current safety factor of 3.5 (required under WAC 296-155-525 (3)(b)) and applying the fifty percent derating of the crane capacity which is required by ~~((g))~~ (f) of this subsection.

(d) Load and boom hoist drum brakes, swing brakes, and locking devices such as pawls or dogs shall be engaged when the occupied personnel platform is in a stationary working position.

~~(e) ((The load line hoist drum shall have a system or device on the power train, other than the load hoist brake, which regulates the lowering rate of speed of the hoist mechanism (controlled load lowering). Free fall is prohibited.~~

(f)) The crane shall be uniformly level within one percent of level grade and located on firm footing. Cranes equipped with outriggers shall have them all fully deployed following manufacturer's specifications, insofar as applicable, when hoisting employees.

~~((g))~~ (f) The total weight of the loaded personnel platform and related rigging shall not exceed fifty percent of the rated capacity for the radius and configuration of the crane or derrick.

~~((h))~~ (g) The use of machines having live booms (booms in which lowering is controlled by a brake without aid from other devices which slow the lowering speeds) is prohibited.

~~((i))~~ (h) Multiple-part line block: When a multiple-part line block is in use, a substantial strap shall be used between the crane hook and common ring, shackle, or other equivalent device, to eliminate employee exposure to the lines running through the block, and to the block itself.

(4) Instruments and components.

(a) Cranes and derricks with variable angle booms shall be equipped with a boom angle indicator, readily visible to the operator.

(b) Cranes with telescoping booms shall be equipped with a device to indicate clearly to the operator, at all times, the boom's extended length, or an accurate determination of the load radius to be used during the lift shall be made prior to hoisting personnel.

(c) A positive acting device shall be used which prevents contact between the load block or overhaul ball and the boom tip (anti-two-blocking device), or a system shall be used which deactivates the hoisting action before damage occurs in the event of a two-blocking situation (two block damage prevention feature).

(d) The load line hoist drum shall have a system or device on the power train, other than the load hoist brake, which regulates the lowering rate of speed of the hoist mechanism (controlled load lowering). Free fall is prohibited.

(5) Rigging.

(a) Lifting bridles on box-type platforms shall consist of four legs of equal length, with one end securely shackled to each corner of the platform and the other end securely attached to a common ring, shackle, or other equivalent device to accommodate the crane hook, or a strap to the crane hook.

(b) Shackle bolts used for rigging of personnel platforms shall be secured against displacement.

(c) A substantial safety line shall pass through the eye of each leg of the bridle adjacent to the common ring, shackle, or equivalent device.

(d) Securely fastened with a minimum amount of slack to the lift line above the headache ball or to the crane hook itself.

(e) All eyes in wire rope slings shall be fabricated with thimbles.

(f) Wire rope, shackles, rings, master links, and other rigging hardware must be capable of supporting, without failure, at least five times the maximum intended load applied or transmitted to that component. Where rotation resistant wire rope is used for slings, they shall be capable of supporting without failure at least ten times the maximum intended load.

(g) Hooks on headache ball assemblies, lower load blocks, or other attachment assemblies shall be of a type that can be closed and locked, eliminating the hook throat opening. Alternatively, an alloy anchor type shackle with a bolt, nut and retaining pin may be used ~~((; or the hook shall be moused))~~.

(h) Bridles and associated rigging for attaching the personnel platform to the hoist line shall be used only for

the platform and the necessary employees, their tools and the materials necessary to do their work, and shall not be used for any other purpose when not hoisting personnel.

(6) Personnel platforms – design criteria.

(a) The personnel platform and suspension system shall be designed by a qualified engineer or a qualified person competent in structural design.

(b) The suspension system shall be designed to minimize tipping of the platform due to movement of employees occupying the platform.

(c) The personnel platform itself, except the guardrail system and body belt/harness anchorages, shall be capable of supporting, without failure, its own weight and at least five times the maximum intended load based on a minimum allowance of five hundred pounds for the first person with light tools, and an additional two hundred fifty pounds for each additional person.

(d) Criteria for guardrail systems and body belt/harness anchorages are contained in WAC 296-155-225(4) and 296-155-505(6) respectively.

(e) The personnel platform shall be conspicuously posted with a plate or other permanent marking which indicates the weight of the platform and its rated load capacity or maximum intended load.

(7) Platform specifications.

(a) Each personnel platform shall be equipped with a guardrail system which meets the requirements of WAC 296-155-505(6) and, shall be enclosed at least from the toeboard to mid-rail with either solid construction or expanded metal having openings no greater than one-half inch (1.27 cm).

(b) A grab rail shall be installed inside the entire perimeter of the personnel platform.

(c) Access gates, if installed, shall not swing outward during hoisting.

(d) Access gates, including sliding or folding gates, shall be equipped with a restraining device to prevent accidental opening.

(e) Headroom shall be provided which allows employees to stand upright in the platform.

(f) In addition to the use of hard hats, employees shall be protected by overhead protection on the personnel platform when employees are exposed to falling objects.

(g) All rough edges exposed to contact by employees shall be surfaced or smoothed in order to prevent injury to employees from punctures or lacerations.

(h) All welding of the personnel platform and its components shall be performed by a qualified welder familiar with the weld grades, types, and material specified in the platform design.

(i) Occupants of all personnel platforms shall wear a safety belt or harness and lanyard which meets the requirements of WAC 296-155-225 (3) through (8).

(j) Box-type platform: The workers lanyard shall be secured to an anchorage within the platform meeting the requirements of WAC 296-155-225(4).

(k) Rescue platform:

(i) If the platform is used as a rescue vehicle, the injured worker shall be strapped into the stretcher or basket.

(ii) The basket shall then be secured by lanyard to an anchorage within the platform meeting the requirements of WAC 296-155-225(4).

(l) Boatswains chair: The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(m) Barrel-type platform:

(i) The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(ii) A solid bar or rod shall be substantially attached in a rigid position to the bottom or side of the platform.

(iii) The bottom of the barrel-type platform shall be of a convex shape to cause the platform to lay on its side when lowered to the ground or floor.

(iv) The bar or rod shall extend a minimum of eight feet above the floor of the platform.

(v) Workers shall enter and exit from barrel-type platforms only when they are in an upright position, stable, and securely attached to the load line.

(vi) The employer shall use methods or devices which allow employees to safely enter or exit barrel-type platforms.

(8) Personnel platform loading.

(a) The personnel platform shall not be loaded in excess of its rated load capacity.

(b) The number of employees occupying the personnel platform shall not exceed the number required for the work being performed.

(c) Personnel platforms shall be used only for employees, their tools, and the materials necessary to do their work, and shall not be used to hoist only materials or tools when not hoisting personnel.

(d) Materials and tools for use during a personnel lift shall be secured to prevent displacement.

(e) Materials and tools for use during a personnel lift shall be evenly distributed within the confines of the platform while the platform is suspended.

(9) Trial lift, inspection, and proof testing.

(a) A trial lift with the unoccupied personnel platform loaded at least to the anticipated liftweight shall be made from ground level, or any other location where employees will enter the platform, to each location at which the personnel platform is to be hoisted and positioned. This trial lift shall be performed immediately prior to placing personnel on the platform. The operator shall determine that all systems, controls, and safety devices are activated and functioning properly; that no interferences exist; and that all configurations necessary to reach those work locations will allow the operator to remain under the fifty percent limit of the hoist's rated capacity. Materials and tools to be used during the actual lift can be loaded in the platform, as provided in subsection (8)(d) and (e) of this section for the trial lift. A single trial lift may be performed at one time for all locations that are to be reached from a single set-up position.

(b) The trial lift shall be repeated prior to hoisting employees whenever the crane or derrick is moved and set up in a new location or returned to a previously used location. Additionally, the trial lift shall be repeated when the lift route is changed unless the operator determines that the route change is not significant (i.e., the

route change would not affect the safety of hoisted employees).

(c) After the trial lift, and just prior to hoisting personnel, the platform shall be hoisted a few inches and inspected to ensure that it is secure and properly balanced. Employees shall not be hoisted unless the following conditions are determined to exist:

(i) Hoist ropes shall be free of kinks;

(ii) Multiple part lines shall not be twisted around each other;

(iii) The primary attachment shall be centered over the platform; and

(iv) The hoisting system shall be inspected if the load rope is slack to ensure all ropes are properly stated on drums and in sheaves.

(d) A visual inspection of the crane or derrick, rigging, personnel platform, and the crane or derrick base support or ground shall be conducted by a competent person immediately after the trial lift to determine whether the testing has exposed any defect or produced any adverse effect upon any component or structure.

(e) Any defects found during inspections which create a safety hazard shall be corrected before hoisting personnel.

(f) At each job site, prior to hoisting employees on the personnel platform, and after any repair or modification, the platform and rigging shall be proof tested to one hundred twenty-five percent of the platform's rated capacity by holding it in a suspended position for five minutes with the test load evenly distributed on the platform (this may be done concurrently with the trial lift). After proof testing, a competent person shall inspect the platform and rigging. Any deficiencies found shall be corrected and another proof test shall be conducted. Personnel hoisting shall not be conducted until the proof testing requirements are satisfied.

(10) Work practices.

(a) Employees shall keep all parts of the body inside the platform during raising, lowering, and positioning. This provision does not apply to an occupant of the platform performing the duties of a signal person.

(b) Before employees exit or enter a hoisted personnel platform that is not landed, the platform shall be secured to the structure where the work is to be performed, unless securing to the structure creates an unsafe situation.

(c) Tag lines shall be used unless their use creates an unsafe condition.

(d) The crane or derrick operator shall remain at the controls at all times when the crane engine is running and the platform is occupied.

(e) Hoisting of employees shall be promptly discontinued upon indication of any dangerous weather conditions or other impending danger.

(f) Employees being hoisted shall remain in continuous sight of and in direct communication with the operator or signal person. In those situations where direct visual contact with the operator is not possible, and the use of a signal person would create a greater hazard for that person, direct communication alone such as by radio may be used.

(g) Hand signals to the operator shall be in accordance with WAC 296-155-525 (1)(c).

(h) Except over water, employees occupying the personnel platform shall use a body belt/harness system with lanyard appropriately attached to the lower load block or overhaul ball, or to a structural member within the personnel platform capable of supporting a fall impact for employees using the anchorage. When working over water, the requirements of WAC 296-155-235 shall apply.

(i) No lifts shall be made on another of the crane's or derrick's load lines while personnel are suspended on a platform.

(11) Traveling.

(a) Hoisting of employees while the crane is traveling is prohibited, except for portal, tower and locomotive cranes, or where the employer demonstrates that there is no less hazardous way to perform the work.

(b) Under any circumstances where a crane would travel while hoisting personnel, the employer shall implement the following procedures to safeguard employees:

(i) Crane travel shall be restricted to a fixed track or runway;

(ii) Travel shall be limited to the load radius of the boom used during the lift; and

(iii) The boom must be parallel to the direction of travel.

(c) A complete trial run shall be performed to test the route of travel before employees are allowed to occupy the platform. This trial run can be performed at the same time as the trial lift required by subsection (9)(a) of this section which tests the route of the lift.

(d) If travel is done with a rubber tired-carrier, the condition and air pressure of the tires shall be checked. The chart capacity for lifts on rubber shall be used for application of the fifty percent reduction of rated capacity. Notwithstanding subsection (3)((f)) (e) of this section, outriggers may be partially retracted as necessary for travel.

(12) Prelift meeting.

(a) A meeting attended by the crane or derrick operator, signal person(s) (if necessary for the lift), employee(s) to be lifted, and the person responsible for the task to be performed shall be held to review the appropriate requirements of this section and the procedures to be followed.

(b) This meeting shall be held prior to the trial lift at each new work location, and shall be repeated for any employees newly assigned to the operation.

**SUBCHAPTER Part O WAC
CONCRETE, CONCRETE FORMS (~~AND~~),
SHORING, AND MASONRY CONSTRUCTION**

**AMENDATORY SECTION (Amending Order 89-03,
filed 5/15/89, effective 6/30/89)**

**WAC 296-155-675 SCOPE, APPLICATION,
AND DEFINITIONS APPLICABLE TO THIS
PART. (1) Scope and application. This subpart sets
forth requirements to protect all construction employees
from the hazards associated with concrete and masonry**

construction operations performed in workplaces covered under chapter 296-155 WAC.

(2) Definitions applicable to this part.

(a) "Bull float" means a tool used to spread out and smooth the concrete.

(b) "Formwork" means the total system of support for freshly placed or partially cured concrete, including the mold or sheeting (form) that is in contact with the concrete as well as all supporting members including shores, reshores, hardware, braces, and related hardware.

(c) "Lift slab" means a method of concrete construction in which floor and roof slabs are cast on or at ground level and, using jacks, lifted into position.

(d) "Limited access zone" means an area alongside a masonry wall, which is under construction, and which is clearly demarcated to limit access by employees.

~~((f))~~ (e) "Precast concrete" means concrete members (such as walls, panels, slabs, columns, and beams) which have been formed, cast, and cured prior to final placement in a structure.

~~((e))~~ (f) "Reshoring" means the construction operation in which shoring equipment (also called reshores or reshoring equipment) is placed, as the original forms and shores are removed, in order to support partially cured concrete and construction loads.

~~((f))~~ (g) "Shore" means a supporting member that resists a compressive force imposed by a load.

~~((g))~~ (h) "Vertical slip forms" means forms which are jacked vertically during the placement of concrete.

~~((h))~~ (i) "Guy" means a line that steadies a high piece or structure by pulling against an off-center load.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-155-690 APPENDIX TO WAC 296-155-684 CAST IN PLACE CONCRETE. General requirements for formwork.

(This Appendix is nonmandatory.)

This Appendix serves as a nonmandatory guideline to assist employers in complying with the formwork requirements in ~~((§1926.703(a)(1)))~~ WAC 296-155-684 (1)(a). Formwork which has been designed, fabricated, erected, braced, supported, and maintained in accordance with Sections 6 and 7 of the American National Standard for Construction and Demolition Operations—Concrete and Masonry Work, ANSI A10.9-1983, shall be deemed to be in compliance with the provision of ~~((§1926.703(a)(1)))~~ WAC 296-155-684 (1)(a).

~~((Information collection requirements contained in paragraph (a)(2) were approved by the Office of Management and Budget under control number 1218-0095.))~~

(1) It shall be the responsibility of the contractor to use accessories which are designed to be compatible:

(2) The design capacity of all lifting devices and accessories shall be known. The devices and accessories with the appropriate capacity shall be used.

(3) Prior to pouring the panels of a tilt-up type construction job, a set of plans or job specifications, including lifting procedures, shall be drawn up.

(a) These plans shall be at the job site and made available upon request.

~~(b) Any changes made in the rigging procedure of a tilt-up panel or slab shall provide the same degree of safety as required by the original plans.~~

~~(c) The plans or specifications shall contain the following information:~~

~~(i) The type, size, and location of all lifting inserts.~~

~~(ii) The type, size, and location of all brace inserts or fittings for guy wires in each panel and floor or support.~~

~~(iii) The size of braces or guys to be used.~~

~~(iv) The compression strength which concrete panels must attain prior to being lifted.~~

~~(4) The following conditions shall be included in the erection process and shall be incorporated in the design plan:~~

~~(a) Braces and all associated components of the bracing system shall be designed to incorporate a safety factor of one and one-half to resist any normal stresses to which they may be subjected, including normal high wind velocity pressures for the area.~~

~~(b) Precast concrete wall units, structural framing, and tilt-up wall panels shall be adequately supported to prevent overturning and to prevent collapse until permanent connections are completed.~~

~~(c) Floor braces used to secure panel sections shall be placed at an angle of not less than forty-five degrees or more than sixty degrees from horizontal when physically possible to install in this manner.~~

~~(d) The bracing on all panel sections shall be installed in such a manner as to prevent the panel from accidentally rotating.~~

~~(e) Each panel section not secured by other means shall have a minimum of two braces. The braces shall be installed in such a manner as to evenly distribute the load or guy wires, when properly installed, may be used in lieu of stiff leg braces.~~

~~(f) If braces are attached to a panel or slab by bolts tightened into inserts installed in holes drilled in concrete, the type of inserts used and method of installation shall be such as to develop the required strength to be maintained for the bracing system.~~

~~(g) Inserts to be installed for lifting sections of a panel shall be designed mechanically to maintain a safety factor of three.~~

~~(h) Lifting inserts which are embedded or otherwise attached to precast concrete members, other than the tilt-up members, shall be capable of supporting at least four times the maximum intended load applied or transmitted to them.~~

~~(i) The compression strength of the concrete shall be such that when the proper type, size, and amount of inserts are installed a minimum safety factor of two will be maintained.~~

~~(j) Lifting hardware such as spreader bars, slings, shackles, etc., shall be designed for a safety factor of not less than five and shall not be used whenever the safety factor is reduced below four.~~

~~(k) Lifting bolts or other lifting devices which have been bent, worn, or are defective shall be discarded.~~

~~(l) The upper and lower sections of telescoping type braces shall be secured by high tensile steel pins or bolts which provide adequate shear strength and which will positively secure against accidental removal.~~

~~(m) Manufactured products shall not be altered in a manner which would reduce the safe working load to less than its original value.~~

~~(n) Inserts shall be positioned so that bolts, or lifting devices, when inserted, will be perpendicular to the face on which they are placed.~~

~~(5) Design of the panels and layout of the pour shall be made in such a manner so that when picking, the top of the panel will be away from the crane. If this is not possible, the contractor shall consult with a representative of the department and the crane company involved to determine the procedure to be followed in lifting and placing in its permanent position safely. Panels shall be lifted and handled in such a manner that they will not strike the hoisting equipment, in case of failure.~~

~~(a) Physical stops shall be provided which will prevent the bottom edge of a panel being set from slipping off the edge of its supporting structure.~~

~~(b) Tilt-up panels shall not be set when there is a possibility that wind velocity would create a hazardous condition.~~

~~(c) A qualified signalman shall be designated and shall consult with the crane operator on lifting procedures prior to making the pick. The signalman shall be located in such a position during the pick of the panel that he can observe both the crane operator and the employees working in the immediate area.~~

~~(d) During the lifting process, workers shall keep clear of the under side of the panel.~~

~~(e) Persons not involved in the lifting process shall be kept clear of the hazardous area near where panels are being raised, moved, or placed.~~

~~(f) If braces must be removed temporarily during construction, other effective means shall be provided to safely support the panel during the interim period.~~

~~(g) Each panel shall be properly braced or otherwise secured prior to removal of the hoisting equipment.~~

~~(h) Short panels or sections not otherwise supported by floor, footings, columns or other structure, shall be properly shored.)~~

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-155-694 (~~APPENDIX TO WAC 296-155-692~~) LIFT-SLAB OPERATIONS. (~~Reprinted from ANSI A10.9-1970.~~)

~~(This Appendix is mandatory.)~~

Section 11. Lift-Slab Operations:

~~11.1) (1) General. The safety requirements and recommendations in this section (11) apply specifically to lift-slab construction operations.~~

~~((11.2)) (2) Design and Planning. Lift-slab operations shall be designed and planned by a qualified professional engineer or architect. Such plans and designs shall include detailed instructions and sketches indicating the prescribed method of erection.~~

~~((11.3)) (3) Jacking Equipment.~~

~~((11.3.1)) (a) Jacking equipment shall not be loaded beyond its safe working capacity, and then threaded rods and other members that transmit loads to the jacks shall have a minimum safety factor of 2.5. Jacking equipment used in lift-slab operations shall meet the criteria in~~

~~((11.3.1)) (a) through ((11.3.4)) (d) of this subsection. (Note: ANSI has interpreted this provision to mean that the safety factor of 2.5 must be met for all jacking components such as jacks, threaded rods, lifting nuts, lifting angles, as well as shearheads, columns and footings.)~~

~~((11.3.2)) (b) Jacks shall be so designed and installed so that they will not continue to lift when overloaded.~~

~~((11.3.3)) (c) Jacks shall be installed with a safety device which will enable them to continue to support the load in any position should the jack malfunction and lose its lifting ability.~~

~~((11.3.4)) (d) The maximum number of manually-controlled jacks on one slab shall be limited to 14, and in no event should the number be too great to permit the operator to maintain the slab level within specified tolerances.~~

~~((11.4)) (4) Uniform Lifting. Jacking operations shall be synchronized in such a manner as to insure even and uniform lifting of the slab. During lifting, all points of the slab support shall be kept within one-half inch of that needed to maintain the slab in a level position. If leveling is automatically controlled, a device shall be installed which will stop the operation when the one-half-inch tolerance is exceeded or when there is a malfunction in the jacking system. If level is maintained by manual controls, such controls shall be located in a central location and attended by a trained operator while lifting is in progress.~~

~~((11.5)) (5) Falling Hazard. No one shall be permitted under the slab during jacking operations. (Note: ANSI has interpreted this provision as follows: "No one is permitted in the building during jacking operations except those employees required for the jacking operation and to secure slabs.")~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-155-692 REQUIREMENTS FOR LIFT-SLAB OPERATIONS.

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

WAC 296-155-697 REQUIREMENTS FOR MASONRY CONSTRUCTION. (1) A limited access zone shall be established whenever a masonry wall is being constructed. The limited access zone shall conform to the following:

(2) The limited access zone shall be established prior to the start of construction of the wall.

(3) The limited access zone shall be equal to the height of the wall to be constructed plus four feet, and shall run the entire length of the wall.

(4) The limited access zone shall be established on the side of the wall which will be unscaffolded.

(5) The limited access zone shall be restricted to entry by employees actively engaged in constructing the wall. No other employees shall be permitted to enter the zone.

(6) The limited access zone shall remain in place until the wall is adequately supported to prevent overturning and to prevent collapse unless the height of wall is over

eight feet, in which case, the limited access zone shall remain in place until the requirements of subsection ~~((9))~~ (7) of this section have been met.

(7) All masonry walls over eight feet in height shall be adequately braced to prevent overturning and to prevent collapse unless the wall is adequately supported so that it will not overturn or collapse. The bracing shall remain in place until permanent supporting elements of the structure are in place.

(8) Employees engaged in cutting or chipping shall wear suitable eye protection in accordance with WAC 296-155-215.

(9) Masonry saws shall be constructed, guarded and operated in accordance with ANSI A10.9-1983. Safety requirements for concrete construction and masonry work and in accordance with WAC 296-155-367.

(10) Persons charged with operation of derricks used for stone setting shall be qualified in that type of work.

(11) Stone shall be set directly on the wall by the derrick.

(12) Breast derricks when used in setting stone shall be secured against a slip or kick back and guyed with wire cables. Provide hold down line to prevent derrick from falling back.

(13) Stone cutters shall wear goggles while trimming stone or cutting holes.

(14) Pins shall be tested for security before stone is hoisted.

(15) Hoisting cables shall be protected from chafing and wearing over corners.

(16) Mason's mortar mixers shall have a bar-type grill installed over the mixer opening. The guard shall be installed with an automatic disconnect switch to stop the mixer tub rotation and prevent the mixer from starting whenever the guard is not in place.

Part Q

~~((Tunnels and shafts, caissons, cofferdams, and compressed air))~~ Underground construction

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-725 DEFINITIONS APPLICABLE TO THIS PART. (1) "Acceptable" means any device, equipment, or appliance that is either approved by MSHA and maintained in permissible condition, or is listed or labeled for the class and location under Part I of this chapter.

(2) "Bulkhead" means an airtight structure separating the working chamber from free air or from another chamber under a lesser pressure than the working pressure.

~~((2))~~ (3) "Caisson" means a wood, steel, concrete or reinforced concrete, air- and water-tight chamber in which it is possible for persons to work under air pressure greater than atmospheric pressure to excavate material below water level.

~~((3))~~ (4) "Cofferdam" means a watertight barricade or enclosure erected, sunk, driven or otherwise fabricated to permit the performance of work where hydrostatic pressure exists.

~~((4))~~ (5) "Decanting" means a method used for decompressing under emergency circumstances. In this procedure, the employees are brought to atmospheric pressure with a very high gas tension in the tissues and then immediately recompressed in a second and separate chamber or lock.

~~((5))~~ (6) "Emergency locks" means a lock designed to hold and permit the quick passage of an entire shift of employees.

~~((6))~~ (7) "High air" means air pressure used to supply power to pneumatic tools and devices.

~~((7))~~ (8) "Low air" means air supplied to pressurize working chambers and locks.

~~((8))~~ (9) "Man lock" means a chamber through which persons pass from one air pressure environment into another.

~~((9))~~ (10) "Materials lock" means a chamber through which materials and equipment pass from one air pressure environment into another.

~~((10))~~ (11) "Medical lock" means a special chamber in which employees are treated for decompression illness. It may also be used in pre-employment physical examinations to determine the adaptability of the prospective employee to changes in pressure.

~~((11))~~ (12) "Rapid excavation machine" means tunnel boring machines, shields, roadheaders, or any other similar excavation machine.

(13) "Normal condition" means one during which exposure to compressed air is limited to a single continuous working period followed by a single decompression in any given 24-hour period; the total time of exposure to compressed air during the single continuous working period is not interrupted by exposure to normal atmospheric pressure, and a second exposure to compressed air does not occur until at least 12 consecutive hours of exposure to normal atmospheric pressure has elapsed since the employee has been under pressure.

~~((12))~~ (14) "Pressure" means a force acting on a unit area. Usually shown as pounds per square inch. (p.s.i.)

~~((13))~~ (15) "Absolute pressure" (p.s.i.a.) means the sum of the atmospheric pressure and gauge pressure (p.s.i.g.)

~~((14))~~ (16) "Atmospheric pressure" means the pressure of air at sea level, usually 14.7 p.s.i.a. (1 atmosphere), or 0 p.s.i.g.

~~((15))~~ (17) "Gauge pressure" (p.s.i.g.) means pressure measured by a gauge and indicating the pressure exceeding atmospheric.

~~((16))~~ (18) "Safety screen" means an air- and water-tight diaphragm placed across the upper part of a compressed air tunnel between the face and bulkhead, in order to prevent flooding the crown of the tunnel between the safety screen and the bulkhead, thus providing a safe means of refuge and exit from a flooding or flooded tunnel.

~~((17))~~ (19) "Special decompression chamber" means a chamber to provide greater comfort for employees when the total decompression time exceeds 75 minutes.

~~((18))~~ (20) "Working chamber" means the space or compartment under air pressure in which the work is being done.

~~((19))~~ (21) "C.F.R." means Code of Federal Regulations.

~~((20))~~ (22) "MSHA" means Mine Safety and Health Administration.

~~((21))~~ (23) "NIOSH" means National Institute for Occupational Safety and Health.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-730 TUNNELS AND SHAFTS.
~~((1))~~ **General.**

(a) The specific requirements of this Part Q, Tunnels, shafts, caissons, cofferdams, and compressed air, shall be met as well as the applicable provisions of all other parts of this chapter and chapter 296-36 WAC "Safety standards for compressed air work."

(b) Safe means of access shall be provided and maintained to all working places.

(c) When ladders and stairways are provided in shafts and steep inclines, they shall meet the requirements of Parts J and K of this chapter.

(d) Access to unattended underground openings shall be restricted by gates or doors. Unused chutes, manways, or other openings shall be tightly covered, bulkheaded, or fenced off, and posted. Conduits, trenches, and manholes shall meet the requirements of Parts K and N of this chapter.

(e) Subsidence areas that present hazards shall be fenced and posted.

(f) Each operation shall have a check-in and check-out system that will provide positive identification of every employee underground. An accurate record and location of the employees shall be kept on the surface.

(g) In tunnels (other than hard rock) timber sets, steel rings, steel frames, concrete liners or other engineered tunnel support systems shall be used. Every tunnel support system shall be designed by a licensed professional engineer. Design specifications shall be available at the worksite.

(2) Emergency provisions:

(a) Evacuation plans and procedures shall be developed and made known to the employees.

(b) Emergency hoisting facilities shall be readily available at shafts more than 50 feet in depth, unless hoisting facilities are provided that are independent of electrical power failures. A boatswain's chair shall meet the requirements of Part J of this chapter.

(c) MSHA-NIOSH approved self-rescuers shall be available near the advancing face to equip each face employee. Such equipment shall be on the haulage equipment and in other areas where employees might be trapped by smoke or gas, and shall be maintained in good condition.

(d) Telephone or other signal communication shall be provided between the work face and the tunnel portal, and such systems shall be independent of the tunnel power supply.

(3) Air quality and ventilation:

(a) Air quality and quantity shall be as established by chapter 296-62 WAC.

(i) Instruments shall be provided to test the atmosphere quantitatively for carbon monoxide, nitrogen dioxide, flammable or toxic gases, dusts, mists, and fumes that occur in the tunnel or shaft. Tests shall be conducted as frequently as necessary to assure that the required quality and quantity of air is maintained. A record of all tests shall be maintained and be kept available.

(ii) Field-type oxygen analyzers, or other suitable devices, shall be used to test for oxygen deficiency.

(iii) Respirators shall not be substituted for environmental control measures. However, where environmental controls have not yet been developed, or when necessary by the nature of the work involved (for example, welding, sand blasting, lead burning), an employee may work for short periods of time in concentrations of airborne contaminants which exceed the limit of permissible excursions referred to in items (iv) and (v) of this subdivision, if such employee wears a respiratory protective device approved by MSHA-NIOSH as protection against the particular hazards involved.

(iv) Exposure to airborne contaminants shall not exceed the levels established by chapter 296-62 WAC.

(v) Employees shall be withdrawn from areas in which there is a concentration of an airborne contaminant which exceeds the threshold limit value listed for that contaminant.

(vi) Atmospheres in all active areas shall contain at least 20 percent oxygen.

(b) Ventilation:

(i) Tunnels shall be provided with mechanically induced primary ventilation in all work areas. The direction of airflow shall be reversible.

(ii) Ventilation doors, not operated mechanically, shall be designed and installed so that they are self-closing and will remain closed regardless of the direction of the air movement.

(iii) When there has been a failure of ventilation, and ventilation has been restored in a reasonable time, all places where flammable gas may have accumulated shall be examined by a competent person and determined to be free of flammable gas before power is restored and work resumed.

(iv) When the main fan or fans have been shut down with all employees out of the adit, tunnel or shaft, no employee, other than those qualified to examine the adit, tunnel or shaft, or other authorized employee, shall go underground until the fans have been started, the work areas examined for gas and other hazards, and declared safe.

(v) The supply of fresh air shall not be less than 200 cubic feet per minute for each employee underground. The linear velocity of the air flow in the tunnel bore shall not be less than 30 feet per minute in those tunnels where blasting or rock drilling is conducted or where there are other conditions that are likely to produce dusts, fumes, vapors, or gases in harmful quantities.

(vi) If 1.5 percent or higher concentration of flammable gas is detected in air returning from an underground

working place or places, the employees shall be withdrawn and the power cut off to the portion of the area endangered by such flammable gas until the concentration of such gas is reduced to 1 percent or less.

(vii) Internal combustion engines other than mobile diesel shall not be used underground. Mobile diesel-powered equipment used underground shall be certified by the Bureau of Mines, U.S. Department of the Interior or the Mine Safety and Health Administration, United States Department of Labor according to their publications "Mechanical Equipment for Mines—Tests for Permissibility and Suitability, 30 C.F.R. Part 32, Mobile Diesel Power Equipment for Non-Coal Mines, July 1, 1983."

(viii) Application shall be made to the mining section, division of industrial safety and health, Department of Labor and Industries, for permission to use specified diesel equipment in a specified underground area and shall include the following:

(A) The type of construction and complete identification data and specifications including analysis of the undiluted exhaust gases of the diesel equipment.

(B) The location where the diesel equipment is to be used.

(C) Before the diesel equipment is taken underground, written permission shall be obtained from the division of industrial safety and health or its duly authorized representative. A satisfactory test on surface, to show that the exhaust gases do not exceed the maximum percentage of carbon monoxide permitted, shall be required.

(D) Diesel equipment shall only be used underground where the ventilation is controlled by mechanical means and shall not be operated if the ventilating current is less than 75 CFM per horsepower based on the maximum brake horsepower of the engines.

(E) Air measurements shall be made at least once daily in the diesel engine working area and the measurements entered in the Underground Diesel Engine Record Book. Permissible maximum amounts of noxious gases are as follows:

At engine exhaust			
ports	Carbon Monoxide	.10%	1,000 ppm ³
Next to equipment	Carbon Monoxide	.005%	50 ppm
General atmosphere	Carbon Monoxide	.005%	50 ppm
General atmosphere	Nitrogen Dioxide	.0003%	3 ppm
General atmosphere	Aldehydes	.0002%	2 ppm

³ Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm Hg. pressure.

(4) Illumination:

(a) Sufficient lighting shall be provided, in accordance with the requirements of Table B-3 of part B of this chapter, to permit safe operations at the face as well as in the general tunnel or shaft area and at the employees' workplace.

(5) Fire prevention and control:

(a) General:

(i) The requirements for fire prevention and protection specified in part D of this chapter shall be complied with in all tunnel and shaft operations.

(ii) Signs warning against smoking and open flames shall be posted so that they can be readily seen in areas or places where fire or explosion hazards exist.

(iii) The carrying of matches, lighters, or other flame-producing smoking materials shall be prohibited in all underground operations where fire or explosion hazards exist.

(iv) Not more than a 1 day's supply of diesel fuel shall be stored underground.

(v) Gasoline shall not be taken, stored, or used underground. Where oxygen and petroleum gases are used underground in tunnels and shafts for welding, cutting and heat-treating operations, all applicable ventilation standards shall be enforced to prevent the accumulation of flammable or hazardous gases. These ventilation standards are found in WAC 296-155-730(3) "Air quality and ventilation" and ANSI Z49.1-1967 "Safety in Welding and Cutting."

(vi) Oil, grease, or fuel stored underground shall be kept in tightly sealed containers in fire-resistant areas, at safe distances from explosives magazines, electrical installations, and shaft stations.

(vii) Air that has passed through underground oil or fuel-storage areas shall not be used to ventilate working areas.

(viii) Approved fire-resistant hydraulic fluids shall be used in powered hydraulically actuated underground machinery and equipment unless such equipment is protected by multipurpose fire extinguisher(s) at least 4A:40B:C, or by a fire suppression system, either of which shall be suitable for the type and size of hydraulic equipment involved.

(ix) Fires shall not be built underground.

(x) Noncombustible barriers shall be installed below welding or burning operations in or over a shaft or raise.

(xi) Fire extinguishers or equivalent protection shall be provided at the head and tail pulleys or underground belt conveyors and at 300-foot intervals along the belt line.

(xii) At tunnel operations, employing 25 or more employees at one time underground at least two rescue crews (10 employees divided between shifts) shall be trained annually in rescue procedures, in the use, care, and limitations of oxygen breathing apparatus, and the use and maintenance of firefighting equipment. Not less than one rescue crew (5 employees) shall be trained in smaller operations.

(6) Personal protective equipment. Protective clothing or equipment shall be worn as specified in parts B and C of this chapter.

(7) Noise:

(a) Permissible noise exposures shall conform to those specified in part B of this chapter.

(8) Ground support:

(a) Tunnel portal area. Portals shall be protected and supported where loose soil or rock or fractured material is encountered.

(b) Tunnel area:

(i) The employer shall examine and test the roof, face, and walls of the work area at the start of each shift and frequently thereafter.

(ii) Loose ground shall be taken down or supported. Ground conditions along haulage ways and travelways shall be examined periodically and scaled or supported as necessary.

(iii) Torque meters and torque wrenches shall be available at tunnels where rock bolts are used for ground support. Frequent tests shall be made to determine if bolts meet the required torque. The test frequency shall be determined by rock conditions and distance from vibration sources.

(iv) Damaged or dislodged tunnel supports, whether steel sets or timber, shall be repaired and replaced. New supports shall be installed whenever possible before removing the damaged supports.

(v) All sets, including horseshoe-shaped or arched rib steel sets, shall be designed and installed so that the bottoms will have required anchorage to prevent pressures from pushing them inward into the excavation. Lateral bracing shall be provided between sets to further stabilize the support.

(c) Shafts:

(i) Small diameter shafts, which employees are required to enter, shall be provided with a steel casing, concrete pipe, timber, or other material of required strength to support the surrounding earth.

(ii) The casing and bracing shall be provided the full depth of the shaft, or at least 5 feet into solid rock if possible, and shall extend at least 1 foot above ground level.

(iii) All wells or shafts over four feet in depth shall be retained with lagging, spiling, or casing.

(iv) In shafts, the employer shall inspect the walls, ladders, timbers, blocking, and wedges of the last set to determine if they have loosened following blasting operations. Where found unsafe, corrections shall be made before shift operations are started.

(v) Safety belts shall be worn on skips and platforms used in shafts by crews when the skip or cage does not occlude the opening to within 1 foot of the sides of the shaft, unless guardrails or cages are provided.

(9) Drilling:

(a) Equipment that is to be used during a shift shall be inspected each shift by a competent person. Equipment defects affecting safety shall be corrected before the equipment is used.

(b) The drilling area shall be inspected for hazards before starting the drilling operations.

(c) Employees shall not be allowed on a drill mast while the drill bit is in operation.

(d) When a drill is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured, and the mast placed in a safe position.

(e) Receptacles or racks shall be provided for drill steel stored on jumbos.

(f) Before drilling cycle is started, warning shall be given to persons working below jumbo decks.

(g) Drills on columns shall be anchored firmly before drilling is started and shall be retightened frequently thereafter.

(h) The employer shall provide mechanical means for lifting drills, roof bolts, mine straps, and other unwieldy heavy material to the top decks of jumbos over 10 feet in height.

(i) The employer shall provide stair access to jumbo decks wide enough to accommodate two persons if the deck is over 10 feet in height.

(j) On jumbo decks over 10 feet in height, guardrails which are removable (pipe in-sockets with chain hand-rail), or equal, shall be provided on all sides and back platforms.

(k) Scaling bars shall be in good condition at all times, and blunted and severely worn bars shall not be used.

(l) When jumbos are being moved, riders will not be allowed on the jumbo unless they are assisting the driver.

(m) Before commencing the drill cycle, the face and lifters shall be examined for misfires (residual explosives) and, if found, they shall be removed before drilling commences at the face. Lifters shall not be drilled through blasted rock (muck) or water.

(n) Air lines that are buried in the invert shall be identified by signs, posted nearby, warning all personnel.

(10) Blasting. All blasting and explosives-handling operations shall be conducted in compliance with chapter 296-52 WAC.

(11) Haulage:

(a) Equipment that is to be used during a shift shall be inspected by a competent person each shift. Equipment defects affecting safety shall be corrected before the equipment is used.

(b) Powered mobile equipment shall be provided with adequate brakes.

(c) Powered mobile haulage equipment shall be provided with audible warning devices. Lights shall be provided at both ends.

(d) Cab windows shall be of safety glass, or equivalent, in good condition, and shall be kept clean.

(e) Adequate backstops or brakes shall be installed on inclined conveyor drive units to prevent conveyors from running in reverse and creating a hazard to employees.

(f) No employee shall be permitted to ride a power-driven chain, belt, or bucket conveyor, unless the conveyor is specifically designed for transportation of employees.

(g) The employer shall not permit employees to ride in dippers, shovel buckets, forks, clamshells, or in the beds of dump trucks, or on haulage equipment not specifically designed or adapted for the transportation of employees.

(h) Electrically powered mobile equipment shall not be left unattended unless the master switch is in the off position, all operating controls are in the neutral position, and the brakes are set, or other equivalent precautions are taken against rolling.

(i) When dumping cars by hand, the car dumps shall be provided with tie-down or bumper blocks to prevent cars from over-turning.

(j) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices.

(k) Equipment which is to be hauled shall be so loaded and protected as to prevent sliding or spillage.

(l) Parked railcars shall be blocked securely.

(m) Berms, bumper blocks, safety hooks, or similar means shall be provided to prevent overtravel and over-turning at dumping locations.

(n) Where necessary, bumper blocks, or the equivalent, shall be provided at all track dead ends.

~~(o) Supplies, materials, and tools, other than small handtools, shall not be transported with employees in mantrip cars.~~

~~(12) Electrical equipment:~~

~~(a) Electrical equipment shall conform to the requirements of part I of this chapter.~~

~~(b) Powerlines shall be well separated or insulated from waterlines, telephone lines, and airlines.~~

~~(c) Oil-filled transformers shall not be used underground unless they are located in a fire-resistant enclosure and surrounded by a dike to contain the contents of the transformers in event of a rupture.~~

~~(13) Hoisting:~~

~~(a) Hoisting machines, either powered or hand operated, shall be worm-gear or powered both ways. The design must be such that when the power is stopped, the load cannot move.~~

~~(b) Controls for powered hoists shall be of the deadman type with a nonlocking switch or control.~~

~~(c) A device to shut off the power shall be installed ahead of the operating control.~~

~~(d) Hand-operated release mechanisms, which can permit the load to descend faster than the speed rating, shall not be used.~~

~~(e) Hoist machines with cast metal parts shall not be used.~~

~~(f) Every hoist shall be tested with twice the maximum load before being put into operation, and annually thereafter.~~

~~(g) All anchorages of hoists shall be inspected at the beginning of each shift.~~

~~(h) An enclosed covered metal cage shall be used to raise and lower persons in the shaft. The cage shall be designed with a safety factor of 4 and shall be load-tested prior to use. The exterior of the cage shall be free of projections or sharp corners. Only closed shackles shall be used in the cage rigging.~~

~~(i) If the cage is equipped with a door, a positive locking device shall be installed to prevent the door from opening accidentally while the cage is being lowered or raised while hoisting or lowering employees.)~~ (1) Scope and application.

(a) This section applies to the construction of underground tunnels, shafts, chambers, and passageways. This section also applies to cut-and-cover excavations which are both physically connected to ongoing underground construction operations within the scope of this section, and covered in such a manner as to create conditions characteristic of underground construction.

(b) This section does not apply to excavation and trenching operations covered by part N of this chapter, such as foundation operations for above-ground structures that are not physically connected to underground construction operations, and surface excavation.

(c) The employer shall comply with the requirements of this part and chapter in addition to applicable requirements of chapter 296-36 WAC, Safety standards—Compressed air work.

(2) Access and egress.

(a) Each operation shall have a check-in/check-out system that will provide positive identification of every

employee underground. An accurate record of identification and location of the employees shall be kept on the surface. This procedure is not required when the construction of underground facilities designed for human occupancy has been sufficiently completed so that the permanent environmental controls are effective, and when the remaining construction activity will not cause any environmental hazard, or structural failure within the facilities.

(b) The employer shall provide and maintain safe means of access and egress to all work stations.

(c) The employer shall provide access and egress in such a manner that employees are protected from being struck by excavators, haulage machines, trains, and other mobile equipment.

(d) The employer shall control access to all openings to prevent unauthorized entry underground. Unused chutes, manways, or other openings shall be tightly covered, bulkheaded, or fenced off, and shall be posted with warning signs indicating "keep out" or similar language. Completed or unused sections of the underground facility shall be barricaded.

(3) Safety instruction. All employees shall be instructed in the recognition and avoidance of hazards associated with underground construction activities including, where appropriate, the following subjects:

(a) Air monitoring;

(b) Ventilation;

(c) Confined space entry procedures;

(d) Illumination;

(e) Communications;

(f) Flood control;

(g) Mechanical equipment;

(h) Personal protective equipment;

(i) Explosives;

(j) Fire prevention and protection; and

(k) Emergency procedures, including evacuation plans and check-in/check-out systems.

(4) Notification.

(a) Oncoming shifts shall be informed of any hazardous occurrences or conditions that have affected, or might affect employee safety, including liberation of gas, equipment failures, earth or rock slides, cave-ins, floodings, fire(s), or explosions.

(b) Information specified in (a) of this subsection shall be recorded in a shift journal which shall be current prior to the end of each shift, and shall be located above ground.

(c) Oncoming supervisory personnel shall read the notification prior to going underground, and shall signify their understanding of the contents by affixing their respective initials to the log.

(d) The hazard notification log shall be retained on the site until the completion of the project.

(e) The employer shall establish and maintain direct communications for coordination of activities with other employers whose operations at the jobsite affect or may affect the safety of employees underground.

(5) Communications.

(a) When natural unassisted voice communication is ineffective, a power-assisted means of voice communication shall be used to provide communication between the work face, the bottom of the shaft, and the surface.

(b) Two effective means of communication, at least one of which shall be voice communication, shall be provided in all shafts which are being developed or used either for personnel access or for hoisting. Additional requirements for hoist operator communication are contained in subsection (22)(c)(xv) of this section.

(c) Powered communication systems shall operate on an independent power supply, and shall be installed so that the use of or disruption of any one phone or signal location will not disrupt the operation of the system from any other location.

(d) Communication systems shall be tested upon initial entry of each shift to the underground, and as often as necessary at later times, to ensure that they are in working order.

(e) Any employee working alone underground in a hazardous location, who is both out of the range of natural unassisted voice communication and not under observation by other persons, shall be provided with an effective means of obtaining assistance in an emergency.

(6) Emergency provisions. Hoisting capability. When a shaft is used as a means of egress, the employer shall make advance arrangements for power-assisted hoisting capability to be readily available in an emergency, unless the regular hoisting means can continue to function in the event of an electrical power failure at the jobsite. Such hoisting means shall be designed so that the load hoist drum is powered in both directions of rotation and so that the brake is automatically applied upon power release or failure.

(7) Self-rescuers. The employer shall provide self-rescuers having current approval from the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration to be immediately available to all employees at work stations in underground areas where employees might be trapped by smoke or gas. The selection, issuance, use, and care of respirators shall be in accordance with the requirements of WAC 296-62-071 through 296-62-07121.

(8) Designated person. At least one designated person shall be on duty above ground whenever any employee is working underground. This designated person shall be responsible for securing immediate aid and keeping an accurate record of the number, identification, and location of employees who are underground in case of emergency. The designated person must not be so busy with other responsibilities that the personnel counting and identification function is encumbered.

(9) Emergency lighting. Each employee underground shall have an acceptable portable hand lamp or cap lamp in his or her work area for emergency use, unless natural light or an emergency lighting system provides adequate illumination for escape.

(10) Rescue teams.

(a) On jobsites where 25 or more employees work underground at one time, the employer shall provide (or make arrangements in advance with locally available rescue services to provide) at least two 5-person rescue

teams, one on the jobsite or within one-half hour travel time from the entry point, and the other within 2 hours travel time.

(b) On jobsites where less than 25 employees work underground at one time, the employer shall provide (or make arrangements in advance with locally available rescue services to provide) at least one 5-person rescue team to be either on the jobsite or within one-half hour travel time from the entry point.

(c) Rescue team members shall be qualified in rescue procedures, the use and limitations of breathing apparatus, and the use of firefighting equipment. Qualifications shall be reviewed not less than annually.

(d) On jobsites where flammable or noxious gases are encountered or anticipated in hazardous quantities, rescue team members shall practice donning and using pressure demand mode, self-contained breathing apparatuses monthly.

(e) The employer shall ensure that rescue teams are familiar with conditions at the jobsite.

(11) Hazardous classifications.

(a) Potentially gassy operations. Underground construction operations shall be classified as potentially gassy if either:

(i) Air monitoring discloses 10 percent or more of the lower explosive limit for methane or other flammable gases measured at 12 inches (304.8 mm) +/-0.25 inch (6.35 mm) from the roof, face, floor, or walls in any underground work area for more than a 24-hour period; or

(ii) The history of the geographical area or geological formation indicates that 10 percent or more of the lower explosive limit for methane or other flammable gases is likely to be encountered in such underground operations.

(b) Gassy operations. Underground construction operations shall be classified as gassy if:

(i) Air monitoring discloses 10 percent or more of the lower explosive limit for methane or other flammable gases measured at 12 inches (304.8 mm) +/-0.25 inch (6.35 mm) from the roof, face, floor, or walls in any underground work area for three consecutive days; or

(ii) There has been an ignition of methane or of other flammable gases emanating from the strata that indicates the presence of such gases; or

(iii) The underground construction operation is both connected to an underground work area which is currently classified as gassy and is also subject to a continuous course of air containing the flammable gas concentration.

(c) Declassification to potentially gassy operations. Underground construction gassy operations may be declassified to potentially gassy when air monitoring results remain under 10 percent of the lower explosive limit for methane or other flammable gases for three consecutive days.

(12) Gassy operations—Additional requirements. Only acceptable equipment, maintained in suitable condition, shall be used in gassy operations.

(a) Mobile diesel-powered equipment used in gassy operations shall be either approved in accordance with the requirements of 30 CFR Part 36 (formerly Schedule 31) by MSHA, or shall be demonstrated by the employer to be fully equivalent to such MSHA-approved

equipment, and shall be operated in accordance with that part.

(b) Each entrance to a gassy operation shall be prominently posted with signs notifying all entrants of the gassy classification.

(c) Smoking shall be prohibited in all gassy operations and the employer shall be responsible for collecting all personal sources of ignition, such as matches and lighters, from all persons entering a gassy operation.

(d) A fire watch as described in WAC 296-155-410(5) shall be maintained when hot work is performed.

(e) Once an operation has met the criteria in subsection (11)(a)(i) of this section, warranting classification as gassy, all operations in the affected area, except the following, shall be discontinued until the operation either is in compliance with all of the gassy operation requirements or has been declassified in accordance with (c) of this subsection:

(i) Operations related to the control of the gas concentration;

(ii) Installation of new equipment, or conversion of existing equipment, to comply with this subsection; and

(iii) Installation of above-ground controls for reversing the air flow.

(13) Air quality and monitoring.

(a) General. Air quality limits and control requirements specified in chapter 296-62 WAC shall apply except as modified by this subsection.

(b) The employer shall assign a competent person who shall perform all air monitoring required by this section.

(c) Where this paragraph requires monitoring of airborne contaminants "as often as necessary," the competent person shall make a reasonable determination as to which substances to monitor and how frequently to monitor, considering at least the following factors:

(i) Location of jobsite: Proximity to fuel tanks, sewers, gas lines, old landfills, coal deposits, and swamps;

(ii) Geology: Geological studies of the jobsite, particularly involving the soil type and its permeability;

(iii) History: Presence of air contaminants in nearby jobsites, changes in levels of substances monitored on the prior shift; and

(iv) Work practices and jobsite conditions: The use of diesel engines, use of explosives, use of fuel gas, volume and flow of ventilation, visible atmospheric conditions, decompression of the atmosphere, welding, cutting and hot work, and employees' physical reactions to working underground.

(d) The employer shall provide testing and monitoring instruments which are capable of achieving compliance with the provisions of this subsection, and:

(i) Shall maintain the testing and monitoring instruments in good condition;

(ii) Shall calibrate the instruments on a frequency not to exceed 6 months.

(e) Exposure to airborne contaminants shall not exceed the levels established by chapter 296-62 WAC.

(f) Respirators shall not be substituted for environmental control measures. However, where environmental controls have not yet been developed, or when necessary

by the nature of the work involved (for example, welding, sand blasting, lead burning), an employee may work for short periods of time in concentrations of airborne contaminants which exceed the limit of permissible exposure referred to in (d) of this subsection, if the employee wears a respiratory protective device approved by MSHA-NIOSH as protection against the particular hazards involved, and the selection and use of respirators complies with the provisions of WAC 296-62-071 through 296-62-07121.

(g) Employees shall be withdrawn from areas in which there is a concentration of an airborne contaminant which exceeds the permissible exposure limit listed for that contaminant, except as modified in (s)(i) of this subsection.

(h) The atmosphere in all underground work areas shall be tested as often as necessary to assure that the atmosphere at normal atmospheric pressure contains at least 19.5 percent oxygen and no more than 22 percent oxygen.

(i) Tests for oxygen content shall be made before tests for air contaminants.

(j) Field-type oxygen analyzers, or other suitable devices, shall be used to test for oxygen deficiency.

(k) The atmosphere in all underground work areas shall be tested quantitatively for carbon monoxide, nitrogen dioxide, hydrogen sulfide, and other toxic gases, dust, vapors, mists, and fumes as often as necessary to ensure that the permissible exposure limits prescribed in chapter 296-62 WAC, are not exceeded.

(l) The atmosphere in all underground work areas shall be tested quantitatively for methane and other flammable gases as often as necessary to determine:

(i) Whether action is to be taken under (q), (r), and (s) of this subsection; and

(ii) Whether an operation is to be classified potentially gassy or gassy under subsection (11) of this section.

(m) If diesel-engine or gasoline-engine driven ventilating fans or compressors are used, an initial test shall be made of the inlet air of the fan or compressor, with the engines operating, to ensure that the air supply is not contaminated by engine exhaust.

(n) Testing shall be performed as often as necessary to ensure that the ventilation requirements of subsection (15) of this section are met.

(o) When rapid excavation machines are used, a continuous flammable gas monitor shall be operated at the face with the sensor(s) placed as high and close to the front of the machine's cutter head as practicable.

(p) Whenever air monitoring indicates the presence of 5 ppm or more of hydrogen sulfide, a test shall be conducted in the affected underground work area(s), at least at the beginning and midpoint of each shift, until the concentration of hydrogen sulfide has been less than 5 ppm for 3 consecutive days.

(i) Whenever hydrogen sulfide is detected in an amount exceeding 10 ppm, a continuous sampling and indicating hydrogen sulfide monitor shall be used to monitor the affected work area.

(ii) Employees shall be informed when a concentration of 10 ppm hydrogen sulfide is exceeded.

(iii) The continuous sampling and indicating hydrogen sulfide monitor shall be designed, installed, and maintained to provide a visual and aural alarm when the hydrogen sulfide concentration reaches 20 ppm to signal that additional measures, such as respirator use, increased ventilation, or evacuation, might be necessary to maintain hydrogen sulfide exposure below the permissible exposure limit.

(q) When the competent person determines, on the basis of air monitoring results or other information, that air contaminants may be present in sufficient quantity to be dangerous to life, the employer shall:

(i) Prominently post a notice at all entrances to the underground jobsite to inform all entrants of the hazardous condition; and

(ii) Immediately increase sampling frequency levels to insure workers are not exposed to identified contaminants in excess of the permissible exposure limit(s); and

(iii) Ensure that all necessary precautions are taken to comply with pertinent requirements of this section, and chapter 296-62 WAC.

(r) Whenever five percent or more of the lower explosive limit for methane or other flammable gases is detected in any underground work area(s) or in the air return, steps shall be taken to increase ventilation air volume or otherwise control the gas concentration, unless the employer is operating in accordance with the potentially gassy or gassy operation requirements. Such additional ventilation controls may be discontinued when gas concentrations are reduced below five percent of the lower explosive limit, but shall be reinstated whenever the five percent level is exceeded.

(s) Whenever 10 percent or more of the lower explosive limit for methane or other flammable gases is detected in the vicinity of welding, cutting, or other hot work, such work shall be suspended until the concentration of such flammable gas is reduced to less than 10 percent of the lower explosive limit.

(t) Whenever 20 percent or more of the lower explosive limit for methane or other flammable gases is detected in any underground work area(s) or in the air return:

(i) All employees, except those necessary to eliminate the hazard, shall be immediately withdrawn to a safe location above ground; and

(ii) Employees who remain underground to correct or eliminate the hazard described in (t) above shall be equipped with approved, pressure demand mode, self-contained breathing apparatus, and shall have received adequate training in the proper use of that equipment.

(iii) Electrical power, except for acceptable pumping and ventilation equipment, shall be cut off to the area endangered by the flammable gas until the concentration of such gas is reduced to less than 20 percent of the lower explosive limit.

(14) Additional monitoring for potentially gassy and gassy operations. Operations which meet the criteria for potentially gassy and gassy operations set forth in subsection (13) of this section shall be subject to the additional monitoring requirements of this subsection.

(a) A test for oxygen content shall be conducted in the affected underground work areas and work areas

immediately adjacent to such areas at least at the beginning and midpoint of each shift.

(b) When using rapid excavation machines, continuous automatic flammable gas monitoring equipment shall be used to monitor the air at the heading, on the rib, and in the return air duct. The continuous monitor shall signal the heading, and shut down electric power in the affected underground work area, except for acceptable pumping and ventilation equipment, when 20 percent or more of the lower explosive limit for methane or other flammable gases is encountered.

(i) A manual flammable gas monitor shall be used as needed, but at least at the beginning and midpoint of each shift, to ensure that the limits prescribed in subsections (11) and (13) of this section are not exceeded. In addition, a manual electrical shut down control shall be provided near the heading.

(ii) Local gas tests shall be made prior to and continuously during any welding, cutting, or other hot work.

(iii) In underground operations driven by drill-and-blast methods, the air in the affected area shall be tested for flammable gas prior to re-entry after blasting, and continuously when employees are working underground.

(c) Recordkeeping. A record of all air quality tests shall be maintained above ground at the worksite and be made available to the director or his representatives upon request. The record shall include the location, date, time, substance and amount monitored. Records of exposures to toxic substances shall be retained in accordance with Part B, chapter 296-62 WAC. All other air quality test records shall be retained until completion of the project.

(15) Ventilation.

(a)(i) Fresh air shall be supplied to all underground work areas in sufficient quantities to prevent dangerous or harmful accumulation of dust, fumes, mists, vapors, or gases.

(ii) Mechanical ventilation shall be provided in all underground work areas except when the employer can demonstrate that natural ventilation provides the necessary air quality through sufficient air volume and air flow.

(b) A minimum of 200 cubic feet (5.7 m³) of fresh air per minute shall be supplied for each employee underground.

(c) The linear velocity of air flow in the tunnel bore, in shafts, and in all other underground work areas shall be at least 30 feet (9.15 m) per minute where blasting or rock drilling is conducted, or where other conditions likely to produce dust, fumes, mists, vapors, or gases in harmful or explosive quantities are present.

(d) The direction of mechanical air flow shall be reversible.

(e) Air that has passed through underground oil or fuel-storage areas shall not be used to ventilate working areas.

(f) Following blasting, ventilation systems shall exhaust smoke and fumes to the outside atmosphere before work is resumed in affected areas.

(g) Ventilation doors shall be designed and installed so that they remain closed when in use, regardless of the direction of the air flow.

(h) When ventilation has been reduced to the extent that hazardous levels of methane or flammable gas may have accumulated, a competent person shall test all affected areas after ventilation has been restored and shall determine whether the atmosphere is within flammable limits before any power, other than for acceptable equipment, is restored or work is resumed.

(i) Whenever the ventilation system has been shut down with all employees out of the underground area, only competent persons authorized to test for air contaminants shall be allowed underground until the ventilation has been restored and all affected areas have been tested for air contaminants and declared safe.

(j) When drilling rock or concrete, appropriate dust control measures shall be taken to maintain dust levels within limits set in WAC 296-155-160. Such measures may include, but are not limited to, wet drilling, the use of vacuum collectors, and water mix spray systems.

(k)(i) Internal combustion engines, except diesel-powered engines on mobile equipment, are prohibited underground.

(ii) Mobile diesel-powered equipment used underground in atmospheres other than gassy operations shall be either approved by MSHA in accordance with the provisions of 30 CFR Part 32 (formerly Schedule 24), or shall be demonstrated by the employer to be fully equivalent to such MSHA-approved equipment, and shall be operated in accordance with that Part. (Each brake horsepower of a diesel engine requires at least 100 cubic feet (28.32 m³) of air per minute for suitable operation in addition to the air requirements for personnel. Some engines may require a greater amount of air to ensure that the allowable levels of carbon monoxide, nitric oxide, and nitrogen dioxide are not exceeded.)

(iii) Application shall be made to the mining section, division of industrial safety and health, department of labor and industries, for permission to use specified diesel equipment in a specified underground area and shall include the following:

(A) The type of construction and complete identification data and specifications including analysis of the undiluted exhaust gases of the diesel equipment.

(B) The location where the diesel equipment is to be used.

(C) Before the diesel equipment is taken underground, written permission shall be obtained from the division of industrial safety and health or its duly authorized representative. A satisfactory test on surface, to show that the exhaust gases do not exceed the maximum percentage of carbon monoxide permitted, shall be required.

(D) Diesel equipment shall only be used underground where the ventilation is controlled by mechanical means and shall not be operated if the ventilating current is less than 100 CFM per horsepower based on the maximum brake horsepower of the engines.

(E) Air measurements shall be made at least once daily in the diesel engine working area and the measurements entered in the Underground Diesel Engine Record Book. Permissible maximum amounts of noxious gases are as follows:

At engine exhaust			
ports	Carbon Monoxide	.10%	1,000 ppm ³
Next to equipment	Carbon Monoxide	.005%	50 ppm
General atmosphere	Carbon Monoxide	.005%	50 ppm
General atmosphere	Nitrogen Dioxide	.0003%	3 ppm
General atmosphere	Aldehydes	.0002%	2 ppm

³Parts of vapor or gas per million parts of contaminated air by volume at 25°C and 760 mm Hg. pressure.

(l) Potentially gassy or gassy operations shall have ventilation systems installed which shall:

(i) Be constructed of fire-resistant materials; and

(ii) Have acceptable electrical systems, including fan motors.

(m) Gassy operations shall be provided with controls located above ground for reversing the air flow of ventilation systems.

(n) In potentially gassy or gassy operations, wherever mine-type ventilation systems using an offset main fan installed on the surface are used, they shall be equipped with explosion-doors or a weak-wall having an area at least equivalent to the cross-sectional area of the airway.

(16) Illumination.

(a) Sufficient lighting shall be provided, in accordance with the requirements of Table B-3 of Part B of this chapter, to permit safe operations at the face as well as in the general tunnel or shaft area and at the employees' workplace.

(b) Only acceptable portable lighting as defined in WAC 296-155-462(1) shall be used within 50 feet (15.24 m) of any underground heading during explosive handling.

(17) Fire prevention and control. Fire prevention and protection requirements applicable to underground construction operations are found in Part D of this chapter except as modified by the following additional standards.

(a) Open flames and fires are prohibited in all underground construction operations except as permitted for welding, cutting, and other hot work operations.

(i) Smoking may be allowed only in areas free of fire and explosion hazards.

(ii) Readily visible signs prohibiting smoking and open flames shall be posted in areas having fire or explosion hazards.

(iii) The carrying of matches, lighters, or other flame-producing smoking materials shall be prohibited in all underground operations where fire or explosion hazards exist.

(b) The employer may store underground no more than a 24-hour supply of diesel fuel for the underground equipment used at the worksite.

(c) The piping of diesel fuel from the surface to an underground location is permitted only if:

(i) Diesel fuel is contained at the surface in a tank whose maximum capacity is no more than the amount of fuel required to supply for a 24-hour period the equipment serviced by the underground fueling station; and

(ii) The surface tank is connected to the underground fueling station by an acceptable pipe or hose system that is controlled at the surface by a valve, and at the shaft bottom by a hose nozzle; and

(iii) The pipe is empty at all times except when transferring diesel fuel from the surface tank to a piece of equipment in use underground; and

(iv) Hoisting operations in the shaft are suspended during refueling operations if the supply piping in the shaft is not protected from damage.

(d)(i) Gasoline shall not be carried, stored, or used underground.

(ii) Acetylene, liquefied petroleum gas, and Methylacetylene Propadiene Stabilized gas may be used underground only for welding, cutting and other hot work, and only in accordance with Part H of this chapter and subsections (13), (15), (17), and (18) of this section.

(e) Oil, grease, and diesel fuel stored underground shall be kept in tightly sealed containers in fire-resistant areas at least 300 feet (91.44 m) from underground explosive magazines, and at least 100 feet (30.48 m) from shaft stations and steeply inclined passageways. Storage areas shall be positioned or diked so that the contents of ruptured or overturned containers will not flow from the storage area.

(f) Flammable or combustible materials shall not be stored above ground within 100 feet (30.48 m) of any access opening to any underground operation. Where this is not feasible because of space limitations at the jobsite, such materials may be located within the 100-foot limit, provided that:

(i) They are located as far as practicable from the opening; and

(ii) Either a fire-resistant barrier of not less than one-hour rating is placed between the stored material and the opening, or additional precautions are taken which will protect the materials from ignition sources.

(g) Fire-resistant hydraulic fluids shall be used in hydraulically-actuated underground machinery and equipment unless such equipment is protected by a fire suppression system or by multipurpose fire extinguisher(s) rated at a sufficient capacity for the type and size of hydraulic equipment involved, but rated at least 4A:4OB:C.

(h)(i) Electrical installations in underground areas where oil, grease, or diesel fuel are stored shall be used only for lighting fixtures.

(ii) Lighting fixtures in storage areas, or within 25 feet (7.62 m) of underground areas where oil, grease, or diesel fuel are stored, shall be approved for Class I, Division 2 locations, in accordance with Part I of this chapter.

(i) Leaks and spills of flammable or combustible fluids shall be cleaned up immediately.

(j) A fire extinguisher of at least 4A:4OB:C rating or other equivalent extinguishing means shall be provided at the head pulley and at the tail pulley of underground belt conveyors, and at 300-foot intervals along the belt.

(k) Any structure located underground or within 100 feet (30.48 m) of an opening to the underground shall be constructed of material having a fire-resistance rating of at least one hour.

(18) Welding, cutting, and other hot work. In addition to the requirements of Part H of this chapter, the following requirements shall apply to underground welding, cutting, and other hot work.

(a) No more than the amount of fuel gas and oxygen cylinders necessary to perform welding, cutting, or other

hot work during the next 24-hour period shall be permitted underground.

(b) Noncombustible barriers shall be installed below welding, cutting, or other hot work being done in or over a shaft or raise.

(19) Ground support.

(a) In tunnels (other than hard rock) timber sets, steel rings, steel frames, concrete liners, or other engineered tunnel support systems shall be used. Every tunnel support system shall be designed by a licensed professional engineer. Design specifications shall be available at the worksite.

(b) Portal areas. Portal openings and access areas shall be guarded by shoring, fencing, head walls, shotcreting, or other equivalent protection to ensure safe access of employees and equipment. Adjacent areas shall be scaled or otherwise secured to prevent loose soil, rock, or fractured materials from endangering the portal and access area.

(c) Subsidence areas. The employer shall ensure ground stability in hazardous subsidence areas by shoring, by filling in, or by erecting barricades and posting warning signs to prevent entry.

(d) Underground areas.

(i)(A) A competent person shall inspect the roof, face, and walls of the work area at the start of each shift and as often as necessary to determine ground stability.

(B) Competent persons conducting such inspections shall be protected from loose ground by location, ground support, or equivalent means.

(ii) Ground conditions along haulageways and travelways shall be inspected as frequently as necessary to ensure safe passage.

(iii) Loose ground that might be hazardous to employees shall be taken down, scaled, or supported.

(iv) Torque meters and torque wrenches shall be available at tunnels where rock bolts are used for ground support. Frequent tests shall be made to determine if bolts meet the required torque. The test frequency shall be determined by rock conditions and distance from vibration sources.

(v)(A) Torque wrenches shall be used wherever bolts that depend on torsionally applied force are used for ground support.

(B) A competent person shall determine whether rock bolts meet the necessary torque, and shall determine the testing frequency in light of the bolt system, ground conditions, and the distance from vibration sources.

(vi) Suitable protection shall be provided for employees exposed to the hazard of loose ground while installing ground support systems.

(vii) Support sets shall be installed so that the bottoms have sufficient anchorage to prevent ground pressures from dislodging the support base of the sets. Lateral bracing (collar bracing, tie rods, or spreaders) shall be provided between immediately adjacent sets to ensure added stability.

(viii) Damaged or dislodged ground supports that create a hazardous condition shall be promptly repaired or replaced. When replacing supports, the new supports shall be installed before the damaged supports are removed.

(ix) A shield or other type of support shall be used to maintain a safe travelway for employees working in dead-end areas ahead of any support replacement operation.

(e) Shafts.

(i) Shafts and wells over 4 feet (1.219 m) in depth that employees must enter shall be supported by a steel casing, concrete pipe, timber, solid rock, or other suitable material.

(ii)(A) The full depth of the shaft shall be supported by casing or bracing except where the shaft penetrates into solid rock having characteristics that will not change as a result of exposure. Where the shaft passes through earth into solid rock, or through solid rock into earth, and where there is potential for shear, the casing or bracing shall extend at least 5 feet (1.53 m) into the solid rock. When the shaft terminates in solid rock, the casing or bracing shall extend to the end of the shaft or 5 feet (1.53 m) into the solid rock, whichever is less.

(B) The casing or bracing shall extend 42 inches (1.07 m) plus or minus 3 inches (8 cm) above ground level, except that the minimum casing height may be reduced to 12 inches (0.3 m), provided that a standard railing is installed; that the ground adjacent to the top of the shaft is sloped away from the shaft collar to prevent entry of liquids; and that effective barriers are used to prevent mobile equipment operating near the shaft from jumping over the 12-inch (0.3 m) barrier.

(iii) After blasting operations in shafts, a competent person shall determine if the walls, ladders, timbers, blocking, or wedges have loosened. If so, necessary repairs shall be made before employees other than those assigned to make the repairs are allowed in or below the affected areas.

(f) Blasting. This subsection applies in addition to the requirements for blasting and explosives operations, including handling of misfires, which are found in chapter 296-52 WAC.

(i) Blasting wires shall be kept clear of electrical lines, pipes, rails, and other conductive material, excluding earth, to prevent explosives initiation or employee exposure to electric current.

(ii) Following blasting, an employee shall not enter a work area until the air quality meets the requirements of subsection (13) of this section.

(g) Drilling.

(i) A competent person shall inspect all drilling and associated equipment prior to each use. Equipment defects affecting safety shall be corrected before the equipment is used.

(ii) The drilling area shall be inspected for hazards before the drilling operation is started.

(iii) Employees shall not be allowed on a drill mast while the drill bit is in operation or the drill machine is being moved.

(iv) When a drill machine is being moved from one drilling area to another, drill steel, tools, and other equipment shall be secured and the mast shall be placed in a safe position.

(v) Receptacles or racks shall be provided for storing drill steel located on jumbos.

(vi) Employees working below jumbo decks shall be warned whenever drilling is about to begin.

(vii) Drills on columns shall be anchored firmly before starting drilling, and shall be retightened as necessary thereafter.

(viii) The employer shall provide mechanical means on the top deck of a jumbo for lifting unwieldy or heavy material.

(ix) When jumbo decks are over 10 feet (3.05 m) in height, the employer shall install stairs wide enough for two persons.

(x) Jumbo decks more than 10 feet (3.05 m) in height shall be equipped with guardrails on all open sides, excluding access openings of platforms, unless an adjacent surface provides equivalent fall protection.

(xi) Only employees assisting the operator shall be allowed to ride on jumbos, unless the jumbo meets the requirements of subsection (20)(e) of this section.

(xii) Jumbos shall be chocked to prevent movement while employees are working on them.

(xiii) Walking and working surfaces of jumbos shall be maintained to prevent the hazards of slipping, tripping, and falling.

(xiv) Jumbo decks and stair treads shall be designed to be slip-resistant and secured to prevent accidental displacement.

(xv) Scaling bars shall be available at scaling operations and shall be maintained in good condition at all times. Blunted or severely worn bars shall not be used.

(xvi) Before commencing the drill cycle, the face and lifters shall be examined for misfires (residual explosives) and, if found, they shall be removed before drilling commences at the face. Lifters shall not be drilled through blasted rock (muck) or water.

(xvii) Employees in a shaft shall be protected either by location or by suitable barrier(s) if powered mechanical loading equipment is used to remove muck containing unfired explosives.

(xviii) A caution sign reading "buried line," or similar wording shall be posted where air lines are buried or otherwise hidden by water or debris.

(20) Haulage.

(a) A competent person shall inspect haulage equipment before each shift.

(i) Equipment defects affecting safety and health shall be corrected before the equipment is used.

(ii) Powered mobile haulage equipment shall be provided with adequate brakes.

(iii) Power mobile haulage equipment, including trains, shall have audible warning devices to warn employees to stay clear. The operator shall sound the warning device before moving the equipment and whenever necessary during travel.

(iv) The operator shall assure that lights which are visible to employees at both ends of any mobile equipment, including a train, are turned on whenever the equipment is operating.

(v) In those cabs where glazing is used, the glass shall be safety glass, or its equivalent, and shall be maintained and cleaned so that vision is not obstructed.

(b) Antirollback devices or brakes shall be installed on inclined conveyor drive units to prevent conveyors from

inadvertently running in reverse. Employees shall not be permitted to ride a power-driven chain, belt, or bucket conveyor unless the conveyor is specifically designed for the transportation of persons.

(c) Endless belt-type manlifts are prohibited in underground construction.

(d) General requirements also applicable to underground construction for use of conveyors in construction are found in WAC 296-155-545 (1) through (17).

(e) No employee shall ride haulage equipment unless it is equipped with seating for each passenger and protects passengers from being struck, crushed, or caught between other equipment or surfaces. Members of train crews may ride on a locomotive if it is equipped with handholds and nonslip steps or footboards. Requirements applicable to underground construction for motor vehicle transportation of employees are found in WAC 296-155-610.

(f) Conveyor lockout.

(i) Conveyors shall be deenergized and locked out with a padlock, at any time repair, maintenance, or clean-up work is being performed on the conveyor.

(ii) Tags or push button stops are not acceptable.

(iii) Persons shall not be allowed to walk on conveyors except for emergency purposes and then only after the conveyor has been deenergized and locked out in accordance with (f) above, and persons can do so safely.

(g) Powered mobile haulage equipment, including trains, shall not be left unattended unless the master switch or motor is turned off; operating controls are in neutral or park position; and the brakes are set, or equivalent precautions are taken to prevent rolling.

(h) Whenever rails serve as a return for a trolley circuit, both rails shall be bonded at every joint and crossbonded every 200 feet (60.96 m).

(i) When dumping cars by hand, the car dumps shall have tiedown chains, bumper blocks, or other locking or holding devices to prevent the cars from overturning.

(j) Rocker-bottom or bottom-dump cars shall be equipped with positive locking devices to prevent unintended dumping.

(k) Equipment to be hauled shall be loaded and secured to prevent sliding or dislodgement.

(l)(i) Mobile equipment, including rail-mounted equipment, shall be stopped for manual connecting or service work, and:

(ii) Employees shall not reach between moving cars during coupling operations.

(iii) Couplings shall not be aligned, shifted, or cleaned on moving cars or locomotives.

(iv) Safety chains or other connections shall be used in addition to couplers to connect man cars or powder cars whenever the locomotive is uphill of the cars.

(v) When the grade exceeds one percent and there is a potential for runaway cars, safety chains or other connections shall be used in addition to couplers to connect haulage cars or, as an alternative, the locomotive must be downhill of the train.

(vi) Such safety chains or other connections shall be capable of maintaining connection between cars in the event of either coupler disconnect, failure or breakage.

(m) Parked rail equipment shall be chocked, blocked, or have brakes set to prevent inadvertent movement.

(n) Berms, bumper blocks, safety hooks, or equivalent means shall be provided to prevent overtravel and overturning of haulage equipment at dumping locations.

(o) Bumper blocks or equivalent stopping devices shall be provided at all track dead ends.

(p)(i) Only small handtools, lunch pails, or similar small items may be transported with employees in man cars, or on top of a locomotive.

(ii) When small hand tools or other small items are carried on top of a locomotive, the top shall be designed or modified to retain them while traveling.

(q)(i) Where switching facilities are available, occupied personnel cars shall be pulled, not pushed. If personnel cars must be pushed and visibility of the track ahead is hampered, then a qualified person shall be stationed in the lead car to give signals to the locomotive operator.

(ii) Crew trips shall consist of personnel loads only.

(21) Electrical safety. This paragraph applies in addition to the general requirements for electrical safety which are found in Part I of this chapter.

(a) Electric power lines shall be insulated or located away from water lines, telephone lines, air lines, or other conductive materials so that a damaged circuit will not energize the other systems.

(b) Lighting circuits shall be located so that movement of personnel or equipment will not damage the circuits or disrupt service.

(c) Oil-filled transformers shall not be used underground unless they are located in a fire-resistant enclosure suitably vented to the outside and surrounded by a dike to retain the contents of the transformers in the event of rupture.

(22) Hoisting unique to underground construction except as modified by this section, the following provisions of chapter 296-155 WAC, Part L apply: Requirements for cranes are found in WAC 296-155-525. WAC 296-155-48533 contains rules applicable to crane hoisting of personnel, except, that the limitations imposed by WAC 296-155-48533(2) do not apply to the routine access of employees to the underground via a shaft. Requirements for personnel hoists, material hoists, and elevators are found in WAC 296-155-530 and in this subsection.

(a) General requirements for cranes and hoists.

(i) Materials, tools, and supplies being raised or lowered, whether within a cage or otherwise, shall be secured or stacked in a manner to prevent the load from shifting, snagging, or falling into the shaft.

(ii) A warning light suitably located to warn employees at the shaft bottom and subsurface shaft entrances shall flash whenever a load is above the shaft bottom or subsurface entrances, or the load is being moved in the shaft. This paragraph does not apply to fully enclosed hoistways.

(iii) Whenever a hoistway is not fully enclosed and employees are at the shaft bottom, conveyances or equipment shall be stopped at least 15 feet (4.57 m) above the bottom of the shaft and held there until the signalman at the bottom of the shaft directs the operator to continue lowering the load, except that the load may

be lowered without stopping if the load or conveyance is within full view of a bottom signalman who is in constant voice communication with the operator.

(iv)(A) Before maintenance, repairs, or other work is commenced in the shaft served by a cage, skip, or bucket, the operator and other employees in the area shall be informed and given suitable instructions.

(B) A sign warning that work is being done in the shaft shall be installed at the shaft collar, at the operator's station, and at each underground landing.

(v) Any connection between the hoisting rope and the cage or skip shall be compatible with the type of wire rope used for hoisting.

(vi) Spin-type connections, where used, shall be maintained in a clean condition and protected from foreign matter that could affect their operation.

(vii) Cage, skip, and load connections to the hoist rope shall be made so that the force of the hoist pull, vibration, misalignment, release of lift force, or impact will not disengage the connection. Only closed shackles shall be used for cage and skip rigging.

(viii) When using wire rope wedge sockets, means shall be provided to prevent wedge escapement and to ensure that the wedge is properly seated.

(b) Additional requirements for cranes. Cranes shall be equipped with a limit switch to prevent overtravel at the boom tip. Limit switches are to be used only to limit travel of loads when operational controls malfunction and shall not be used as a substitute for other operational controls.

(c) Additional requirements for hoists.

(i) Hoists shall be designed so that the load hoist drum is powered in both directions of rotation, and so that brakes are automatically applied upon power release or failure.

(ii) Control levers shall be of the "deadman type" which return automatically to their center (neutral) position upon release.

(iii) When a hoist is used for both personnel hoisting and material hoisting, load and speed ratings for personnel and for materials shall be assigned to the equipment.

(iv) Hoist machines with cast metal parts shall not be used.

(v) Material hoisting may be performed at speeds higher than the rated speed for personnel hoisting if the hoist and components have been designed for such higher speeds and if shaft conditions permit.

(vi) Employees shall not ride on top of any cage, skip, or bucket except when necessary to perform inspection or maintenance of the hoisting system, in which case they shall be protected by a body belt/harness system to prevent falling.

(vii) Personnel and materials (other than small tools and supplies secured in a manner that will not create a hazard to employees) shall not be hoisted together in the same conveyance. However, if the operator is protected from the shifting of materials, then the operator may ride with materials in cages or skips which are designed to be controlled by an operator within the cage or skip.

(viii) Line speed shall not exceed the design limitations of the systems.

(ix) Hoists shall be equipped with landing level indicators at the operator's station. Marking of the hoist rope does not satisfy this requirement.

(x) Whenever glazing is used in the hoist house, it shall be safety glass, or its equivalent, and be free of distortions and obstructions.

(xi) A fire extinguisher that is rated at least 2A:10B:C (multipurpose, dry chemical) shall be mounted in each hoist house.

(xii) Hoist controls shall be arranged so that the operator can perform all operating cycle functions and reach the emergency power cutoff without having to reach beyond the operator's normal operating position.

(xiii) Hoists shall be equipped with limit switches to prevent overtravel at the top and bottom of the hoistway.

(xiv) Limit switches are to be used only to limit travel of loads when operational controls malfunction and shall not be used as a substitute for other operational controls.

(xv) Hoist operators shall be provided with a closed-circuit voice communication system to each landing station, with speaker-microphones so located that the operator can communicate with individual landing stations during hoist use.

(xvi) When sinking shafts 75 feet (22.86 m) or less in depth, cages, skips, and buckets that may swing, bump, or snag against shaft sides or other structural protrusions shall be guided by fenders, rails, ropes, or a combination of those means.

(xvii) When sinking shafts more than 75 feet (22.86 m) in depth, all cages, skips, and buckets shall be rope or rail-guided to within a rail length from the sinking operation.

(xviii) Cages, skips, and buckets in all completed shafts, or in all shafts being used as completed shafts, shall be rope or rail-guided for the full length of their travel.

(xix) Wire rope used in load lines of material hoists shall be capable of supporting, without failure, at least five times the maximum intended load or the factor recommended by the rope manufacturer, whichever is greater. Refer to WAC 296-155-530(3)(r)(i), (ii), and (iii) for design factors for wire rope used in personnel hoists. The design factors shall be calculated by dividing the breaking strength of wire rope, as reported in the manufacturer's rating tables, by the total static load, including the weight of the wire rope in the shaft when fully extended.

(xx) A competent person shall visually check all hoisting machinery, equipment, anchorages, and hoisting rope at the beginning of each shift and during hoist use, as necessary.

(xxi) Each safety device shall be checked by a competent person at least weekly during hoist use to ensure suitable operation and safe condition.

(xxii) In order to ensure suitable operation and safe condition of all functions and safety devices, each hoist assembly shall be inspected and load-tested to 100 percent of its rated capacity: At the time of installation; after any repairs or alterations affecting its structural integrity; after the operation of any safety device; and annually when in use. The employer shall prepare a certification record which includes the date each inspection

and load-test was performed; the signature of the person who performed the inspection and test; and a serial number or other identifier for the hoist that was inspected and tested. The most recent certification record shall be maintained on file until completion of the project.

(xxiii) Before hoisting personnel or material, the operator shall perform a test run of any cage or skip whenever it has been out of service for one complete shift, and whenever the assembly or components have been repaired or adjusted.

(xiv) Unsafe conditions shall be corrected before using the equipment.

(d) Additional requirements for personnel hoists.

(i) Hoist drum systems shall be equipped with at least two means of stopping the load, each of which shall be capable of stopping and holding 150 percent of the hoist's rated line pull. A broken-rope safety, safety catch, or arrestment device is not a permissible means of stopping under this subsection.

(ii) The operator shall remain within sight and sound of the signals at the operator's station.

(iii) All sides of personnel cages shall be enclosed by one-half inch (12.70 mm) wire mesh (not less than No. 14 gauge or equivalent) to a height of not less than 6 feet (1.83 m). However, when the cage or skip is being used as a work platform, its sides may be reduced in height to 42 inches (1.07 m) when the conveyance is not in motion.

(iv) All personnel cages shall be provided with a positive locking door that does not open outward.

(v) All personnel cages shall be provided with a protective canopy. The canopy shall be made of steel plate, at least 3/16 -inch (4.763 mm) in thickness, or material of equivalent strength and impact resistance. The canopy shall be sloped to the outside, and so designed that a section may be readily pushed upward to afford emergency egress. The canopy shall cover the top in such a manner as to protect those inside from objects falling in the shaft.

(vi) Personnel platforms operating on guide rails or guide ropes shall be equipped with broken-rope safety devices, safety catches, or arrestment devices that will stop and hold 150 percent of the weight of the personnel platform and its maximum rated load.

(vii) During sinking operations in shafts where guides and safeties are not yet used, the travel speed of the personnel platform shall not exceed 200 feet (60.96 m) per minute. Governor controls set for 200 feet (60.96 m) per minute shall be installed in the control system and shall be used during personnel hoisting.

(viii) The personnel platform may travel over the controlled length of the hoistway at rated speeds up to 600 feet (182.88 m) per minute during sinking operations in shafts where guides and safeties are used.

(ix) The personnel platform may travel at rated speeds greater than 600 feet (182.88 m) per minute in complete shafts.

NEW SECTION

WAC 296-24-102 SCOPE AND APPLICATION.
Application of this section is limited to retail establishments operating between the hours of 11:00 p.m. and

6:00 a.m. with the exception of restaurants, hotels, taverns, or any lodging facility.

NEW SECTION

WAC 296-24-10203 GENERAL REQUIREMENTS. (1) All employers operating late night retail establishments shall provide crime prevention training to their employees.

(2) Crime prevention training shall be a part of the accident prevention program requirements imposed pursuant to WAC 296-24-040.

(3) The employer shall provide training to ensure that the purpose and function of robbery and violence prevention are understood by employees and that the knowledge and skills required for their safety have been provided. The employer shall:

(a) Provide training and training materials that outline security policies, safety and security procedures, and personal safety and crime avoidance techniques.

(b) Provide formal instruction through a training seminar or training video presentation and upon completion require the employee to sign off on the date, time, and place of training. The training documentation will be placed in the employee's personnel file. The following elements shall be included in the crime prevention training program:

(i) An explanation of the importance of keeping the store clean, neat, and uncluttered thereby making it as unattractive as possible to robbers.

(ii) Provide explanation of the purpose of maintaining an unobstructed view of the cash register from outside the store, provided the cash register is located in a position visible from the street.

(iii) Provide instruction on reasons for operating only minimum number of cash registers at night.

(iv) Keeping the cash register fund to a minimum.

(v) Taking extra precautions after dark, i.e., keep alert, observe lighting and dark corners, spot possible hiding places.

(vi) Violence prevention procedures in case of robbery.

(vii) Provide a refresher course on crime prevention on or near the employee's anniversary date. Videotape and crime prevention material shall be available for employee's review at their request.

(4) In addition to providing crime prevention training as defined in this section, all employers operating late night retail establishments shall:

(a) Post a conspicuous sign in the window or door which states that there is a safe on the premises and it is not accessible to the employees on the premises and that the cash register contains only the minimal amount of cash needed to conduct business: No employer shall be subject to citation and penalty for having moneys in the cash register in excess of the minimal amount needed to conduct business.

(b) All displays, and any other material posted in window(s) or door(s) should be arranged so as to provide a clear and unobstructed view of the cash register; provided the cash register is located in such a position so as to be visible from the street.

(c) Have a drop-safe, limited access safe, or comparable device on the premises.

(d) Operate the outside lights for that portion of the approach and parking area that is necessary to accommodate customers during all night hours the late night retail establishment is open. This may be accomplished through:

(i) Surveillance lighting - to detect and observe pedestrian and vehicular entrances.

(ii) Providing adequate illuminances - adequate illuminance throughout the pedestrian and vehicular entrance areas should be a minimum of one foot candle to comply with ANSI/IES RP7-1983.

WSR 90-03-030

**NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER**

[Memorandum—January 2, 1990]

The board of directors of the Washington State Convention and Trade center will hold the following meetings on Wednesday, January 10, 1990, at the Convention Center, 800 Convention Place, Room 601, Seattle, Washington:

Affirmative Action Committee	12:00 p.m.
Design Committee	1:00 p.m.
Board of Directors	2:00 p.m.

If you have questions regarding these meetings, please call 447-5000.

WSR 90-03-031

**PERMANENT RULES
DEPARTMENT OF LICENSING**

[Filed January 12, 1990, 8:13 a.m.]

Date of Adoption: January 11, 1990.

Purpose: To set fees collected by the Department of Licensing for services and renewals of landscape architect licenses.

Citation of Existing Rules Affected by this Order: Amending WAC 308-13-150.

Statutory Authority for Adoption: RCW 43.24.086.

Pursuant to notice filed as WSR 89-24-058 on December 5, 1989.

Effective Date of Rule: Thirty days after filing.

January 11, 1990
Marsha Tadano Long
Assistant Director

AMENDATORY SECTION (Amending Order PM 702, filed 1/26/88)

WAC 308-13-150 LANDSCAPE ARCHITECT FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application fee(:(:))	\$150.00
((Nonrefundable)) Examination or reexamination (entire) fee	((290.00))
	350.00
((Refundable fee for issuance of certificate	100.00
Total application fee	390.00))
Reexamination(:(:)) fee	50.00
Section 1 ((only))	((17.00))
	20.00
Section 2 ((only))	((23.00))
	30.00
Section 3 ((only))	((84.00))
	100.00
Section 4 ((only))	((78.00))
	85.00
Section 5 ((only))	((53.00))
	65.00
Section 6 ((only))	((35.00))
	50.00
Exam proctor	100.00
Renewal (3 years)	((180.00))
	450.00
Late renewal penalty	((60.00))
	150.00
Duplicate license	((15.00))
	25.00
Initial registration (3 years)	450.00
Reciprocity application fee	
((filing and investigation fee))	((150.00))
	200.00
Certification	((25.00))
	45.00
Proctoring program	125.00
Replacement certificate	20.00

WSR 90-03-032

**PERMANENT RULES
DEPARTMENT OF LICENSING**

[Filed January 12, 1990, 8:14 a.m.]

Date of Adoption: January 11, 1990.

Purpose: To set fees collected by the Department of Licensing for services and renewals of architect licenses.

Citation of Existing Rules Affected by this Order: Amending WAC 308-12-326.

Statutory Authority for Adoption: RCW 43.24.086.

Pursuant to notice filed as WSR 89-24-059 on December 5, 1989.

Effective Date of Rule: Thirty days after filing.

January 11, 1990
Marsha Tadano Long
Assistant Director

AMENDATORY SECTION (Amending Order PM 650, filed 5/1/87)

WAC 308-12-326 ARCHITECT FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application	((\$ 50.00)) \$100.00
Examination (initial or retake full)	((300.00)) 345.00
<u>Reexamination</u>	45.00
<u>Initial registration ((fee))</u>	((35.00)) 45.00
<u>Oral examination</u>	50.00
Registration renewal	45.00
Late renewal	15.00
Certificate replacement	15.00
Examination proctor fee	((50.00)) 100.00
((Registration (without full examination))	250.00)
<u>Reciprocity application</u>	350.00
Exam retake:	
Division A: Predesign	((30.00)) 35.00
Division B: Site design (<u>written</u>)	((65.00)) 20.00
<u>Division B: Site design (graphic)</u>	55.00
Division C: Building design	((80.00)) 85.00
((Division D: Structural—General	15.00)
<u>Division D/F: Structural—General and long span</u>	30.00
Division E: Structural—Lateral forces	((10.00)) 15.00
((Division F: Structural—Long span	10.00)
Division G: Mechanical, plumbing, and electrical ((and safety)) systems	((30.00)) 35.00
Division H: Materials and methods	((30.00)) 35.00
Division I: Construction documents and services	((30.00)) 35.00
Duplicate license	15.00
Certification	25.00
Corporations:	
Certificate of authorization	250.00
Certificate of authorization renewal	((100.00)) 125.00

WSR 90-03-033

**NOTICE OF PUBLIC MEETINGS
BELLEVUE COMMUNITY COLLEGE**

[Memorandum—January 10, 1990]

The regular meetings of the board of trustees of Community College District VIII for 1990 will be held on the following dates:

- January 9
- February 13
- March 13

- April 10
- May 8
- June 12
- July 10
- August 14
- September 11
- October 9
- November 13
- December 11

The meetings will begin at 12 noon in the Bellevue Campus Cafeteria with a discussion of agenda items and at 1:30 p.m. in the Board Room, Bellevue Campus, Bellevue, Washington, for a business session. If the second Tuesday is a legal holiday, the meeting will be held if at all possible on the third Tuesday of the month or soon thereafter or as otherwise announced. In the event the board of trustees is unable to meet on the regular meeting date, a special meeting may be scheduled and held if at all possible on the third Tuesday of the month or soon thereafter or as otherwise announced. In the event the board of trustees is unable to meet, the chairman of the board may order that no regular meeting of the board of trustees be held that month.

WSR 90-03-034

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Order 2025—Filed January 12, 1990, 12:58 p.m.]

Date of Adoption: January 15, 1990.

Purpose: To increase inspection fees for apples by two and one-half cents per hundred weight or one cent per standard carton.

Citation of Existing Rules Affected by this Order: Amending WAC 16-400-010, 16-400-100 and 16-400-210.

Statutory Authority for Adoption: Chapter 15.17 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Increased inspection staff is necessary to implement and enforce the emergency rules governing minimum firmness of apples. The inspection service is funded solely by fees charged to applicants for service, and fees are deposited in the local horticultural inspection fund. The increase in fees will provide the necessary funding for the required additional personnel to ensure immediate enforcement of apple quality.

Effective Date of Rule: January 15, 1990.

January 12, 1990
C. Alan Pettibone
Director

AMENDATORY SECTION (Amending Order 2001, filed 3/31/89)

WAC 16-400-010 GRADE AND CONDITION CERTIFICATES—FRUITS. Charges for grade and condition certificates for all fruits shall be:

(1) The minimum charge for all fruits shall be nine dollars.

(2) For all fresh market fruits of apples, pears, and soft fruit in containers—wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or in bags, per cwt. or fraction thereof:

(a) For federal—state certification:

Apples	((13¢)) 15 1/2¢
Apricots, cherries, nectarines and peaches	21¢
Pears	12¢
Plums, prunes, other soft fruits, grapes, and berries	16¢

(b) For state certification:

Apples	((12¢)) 14 1/2¢
Pears	11¢

(3) For all apples, pears, stone fruits, berries, and grapes in bulk or in containers for processing, or for quality condition and/or size determination, charges shall be two dollars fifty cents per ton net weight or fraction thereof. When inspection is requested only for the purpose of verifying the product, conveyance, markings, or other factors not related to quality, the charges shall be at the hourly rate but not less than the minimum certificate charge of nine dollars.

AMENDATORY SECTION (Amending Order 2001, filed 3/31/89)

WAC 16-400-100 CERTIFICATES. Certificate charges shall be in accordance with the following provisions:

(1) Consolidation certificates shall be charged as specified in WAC 16-400-010 and 16-400-040 and shall have an additional charge of three dollars for each additional local lot.

(2) Condition certificate charges shall be two-thirds of the grade and condition certificates with the following exceptions:

(a) Previously inspected lots shall have a minimum charge of nine dollars.

(b) When the lot has had no prior inspection for quality or grade and it is requested that the certificate carry out-bound car, truck, or state lot number, the grade and condition certificate schedule shall apply.

(c) Out-of-state products reported on state certificates shall be charged on the applicable grade and condition certificate schedule, except there shall be an hourly charge of twenty dollars.

(d) For lots of controlled atmosphere storage apples which were previously certified, a state condition certificate or quality control inspection may be issued without additional charge.

(3) Car hook-up, loading or unloading certificate shall be charged at the rates specified in subsection (2)(a) of this section.

(4) Sanitary and quarantine certificate charges for fruits and vegetables shall be:

(a) Six dollars for the issuance of a certificate, plus the hourly rates specified in WAC 16-400-210 (1)(a) when the shipment is not covered by federal—state or state certificates.

(b) Six dollars per set when the shipment is covered by federal—state or state certificates.

(5) Container weight, or checkloading certificates shall be charged at the rates specified in WAC 16-400-210 (1)(a).

(6) Federal—state certification shall meet the criteria for sampling as established by United States Department of Agriculture, Agricultural Marketing Service. When the federal—state inspector or inspector's aide must physically obtain samples from lots blocked out for loading or from lots in storage, charges of seven and one-half cents per cwt. shall be made in addition to inspection fees. When assistance is provided by the applicant's personnel, charges for sampling shall be reduced accordingly.

AMENDATORY SECTION (Amending Order 2001, filed 3/31/89)

WAC 16-400-210 OTHER CHARGES. Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, phytosanitary and/or quarantine inspection, and all other services, shall be charged at the hourly rate of twenty dollars.

(b) Time allowance – Where a platform inspector is working full time at one house and also doing certification inspection, the inspector shall allow credit for the time according to limits outlined in the schedule for such certification at the hourly rate of twenty dollars.

Should the certificate charges divided by the respective hourly rates equal or exceed the number of hours worked, no platform charge shall be assessed. Should the certificate charges divided by the respective hourly rates be less than the number of hours worked, the platform charge shall be made to bring the total to the appropriate charge.

(2) Fumigation charges – The minimum charge for supervision of fumigation shall be eighteen dollars. Additional or unnecessary stand-by time shall be charged as specified in subsection (1)(a) of this section. In temporary, nonpermanent facilities or those lacking adequate devices for maintenance of acceptable treatment temperatures, no fumigations shall be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June 1 to September 30.

(3) Field or orchard inspections made at the applicant's request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of two dollars fifty cents per acre or fraction thereof or at the rate specified in subsection (1)(a) of this section.

(4) Seed sampling fees shall be arranged with the chemical and plant services division for services performed.

(5) Extra charges on services provided shall be assessed according to provisions listed below.

(a) The minimum inspection charge for each commodity and requested form shall be at the rate specified in subsection (1)(a) of this section.

(b) If, through no fault of the inspection service, time over the maximum allowance as supported by unit rates for each commodity and requested form is required, such excess time shall be at the rate as specified in subsection (1)(a) of this section.

(c) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, an hourly charge shall be made equivalent to twenty-seven dollars.

These charges shall be made for actual hours spent in performance of duties. This shall include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

The following are state legal holidays: New Year's Day, Veteran's Day, Memorial Day (the last Monday of May), Independence Day, Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and the day following Thanksgiving Day, Christmas Day, Martin Luther King, Jr. Day (third Monday in January), and Presidents' Day (third Monday in February).

(d) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges shall be assessed.

(6) Mileage—Whenever necessary, mileage shall be charged at the rate established by the state office of financial management.

(7) Electronic transmission of documents—Telegrams, facsimile, or electronic transmission of inspection documents shall be charged at the rate of four dollars per transmission in addition to Western Union charges made directly to the applicant.

(8) Services provided to other agencies—Services provided to other agencies, commissions, and organizations shall be charged at the rate specified in subsection (1)(a) of this section.

(9) Timely payment—Payment of fees and charges is due within thirty days after date of statement, provided:

(a) If payment is not received within thirty days, service may be withheld until the delinquent account is paid; or

(b) In the case of such delinquent accounts, cash payment for subsequent service may be required; and

(c) A penalty of twelve percent per annum shall be assessed on the delinquent account balance.

(10) USDA positive lot identification—Certification utilizing positive lot identification shall be charged at the rates specified in this section and WAC 16-400-010, 16-400-040, and 16-400-100 with an additional charge of ten percent. The minimum shall be twelve dollars per inspection. Service will be provided first in those instances in which positive lot identification is a mandatory condition of the sales transaction. Other requests for positive lot identification will be serviced upon adequate notification to the inspection service and availability of inspection personnel.

(11) Controlled atmosphere license fee—The application for an annual license to engage in the business of operating a controlled atmosphere storage warehouse or warehouses shall be accompanied by an annual license fee of five dollars per room, with a minimum fee established at twenty-five dollars for five rooms or less.

(12) Inspection fees may be waived on inspections of fruits and vegetables when donated to bona fide non-profit organizations: PROVIDED, That shipping containers shall be conspicuously labeled or marked as "not for resale."

WSR 90-03-035

EMERGENCY RULES

DEPARTMENT OF AGRICULTURE

[Order 2026-2—Filed January 12, 1990, 1:01 p.m.]

Date of Adoption: January 15, 1990.

Purpose: To increase minimum firmness of Red Delicious and Golden Delicious varieties of apples shipped from Washington state for fresh market. The revised rule will raise the pressure test requirement by approximately one pound.

Citation of Existing Rules Affected by this Order: Amending WAC 16-403-142 and 16-403-190.

Statutory Authority for Adoption: Chapter 15.17 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: One of the purposes of chapter 15.17 RCW is to assure the welfare of the industry by protecting the reputation of horticultural products grown and shipped from the state. This reputation is protected by having grades that assure a high quality product which, in turn translates into consumer demand for Washington products over similar products produced in other places. Increased consumer demand will be necessary to market the large 1989 apple crop successfully. This rule will result in improved quality and demand. Emergency action is necessary to achieve immediate impact upon marketing of the remaining 1989 apple crop and to coincide with the January introduction of controlled atmosphere storage apples into the market place. While apples are a storable commodity their perishability does limit storage life and forces the industry to keep the flow going to the market place throughout the season. Improving demand immediately will reduce the level of unsaleable inventory remaining at the end of the marketing season.

Effective Date of Rule: January 15, 1990.

January 12, 1990
C. Alan Pettibone
Director

AMENDATORY SECTION (Amending Order 2012, filed 6/28/89, effective 9/1/89)

WAC 16-403-142 RED DELICIOUS, DELICIOUS, AND GOLDEN DELICIOUS—MINIMUM FIRMNESS. At the time of shipment, Red Delicious, (~~Delicious,~~) and (~~Golden~~) Delicious (~~(apples of all grades shall not be further advanced in maturity than firm ripe)~~) varieties shall pressure test not less than twelve pounds: PROVIDED, That those apples failing to pressure test twelve pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test twelve pounds or more.

At the time of shipment, Golden Delicious variety shall pressure test not less than ten pounds: PROVIDED, That those apples failing to pressure test ten pounds may be considered as meeting the requirements of this section when the individual apple exhibits edible qualities and texture of flesh comparable to other apples of the same variety which pressure test ten pounds or more.

AMENDATORY SECTION (Amending Order 2012, filed 6/28/89, effective 9/1/89)

WAC 16-403-190 TOLERANCES. In order to allow for variations incident to proper grading and handling in each of the foregoing grades, the following tolerances are provided as specified:

(1) Defects: Washington extra fancy, Washington and Washington C grade.

Ten percent of the apples in any lot may fail to meet the requirements of the grade, but not more than one-half of this amount, or 5 percent, shall be allowed for apples which are seriously damaged, including therein not more than one percent for apples affected by decay or internal breakdown.

(2) When applying the foregoing tolerances to combination grades, no part of any tolerance shall be allowed to reduce, for the lot as a whole, the percent of apples of the higher grade required in the combination.

Combinations requiring 80 percent of the higher grade for the lot shall have not less than 65 percent of the higher grade in individual samples.

Combinations requiring 50 percent of the higher grade for the lot shall have not less than 40 percent of the higher grade in individual samples.

(3) Size. When size is designated by the numerical count for a container, not more than 5 percent of the apples in the lot may vary more than 1/4 inch in diameter. When size is designated by minimum or maximum diameter, not more than 5 percent of the apples in any lot may be smaller than the designated minimum and not more than 10 percent may be larger than the designated maximum.

(4) Firmness. Not more than ~~((5))~~ ten percent of the apples in any lot of Red Delicious, Delicious, and Golden Delicious varieties shall ~~((be further advanced in maturity than firm ripe))~~ fail to meet the firmness requirements as defined in WAC 16-403-142.

WSR 90-03-036

WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed January 12, 1990, 1:04 p.m.]

I wish to request withdrawal of proposed rule making CR-102 filed in your office on December 20, 1989, WSR 90-01-113.

It is our intent to refile this proposal and reschedule the hearing dates for March 27-28, 1990.

The agency will also be filing a proposed rule making regarding apple grade standards, dealing with apple firmness only to follow up on emergency rules filed January 12, 1990. Both proposals will be considered at the March hearings.

It is coincidental that the firmness issue is the same in both proposals.

J. Allen Stine
Assistant Director
Commodity Inspection Division

WSR 90-03-037

WITHDRAWAL OF PROPOSED RULES
THE EVERGREEN STATE COLLEGE

[Filed January 12, 1990, 1:43 p.m.]

Pursuant to required notification, The Evergreen State College wishes to withdraw WAC 174-168-010 and 174-168-020, Library circulation policy, which were filed on October 27, 1989, under WSR 89-22-031.

Joseph D. Olander
President

WSR 90-03-038

NOTICE OF PUBLIC MEETINGS
MUNICIPALITY OF METROPOLITAN SEATTLE

[Memorandum—January 12, 1990]

The following is a schedule of Metro Council standing committee and subcommittee meeting dates for 1989 [1990]. When the normal meeting date falls on an established holiday, the meeting will be rescheduled or cancelled. You will be notified in advance of any changes to this schedule. Please mark your calendars and schedule accordingly. All standing committee and subcommittee meetings are held in the Metro Council Chambers at the Pacific Building.

Transit Committee and Metro Council
1:30 p.m. and 3:00 p.m., respectively

January 5
January 19
February 2

February 16
 March 2
 March 16
 April 6
 April 20
 May 4
 May 18
 June 1
 June 15
 July 6
 July 20
 August 3
 August 17
 September 7
 September 21
 October 5
 October 19
 November 2
 November 16
 December 7
 December 21

Water Quality
 1:30 p.m.

January 12
 January 26
 February 9
 February 23
 March 9
 March 30
 April 13
 April 27
 May 11
 May 25
 June 8
 June 29
 July 13
 July 27
 August 10
 August 31
 September 14
 September 28
 October 12
 October 26
 November 9
 November 30
 December 14
 December 28

Finance/Personnel
 8:00 a.m.

January 11
 February 8
 March 8
 April 12
 May 10
 June 14
 July 12
 August 9
 September 13

October 11
 November 8
 December 13
 Capital Facilities Subcommittee
 10:30 a.m./1:30 p.m.

January 4
 January 18
 February 1
 February 15
 March 1
 March 15
 April 5
 April 19
 May 3
 May 17
 June 7
 June 21
 July 5
 July 19
 August 2
 August 16
 September 6
 September 20
 October 4
 October 18
 November 1
 November 15
 December 6
 December 20

Downtown Seattle Transit Project
 3:30 p.m.

January 18
 February 15
 March 15
 April 19
 May 17
 June 14
 July 19
 August 16
 September 20
 October 18
 November 15
 December 20

Rules and Organization
 On-call basis

Operations Subcommittee
 12:00 noon

January 13
 February 10
 March 10
 April 14
 May 12
 June 9
 July 14
 August 11
 September 8
 October 13
 November 10
 December 8

WSR 90-03-039

PROPOSED RULES

MARINE EMPLOYEES' COMMISSION

[Filed January 12, 1990, 3:40 p.m.]

Original Notice.

Title of Rule: Chapter 316-55 WAC, Marine employees' impasse rules.

Purpose: Chapter 316-55 WAC governs activities of and proceedings before the Marine Employees' Commission relating to the resolution of impasses occurring in collective bargaining between Washington state ferries' management and units certified as representing ferry system employees.

Statutory Authority for Adoption: RCW 47.64.280.

Statute Being Implemented: RCW 47.64.006 and 47.64.240 as amended by chapter 327, Laws of 1989; and RCW 47.64.190 through [47.64].240.

Summary: Chapter 316-55 WAC is being amended to reflect amendments to chapter 47.64 RCW regarding fact-finding surveys as they effect collective bargaining, and to reflect attorney general's advice regarding payment of mediators.

Reasons Supporting Proposal: Chapter 316-55 WAC currently reflects the old restrictive statutory language regarding fact-finding and must be updated. Amendments also clarify several unclear sections.

Name of Agency Personnel Responsible for Drafting: Louis O. Stewart, Mailstop FJ-11, Olympia, Washington 98504, 586-6354; Implementation and Enforcement: Janis Lien, Mailstop FJ-11, Olympia, Washington 98504, 586-6354.

Name of Proponent: Marine Employees' Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Summary and Reasons Supporting Proposal above, no fiscal impact.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 47.64.240 required arbitrators of Washington state ferry system impasses to recognize only data concerning wages, benefits and working conditions of a single employer (Black Ball Ferries, Port Angeles to Victoria). HB 1520 (1989) removed that limitation, and these proposed amendments will implement the change, enabling more valid data. Marine Employees' Commission is using this proposal as an opportunity to clarify several unclear sections. On advice of attorney general, WAC 316-55-030 is being amended so that Marine Employees' Commission will not pay for mediators it appoints at the request of contesting parties. Note: Chapter 47.64 RCW does not provide that Marine Employees' Commission conduct interest mediation or interest arbitration. Therefore, the procedures governed by chapter 316-55 WAC do not include presiding over contested cases between parties.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Marine Employees' Commission Conference Room, Main Floor, SW Quadrant, Evergreen Plaza Building, 711 Capitol Way South, Olympia, WA, on February 28, 1990, at 10:00 a.m.

Submit Written Comments to: Louis O. Stewart, Mailstop FJ-11, Olympia, Washington 98504, by February 23, 1990.

Date of Intended Adoption: February 28, 1990.

January 11, 1990

Louis O. Stewart

Commissioner

Rules Coordinator

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-55-001 SCOPE—CONTENTS—OTHER RULES. This chapter governs activities of and proceedings before the marine employees' commission relating to the resolution of impasses occurring in collective bargaining. This chapter does not contemplate, and does not provide procedures for, direct involvement of the commission in the investigation and/or settlement of contested cases between parties. The assistance rendered by the commission to the parties at impasse during collective bargaining, and the commission's review of compliance with fiscal limitations are not adjudicatory in nature and are not governed by RCW 34.05.425 or 34.12.020 or chapter 10-08 WAC. Such assistance and/or review of compliance are deemed to be ministerial acts prescribed by RCW 47.64.170 through 47.64.240. However, insofar as the collective bargaining process is related to bargaining unit recognition and clarification, to fair representation of ferry employees, to alleviation of ferry employee grievances, and to fact-finding survey procedures and requests, the provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 316-02 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the marine employees' commission.

(2) Chapter 316-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of ferry system employees.

(3) Chapter 316-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing ferry system employees' bargaining unit.

(4) Chapter 316-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices in the Washington state ferry system.

(5) Chapter 316-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

(6) Chapter 316-75 WAC, which contains rules relating to determination of union security disputes arising between ferry system employees and employee organizations certified or recognized as their bargaining representative.

(7) Chapter 316-85 WAC, which contains rules relating to fact-finding surveys of compensation, benefits, and conditions of employment.

NEW SECTION

WAC 316-55-005 IMPASSE PROCEDURES—DUTY TO ADOPT. As the first step in the performance of their duty to bargain, the ferry system management and the ferry employee organization shall endeavor to agree upon impasse procedures. Said agreement shall provide for implementation of those impasse procedures not later than July 1st in each odd-numbered year following enactment of the biennial budget. If the parties fail to agree upon impasse procedures by July 1st, the impasse procedures provided in WAC 316-55-010 through 316-55-600 shall apply.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-55-010 RESOLUTION OF IMPASSES—REQUEST FOR MEDIATION. In the absence of an impasse agreement between parties, or the failure of either party to utilize the procedures

of such impasse agreement by August 1st in each odd-numbered year, either party may make a request in writing to the marine employees' commission for mediation. A copy of such request shall be served upon the other party.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-55-020 **MEDIATION REQUEST—INFORMATION REQUIRED.** The party or parties requesting mediation shall provide the following information to the commission:

(1) The name and address of the department and the name, address and telephone number of the department's principal representative in the negotiations;

(2) The name and address of the employee organization and the name, address and telephone number of the employee organization's principal representative in the negotiations;

(3) ~~((The name and address of the association or other organization, if any, filing the request on behalf of the employer or exclusive representative seeking mediation;~~

~~((4)))~~ Clear and concise statement of the disputed issues and the parties' positions in relation thereto;

~~((5)))~~ (4) A description of the size and composition of the bargaining unit involved;

~~((6)))~~ (5) The expiration date of any collective bargaining agreement then in effect or recently expired;

~~((7)))~~ (6) Any other relevant information; and

~~((8)))~~ (7) The name, signature, and capacity of each officer, agent, attorney, or other individual acting for the filing party or parties.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-55-030 **IMPASSE RESOLUTION—APPOINTMENT OF MEDIATOR.** Upon the filing of a request for mediation, the commission shall appoint a ~~((mediator from the list of))~~ qualified, impartial, and disinterested person ~~((s maintained by the commission for that purpose))~~ to act as mediator. If the parties have stipulated the names of one or more persons who are acceptable to both parties as mediator, then the commission shall consider their desires.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-55-050 **IMPASSE RESOLUTION—MEDIATION—SUBMISSION OF WRITTEN PROPOSALS.** Parties requesting the mediation services of the commission are encouraged to file with the appointed mediator, in advance of scheduled meetings, copies of their latest written proposals on each issue in dispute.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-55-070 **IMPASSE RESOLUTION—FUNCTION OF MEDIATOR.** It is the function of the mediator to bring the parties together to effectuate a settlement of the dispute. The mediator shall meet with the parties or their representatives, or both, either jointly or separately, and shall take such steps as the mediator deems appropriate in order to aid the parties in voluntarily resolving their differences and effecting an agreement. The mediator shall not compel the parties to agree.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-55-090 **IMPASSE RESOLUTION—CONFIDENTIAL NATURE OF FUNCTION.** Information disclosed by the parties to the mediator in confidence during the course of mediation shall not be divulged by the mediator. Mediation meetings shall be of an executive, private or nonpublic nature.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-55-110 **IMPASSE RESOLUTION—DISPUTE RESOLUTION PANEL.** (1) The commission shall establish and maintain a panel of qualified ~~((persons))~~ mediators/arbitrators and shall make a list of members of that panel available to parties for their

use in selecting a mediator, a neutral chairman for an arbitration panel, a grievance arbitrator, a fact-finder or an ad hoc interest arbitrator.

(2) Any person may apply for membership on the panel ~~((and, upon acceptance by the commission, shall be placed under contract pursuant to RCW 39.29.010));~~ but the commission, in compiling and maintaining a panel of arbitrators, shall require each applicant to submit a resume, which includes but is not limited to:

(a) A complete list of the applicant's cases in the most recent five-year period, with dates, names and addresses of parties, issues involved, whether the applicant acted as advocate, mediator, or arbitrator and other pertinent information;

(b) Whether or not and in what capacity, within the past five years the applicant has been employed by the department of transportation or by an organization representing employees in the department;

(c) Whether or not and in what capacity within the past five years a close relative of the applicant has been employed by the department or by an organization representing employees in the department.

(3) The commission shall require members of the panel to update their resumes biennially.

(4) When referring mediators/arbitrators from its dispute resolution panel to the parties, the commission shall provide the parties with the background data submitted by the respective mediators/arbitrators in accordance with subsection (2) of this section. However, the commission shall not be responsible for the validity or accuracy of the data so provided.

(5) The commission shall maintain a log of those persons referred to the parties as a possible mediator or arbitrator or chairman of an arbitration panel under WAC 316-55 515(5), including dates, parties involved in the dispute, issues, whether or not the person was acceptable to the parties, was used as mediator or arbitrator, or was rejected. The log shall be available for public inspection.

NEW SECTION

WAC 316-55-120 **IMPASSE RESOLUTION—EXPENSES.** Each party shall pay the expenses of presenting its own case and the expenses and fees of its member, if any, of an arbitration panel. The fees and expenses of a single arbitrator or of the chairman of a panel of arbitrators shall be shared equally by the parties. Fees and expenses of witnesses shall be paid by the party for whom they testify. Fees and expenses of persons called or subpoenaed by a single arbitrator or a chairman of a panel shall be shared equally by the parties. Costs of meeting in a neutral site, of recording and transcription of proceedings, and of other necessary joint activities shall be shared equally by the parties.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-55-130 **IMPASSE RESOLUTION—DISCLOSURE.** Prior to accepting the appointment, or as soon thereafter as information giving rise to a problem of appearance of fairness becomes known, a person serving in an impartial capacity in a dispute resolution proceeding under the jurisdiction of the commission shall disclose to the parties any circumstances likely to create an appearance of bias or which might disqualify him or her from serving in the impartial capacity. Employment of the person or any member of his or her immediate family by any party shall be disqualifying. Each party to the proceeding shall immediately notify the commission and the appointee or selectee whether it is willing to waive disqualification. If either party declines to waive the disqualification, the appointment shall be vacated.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-55-150 **IMPASSE RESOLUTION—VACANCIES.** If any person serving in an impartial capacity in dispute resolution proceedings under the jurisdiction of the commission should resign, die, withdraw, refuse or be unable to serve, or should be or become disqualified to perform the duties of the office, the commission or its designee shall declare the office vacant. The vacancy shall be filled as provided in these rules.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-55-160 **FACT-FINDING.** Prior to collective bargaining, the commission shall conduct a salary survey ~~((comparing wages, hours, employee benefits, and conditions of employment of involved~~

ferry employees with those of private sector employees within the state and Washington state employees doing directly comparable work, giving consideration to factors peculiar to the area and the classifications involved)) as required by RCW 47.64.220 in the manner and procedure described in chapter 316-85 WAC. The commission shall make such other findings of fact as the parties may request during bargaining or impasse. The obtained salary survey data shall be a public document.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-55-170 **WAIVER OF MEDIATION AND FACT-FINDING.** By mutual agreement, the parties may waive mediation and fact-finding and proceed with binding arbitration. Such waiver shall be in writing and signed by the representatives of the parties. If the parties waive mediation or fact-finding, impasse resolution shall be continued as provided in WAC 316-55-500 et seq.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-55-500 **BINDING ARBITRATION.** If impasse persists fourteen days after the mediator has been appointed, or beyond any other date mutually agreed to by the parties, all impasse items shall be submitted to arbitration ((by giving written notice)). That arbitration shall be binding upon the parties in accordance with RCW 47.64.240. The parties shall notify the commission in writing. Such notice shall contain:

(1) The name and address of the department and the name, address and telephone number of the department's principal representative in the negotiations;

(2) The name and address of the ((employee or)) employee organization party to the ((labor dispute)) impasse and the name, address and telephone number of that party's principal representative in the negotiations;

(3) ((The name and address of the organization, if any, filing the request on behalf of the employee, employee organization or department seeking arbitration;

((4)) A clear and concise statement of the disputed issues and the parties' positions in relation thereto;

((5)) (4) A description of the size and composition of the bargaining unit involved;

((6)) (5) The expiration date of any collective bargaining agreement then in effect or recently expired;

((7)) (6) Any other relevant information; and

((8)) (7) The name, signature and capacity of each officer, agent, attorney or other representative acting for the filing party or parties.

The original ((and three copies of the)) notice shall be filed with the commission at its Olympia office. The party filing the notice shall serve a copy on each of the other parties to the ((labor dispute)) impasse. Amendments to notices shall be filed and served in the same manner as the original notice in the proceeding.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-55-505 **FINAL OFFER.** In addition to the information required in WAC 316-55-500, each party shall submit to the other party and to the arbitrator, if said arbitrator has been selected or impanelled, and to the commission, within four days of arbitration request, a final offer on the impasse items ((shall be submitted to the commission or its designee,)) with proof of service of a copy to the other party. Each party shall also submit a copy of a draft of the proposed collective bargaining agreement to the extent to which agreement has been reached and the name of its selected arbitrator. The parties may continue to negotiate all offers until an agreement is reached or a decision rendered by an arbitrator or panel of arbitrators. Unless clearly indicated otherwise by context, the word arbitrator shall mean a single arbitrator or a panel of arbitrators impanelled in accordance with RCW 47.64.240 (4) and (5) and WAC 316-55-515.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-55-510 **SINGLE ARBITRATOR.** The two parties may agree to submit their dispute to a single arbitrator. The full costs of arbitration under this procedure shall be shared equally by the parties to the dispute.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-55-515 **ARBITRATION PANEL.** If the parties cannot agree on an arbitrator within four days, a panel consisting of three members shall be appointed in the following manner:

(1) One member shall be appointed by the secretary of transportation;

(2) One member shall be appointed by the ferry employee organization;

(3) One member shall be appointed mutually by the members appointed by the secretary of transportation and the employee organization. The last member appointed shall be the chairman of the panel of arbitrators;

(4) If the third member has not been selected within four days of notification as provided in subsection (3) of this section, the parties shall notify the commission in accordance with WAC 316-55-500. A list of seven arbitrators shall be submitted to the parties by the marine employees' commission immediately. The two arbitrators selected by ferry system management and the ferry employee organization shall determine by lot which arbitrator shall remove the first name from the list submitted by the commission. The second arbitrator and the first arbitrator shall alternately remove one additional name until only one name remains. The person whose name remains shall become the chairman of the panel of arbitrators and shall call a meeting within thirty days, or at such time mutually agreed to by the parties, at a location designated by him or her. All contacts and/or arrangements between the parties and an arbitrator selected under this rule will be the responsibility of the parties. In lieu of a list of seven nominees for the third member being submitted by the marine employees' commission, the parties may mutually agree to have either the Federal Mediation and Conciliation Service or the American Arbitration Association submit a list of seven nominees.

(5) ((Ferry system management and the employee organization shall each pay the fees and expenses incurred by the arbitrator each selected. The fee and expenses of the chairman of the panel shall be shared equally by each party.

((6)) If a vacancy occurs on the panel of arbitrators, the selection for replacement of that member shall be in the same manner and within the same time limits as the original member was chosen.

((7)) No person shall serve as an arbitrator in any proceeding in which he/she has any financial or personal interest in the result of the arbitration, unless the parties, in writing, waive such disqualification.

((6)) No final award may be made by the panel until three arbitrators have been chosen.

NEW SECTION

WAC 316-55-517 **ARBITRATION PANEL CHAIRMAN—QUALIFICATIONS—REPLACEMENT.** When submitting names of persons to the parties from which the chairman of a panel of arbitrators will be selected under RCW 47.64.240 and WAC 316-55-515, the commission shall furnish biographical information, background, qualifications and experience, including references and a list of cases wherein the person acted as advocate, or as mediator or arbitrator within the most recent five-year period, for each of the seven names supplied to the parties. If one or more of those named is unavailable to accept appointment as chairman of the arbitration panel, or must be disqualified, a substitute name(s) will be provided upon the joint request of the parties. If all of those persons named by the commission are rejected by the parties, a second list will be provided upon the joint request of the parties.

AMENDATORY SECTION (Amending Resolution No. 84-01, filed 3/20/84)

WAC 316-55-525 **CONDUCT OF INTEREST ARBITRATION.** (1) The submission of the impasse items to the arbitrators shall be limited to those issues upon which the parties have not reached agreement. With respect to each such item, the arbitration panel award shall be restricted to the final offers on each impasse item submitted by the parties to the arbitration board on each impasse item.

(2) The panel of arbitrators shall at no time engage in an effort to mediate or otherwise settle the dispute in any manner other than that prescribed in ((section 15, chapter 15, Laws of 1983)) chapter 47.64 RCW.

(3) From the time of appointment until such time as the panel of arbitrators makes its final determination, there shall be no discussion

concerning recommendations for settlement of the dispute by the members of the panel of arbitrators with parties other than those who are direct parties to the dispute. The panel of arbitrators may conduct formal or informal hearings to discuss offers submitted by both parties.

(4) The panel of arbitrators shall consider, in addition to any other relevant factors, the following factors:

(a) Past collective bargaining contracts between the parties including the bargaining that led up to the contracts;

(b) Comparison of wages, hours, employee benefits, and conditions of employment of the involved ferry employees with those of public and private sector employees ((within the state and Washington state employees)) in states along the west coast of the United States, including Alaska, and in British Columbia doing directly comparable work but not necessarily identical work, giving consideration to factors peculiar to the area and the classifications involved;

(c) The interests and welfare of the public, the ability of the ferry system to finance economic adjustments, and the effect of the adjustments on the normal standard of services;

(d) The right of the legislature to appropriate and to limit funds for the conduct of the ferry system; and

(e) The limitations on ferry toll increases and operating subsidies as may be imposed by the legislature.

(5) The chairman of the panel of arbitrators may hold hearings and administer oaths, examine witnesses and documents, take testimony and receive evidence, issue subpoenas to compel the attendance of witnesses and the production of records, and delegate such powers to other members of the panel of arbitrators. The chairman of the panel of arbitrators may petition the superior court in Thurston county, or any county in which any hearing is held, to enforce the order of the chairman compelling the attendance of witnesses and the production of records.

(6) A majority of the panel of arbitrators shall within thirty days after its first meeting select the most reasonable offer, in its judgment, of the final offers on each impasse item submitted by the parties.

(7) The selections by the panel of arbitrators and items agreed upon by the ferry system management and the employee organization shall be deemed to be the collective bargaining agreement between the parties.

(8) The determination of the panel of arbitrators shall be by majority vote and shall be final and binding, subject to ((sections 9 and 10, chapter 15, Laws of 1983)) RCW 47.64.180 and 47.64.190. The panel of arbitrators shall give written explanation for its selection and inform the parties of its decision.

(9) Two copies of the final award, including the written explanation required by subsection (8) of this section shall be filed with the commission.

READOPTED SECTION (Readopting Resolution No. 84-01, filed 3/20/84)

WAC 316-55-600 CENTRAL FILING OF AGREEMENTS. The parties to collective bargaining agreements entered into as a result of collective bargaining pursuant to chapter 47.64 RCW shall file with the commission two complete copies of their agreement.

NEW SECTION

WAC 316-55-700 RESULT OF COLLECTIVE BARGAINING AGREEMENTS—IF BUDGET OR FARES EXCEEDED. If the secretary of transportation finds that the cumulative fiscal requirements of all bargaining agreements and arbitration orders will exceed the budgetary and fare restrictions imposed by RCW 47.64.180, and so notifies the commission in accordance with RCW 47.64.190(3), the commission shall review all negotiated agreements and arbitration orders, and may take written or oral testimony from the parties, regarding compliance with RCW 47.64.180. The commission shall determine, within fifteen days of receiving the secretary's request for review, by majority vote, whether or not the cumulative effect of all such agreements and orders exceeds the limitations of RCW 47.64.180.

NEW SECTION

WAC 316-55-710 COLLECTIVE BARGAINING AGREEMENTS STAYED. Whenever the secretary of transportation requests commission review under RCW 47.64.190, the effect of all agreements and arbitration orders shall be stayed, pending the commission's final determination.

NEW SECTION

WAC 316-55-730 COMMISSION ACTION. If the commission determines that the budget and fare limitations imposed by RCW 47.64.180 would be exceeded if all agreements and arbitration orders were given full force and effect, the commission shall order the minimum percentage reduction in straight time wage provisions applied equally across the board to all agreements or arbitration orders which will result in compliance with RCW 47.64.180.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 316-55-520 INTERVENTION AND CONSOLIDATION OF PROCEEDINGS.

WSR 90-03-040

PROPOSED RULES

MARINE EMPLOYEES' COMMISSION

[Filed January 12, 1990, 3:41 p.m.]

Original Notice.

Title of Rule: Chapter 316-85 WAC, Surveys—Compensation—Benefits—Employment.

Purpose: Chapter 316-85 WAC governs proceedings before the Marine Employees' Commission relating to fact-finding surveys of compensation, benefits, and conditions of employment.

Statutory Authority for Adoption: RCW 47.64.280.

Statute Being Implemented: RCW 47.64.006 and 47.64.220 as amended by chapter 327, Laws of 1989 (HB 1520).

Summary: Chapter 316-85 WAC is being adopted to implement the fact-finding procedures of the Marine Employees' Commission as clarified by HB 1520 (1989).

Reasons Supporting Proposal: Adoption of HB 1520, implemented by chapter 316-85 WAC will enable Marine Employees' Commission to perform effective fact-finding surveys for the first time.

Name of Agency Personnel Responsible for Drafting: Louis O. Stewart, Mailstop FJ-11, Olympia, Washington 98504, 586-6354; Implementation and Enforcement: Janis Lien, Mailstop FJ-11, Olympia, Washington 98504, 586-6354.

Name of Proponent: Marine Employees' Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See Summary and Reasons Supporting Proposal above, fiscal impact slight.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: RCW 47.64.220 requires Marine Employees' Commission to perform a biennial fact-finding survey prior to collective bargaining in the Washington state ferry system. However, RCW 47.64.220 limited the scope of the survey to such a degree that an effective survey was impossible. HB 1520 (1989) corrected that limitation. Chapter 316-85 WAC will implement the improved scope. Note: Chapter 316-85 WAC does not govern the commission's procedures in contested cases. Any hearings will only be for informational purposes.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Marine Employees' Commission Conference Room, Main Floor, SW Quadrant, Evergreen Plaza Building, 711 Capitol Way South, Olympia, WA, on February 28, 1990, at 10:00 a.m.

Submit Written Comments to: Louis O. Stewart, Mailstop FJ-11, Olympia, Washington 98504, by February 23, 1990.

Date of Intended Adoption: February 28, 1990.

January 11, 1990

Louis O. Stewart

Commissioner

Rules Coordinator

Chapter 316-85 WAC

SURVEYS—COMPENSATION—BENEFITS—EMPLOYMENT

NEW SECTION

WAC 316-85-001 SCOPE—CONTENTS—OTHER RULES. This chapter governs proceedings before the marine employees' commission relating to fact-finding surveys of compensation, benefits, and conditions of employment. This chapter does not contemplate, and does not provide procedures for, investigation and/or settlement of contested cases between parties. Therefore, hearings held in reaching conclusions in the fact-finding required by RCW 47.64.220 are not deemed to be adjudicatory in nature and not governed by RCW 34.05.425 or 34.12.020 or chapter 10-08 WAC. However, insofar as additional fact-finding may be requested by parties involved in dispute or impasse in accordance with RCW 47.64.220, the provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 316-02 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the marine employees' commission;

(2) Chapter 316-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices in the Washington state ferry system;

(3) Chapter 316-55 WAC, which contains rules relating to the resolution of impasses occurring in ferry system collective bargaining; and

(4) Chapter 316-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement in the Washington state ferry system.

NEW SECTION

WAC 316-85-010 POLICY—PURPOSE. Prior to collective bargaining between the Washington state ferry system and the ferry employee organizations, the commission shall conduct certain fact-finding surveys as hereinafter described. Such surveys shall be used to guide generally but not to define or limit collective bargaining between the parties.

NEW SECTION

WAC 316-85-020 FACT-FINDING SURVEYS—CONTENT—COVERAGE. In conducting its prebargaining survey, and publishing the findings, the commission shall make comparisons of wages, hours, employee benefits, and conditions of employment of Washington state ferry employees with those of public and private sector employees doing directly comparable but not necessarily identical work. In making its comparisons between and among employers, the commission shall recognize the principle that the greater the degree of comparability between work requirements and conditions of employment, the greater will be the validity of comparisons of wages and employee benefits. The commission shall give consideration to factors peculiar to the area and the classifications involved.

In determining the scope of the survey and in selecting the ferry systems or other employers to be included in the survey, the commission shall consider the size, tonnage, and horsepower of the vessels operated by the Washington state ferry system and by the employers to

be included in the survey. The commission shall not include those classifications of employees exempted pursuant to RCW 41.06.079.

NEW SECTION

WAC 316-85-030 FACT-FINDING SURVEYS—GEOGRAPHIC LIMITS. The commission shall limit its prebargaining fact-finding surveys to ferry systems and other employers located in states along the west coast, including Alaska, and in British Columbia.

NEW SECTION

WAC 316-85-040 FACT-FINDING SURVEYS—TIMING.

(1) No later than September 10 of each even-numbered year the commission shall notify the department of transportation and the ferry employee organizations that the commission is starting a fact-finding survey required by RCW 47.64.220.

(2) No later than the following October 1, the department and the ferry employee organizations shall each inform the commission of any particular personnel positions or classifications which may be expected to receive extraordinary attention during the next renewal of agreements.

NEW SECTION

WAC 316-85-050 WASHINGTON STATE FERRY SYSTEM EMPLOYEE DATA REQUIRED. In order to assure maximum effectiveness and minimal error in its fact-finding surveys, no later than October 1 of each even-numbered year, the department shall also provide the commission with the following data:

(1) A complete and current set of specifications for each position classification occupied by ferry employees except those exempted pursuant to RCW 41.06.079. Each classification specification shall include as a minimum:

- (a) Classification title;
- (b) General definition;
- (c) Typical duties and responsibilities;
- (d) Special or extraordinary but recurring conditions of employment, if any;
- (e) Direction/supervision received;
- (i) Degree of closeness and frequency;
- (ii) Source of direction/supervision;
- (f) Direction/supervision exercised;
- (i) Over which classifications;
- (ii) Number(s) of personnel;
- (g) Minimum requirements for initial appointment;
- (i) Licensure or certificate;
- (ii) Education;
- (iii) Work experience;
- (h) Additional desirable qualifications, knowledge abilities;
- (2) Wages/salaries currently paid to personnel described in foregoing specifications for regular hours worked;

(3) Current premium pay;

(a) Overtime;

(b) Other irregular hours;

(c) Hazards;

(4) Employee benefits currently paid or furnished by the department and, where appropriate, the proportion paid by the employee by payroll deduction or by reduction of compensation pursuant to RCW 47.64.270.

NEW SECTION

WAC 316-85-060 FACT-FINDING SURVEY—CONDUCT.

(1) After receiving the information required in WAC 316-85-040(2) and 316-85-050, the commission shall make inquiry of other ferry systems and other employers by mail or in person, conduct such field audits or desk audits as deemed necessary for valid comparisons, and analyze salary and benefit data thus accumulated.

(2) In conducting its survey and in analyzing its data, the commission shall consider factors peculiar to the areas from which the data were accumulated pursuant to RCW 47.64.220 and 47.64.240 (9)(b) and WAC 316-85-020, including but not limited to:

(a) Comparison of rates of monetary exchange;

(b) Differential costs of living in each area compared with the Seattle cost of living index, and employer compensation therefor, if any;

(c) The cost effect of universal health care coverage provided by British Columbia or a state, if any, as compared with the fee for service and/or health maintenance organization health care coverage provided by the state of Washington.

(3) The commission shall not include in its survey any employer who is involved in a strike or lockout or whose wage-benefit package is indeterminate for any other known reason.

(4) No later than December 15 the commission shall compile a preliminary draft of findings regarding wages, employee benefits, and other compensation being paid to other employees as compared with wages, employee benefits, and other compensation being paid by the Washington state ferry system. The preliminary draft of findings shall be distributed to the department and to the ferry employee organizations.

NEW SECTION

WAC 316-85-070 FACT-FINDING PRELIMINARY FINDINGS—HEARINGS. (1) No later than January 10 of each odd-numbered year, the commission shall conduct a public review of its preliminary findings, after soliciting comments and suggestions for improvement of validity of said preliminary survey findings from the department and from the ferry employee organizations.

(2) The commission shall immediately thereafter investigate and/or reanalyze all comments and questions raised by the department or ferry employee organizations. If necessary to resolve doubts raised about validity, the commission shall perform such additional field or desk audits as may be necessary and feasible.

NEW SECTION

WAC 316-85-080 FACT-FINDING SURVEY—FINAL REPORT. No later than March 1 of each odd-numbered year, the commission shall publish and distribute to all parties its final prebargaining fact-finding survey report.

NEW SECTION

WAC 316-85-090 ADDITIONAL FACT-FINDING. In addition to the prebargaining surveys described in this chapter, the commission shall make such other findings of fact as the parties may request during bargaining or impasse.

NEW SECTION

WAC 316-85-100 FACT-FINDING REPORTS—PUBLIC DOCUMENTS. All fact-finding reports issued by the commission shall be in writing and shall be public documents.

WSR 90-03-041
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed January 12, 1990, 4:29 p.m.]

Original Notice.

Title of Rule: WAC 388-14-270 Distribution of support payments.

Purpose: The purpose of these amendments to WAC 388-14-270 is to clarify existing distribution rules and establish a process for providing persons who receive nonassistance support enforcement services with a notice of and an opportunity to challenge the distribution of child support payments by the Office of Support Enforcement (OSE).

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The amended rule provides that Office of Support Enforcement will mail a notice, not less than

quarterly, to persons receiving support enforcement services for whom Office of Support Enforcement receives support payments during the quarter. The rule also specifies the collection and distribution information. Office of Support Enforcement must include in the notice. Finally, the rule provides that the person is entitled to an adjudicative proceeding to challenge the distribution of support by Office of Support Enforcement if the person submits the request within ninety days.

Reasons Supporting Proposal: This rule is necessary to comply with the agreed terms of the stipulation and order granting relief in a class action lawsuit, *Mullen v. Sugarman*, Thurston County Superior Court, No. 87-2-02413-7.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bill Paine, Office of Support Enforcement, 586-3278.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of state court decision, *Mullen v. Sugarman*, Thurston County Superior Court, No. 87-2-02413-7.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on February 28, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by February 28, 1990.

Date of Intended Adoption: March 14, 1990.

January 12, 1990

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2794, filed 5/3/89)

WAC 388-14-270 DISTRIBUTION OF SUPPORT PAYMENTS(~~(=PUBLIC ASSISTANCE)~~). (1) (~~(When)~~) The office (~~(provides support enforcement services; the office)~~) of support enforcement (OSE) shall distribute (~~(all)~~) support money (~~(collected by the office;)~~) OSE collects or (~~(received by the office in its capacity, as the Washington state support registry)~~) OSE receives, in accordance with state and federal law and the provisions of this section, to the:

(a) (~~(In accordance with state and federal law, if)~~) Department when the department provides or has provided public assistance payments, or cash benefits under the family independence program(~~(= is being or has been provided)~~) for the support of the family unit, household, or a member of the family unit or household;

(b) (~~(To the)~~) Payee under the order (~~(if the payee has physical custody of the children;~~

~~(e))~~, or to the physical custodian of the (~~(children if someone other than)~~) child when OSE provides nonassistance support enforcement services on behalf of the payee (~~(has)~~) or physical (~~(custody of and is caring for the children)~~) custodian; (~~(and/or)~~)

(~~(d)~~) (c) To the child support enforcement agency in another state or foreign country which submitted a request for support enforcement services; and/or

(d) Person or entity making the payment when OSE is unable to identify the person to whom the support money is payable after making reasonable efforts to obtain identification information.

(2) ~~((Prior to))~~ OSE may distribute support money to a person, other than the payee under a support order, when that person has physical custody of and provides care for the child.

(3) Before OSE begins distributing support money((s)) to a physical custodian who is not the payee under the support order, ((the-office)) OSE shall:

(a) Obtain a sworn statement from the physical custodian attesting to the fact ~~((he or she))~~ the physical custodian:

(i) Has physical custody of and is caring for the ((children and is caring for them)) child; and

(ii) Is not wrongfully depriving the payee of physical custody.

(b) Mail a notice to the last known address of the payee and the responsible parent of ((its)) OSE's intent to distribute support money to the physical custodian ((to the last known address of the payee and the responsible parent:)).

(i) The notice shall contain the following ((statements and)) information:

(A) That ((the office has)) OSE collected or received support money due under the support order;

(B) The name of the physical custodian;

(C) That the payee ((may)) has twenty days from the date of the notice to contest distribution of money to the physical custodian by ((requesting a conference board)) filing an application for an adjudicative proceeding as specified under ((WAC 388-14-385)) subsection (12) of this section, or serving notice on OSE of the filing of an appropriate motion with ((the)) a court ((that entered the support order)); and

(D) That the ((office)) payee must ((be given)) give OSE and the physical custodian notice of ((and made a party to)) any judicial proceeding ((to contest)) contesting the notice of distribution.

(ii) A copy of the sworn statement of the physical custodian shall be attached to the notice((; and)).

(c) File a copy of the notice or the final administrative order entered as a result of the notice with the clerk of the court ((in which)) where the support order was entered.

~~((3))~~ (4) ~~((H))~~ The payee may request an adjudicative proceeding as specified under subsection (12) of this section or file a court action beyond the twenty-day period provided for under subsection (3) of this section. When the department or the court determines the payee is entitled to receive the support money, OSE shall send support money OSE receives in the future to the payee, but shall not reimburse the payee for amounts OSE sent to the physical custodian as provided under subsections (2) and (3) of this section.

(5) When OSE is unable to distribute support money because the location of the family or person ((to whom the support money is owed)) is unknown, ((the office)) OSE shall exercise reasonable efforts to locate the family or person. ((If the office is unable to)) When OSE does not locate ((and disburse the money to)) the family or person, ((the office)) OSE shall handle the money in accordance with an agreement with the department of revenue and as required by state law.

~~((4))~~ (6) ~~((The office))~~ OSE shall apply the following rules ((to the distribution of)) when distributing support money:

(a) Record ((all)) payments in exact amounts without rounding;

(b) Distribute ((a)) support ((payment)) money within eight days of the date ((the office)) OSE receives the ((payment)) money, unless OSE is unable to distribute the payment for one or more of the following reasons:

(i) The location of the payee is unknown;

(ii) ~~((There is))~~ OSE does not have sufficient information to identify the accounts against which ((and)) or to which OSE should apply the ((payment should be applied)) money;

(iii) An action is ((filed in)) pending before a court or agency ((with)) which has jurisdiction ((to decide)) over the issue((;)) to determine:

(A) Whether or not ((a)) support ((payment)) money is owed ((and/or)); or

(B) How OSE should distribute the ((payment should be distributed)) money.

(iv) ~~((Under subsection (6) of this section, the office))~~ OSE receives prepaid support money((s)) which ((are being held and will be distributed)) OSE is holding for distribution in future months under subsection (7) of this section;

(v) ~~((The office))~~ OSE mails a notice of intent to distribute the support money to the physical custodian under subsection ~~((2))~~ (3) of this section; or

(vi) Other circumstances exist which make a proper and timely distribution of the ((payment)) money impossible through no fault or lack of diligence of ((the office)) OSE.

(c) The date of collection ((shall be)) is the date ((on which)) OSE receives the ((payment is received by the office)) money. For interstate collections, the date of collection ((shall be)) is the date ((on which the payment is received by the office or)) the support enforcement agency or other legal entity of ((any)) a state or political subdivision, actually making the collection, receives the money, whichever is earliest;

(d) ~~((The office shall))~~ Apply ((all payments)) support money:

(i) First, to satisfy the current support obligation for the month ((in which)) OSE, or the support enforcement agency or other legal entity of another state or political subdivision, received the ((payments are received and, then)) money;

(ii) Second, to ((any)) the responsible parent's support ((debt or)) debts ((owed to):

(A) The family;

(B) A person for whom services are being provided;

(C) The department); ((or

(D) A child support agency in another state or foreign country)) and

(iii) Third, to prepaid support as provided for under subsection (7) of this section.

(e) ~~((If the responsible parent owes a current support obligation to more than one family and does not pay enough money during the month to satisfy these current support obligations in full, the office shall))~~ Distribute ((the money collected)) current support based on the proportionate share of the obligation owed to each family unit or household when the responsible parent owes a current support obligation to two or more families or households;

(f) ~~((The office shall apply))~~ Distribute amounts ((received)) collected during a month ((in excess of the responsible parent's current support obligation or obligations)) to the responsible parent's support ((debt or)) debts based on the proportionate size of the debts owed for each family unit or household, except as provided in subsection ~~((4))~~ (g) (6) and (h) of this section((; f)), when:

(i) ~~((The support payment or payments exceed))~~ OSE, or the support enforcement agency or legal entity of a state or political subdivision, collects support in excess of the amount required to satisfy the responsible parent's current support ((obligation or)) obligations for that month; and

(ii) The responsible parent owes ((more than one)) a support debt for two or more families or households.

(g) ~~((The office may))~~ Apply amounts ((distributed under this subsection)) to a ((single)) support debt owed for one family or household and distribute the amounts accordingly, rather than make a proportionate distribution ((in the following circumstances)) when:

(i) ~~((To satisfy a support debt owed to the family that accrued after the family terminated from public assistance as provided for in RCW 26.23.030; or~~

~~((ii))~~ (f) Proportionate distribution is administratively inefficient; or
~~((iii))~~ (ii) ~~((H))~~ The collection resulted from the sale or disposition of a specific piece of property ((in)) against which a court awarded the applicant/recipient or applicant/custodian ((has)) a judgment lien for child support.

(h) ~~((The office shall convert amounts collected which are paid more frequently than once a month to an amount that represents payment on the required support obligation for the current month. The office of support enforcement is directed to distribute payments periodically to give effect to efficient administration))~~ Distribute amounts applied to the support debt for the family as provided under RCW 26.23.035(1) when the responsible parent owes a support debt for a family to both the department and the family. When the support debt owed to the family for the period following termination from public assistance is paid, OSE shall distribute amounts applied to the support debt owed for the family to reimburse public assistance payments;

(i) ~~((The office shall))~~ Report ((any)) amounts distributed to a family, receiving public assistance, to the community service office ((identifying whether or not the payment is available to meet the need)). This requirement shall not relieve the recipient of the duty to report receipt of ((any)) support money((s)); and

(j) ~~((The department shall))~~ Pay a family, receiving cash assistance under the aid to families with dependent children program or the family independence program, the first fifty dollars of each child support payment as provided under WAC 388-14-275.

~~((5))~~ (7) ~~((If the office))~~ When OSE receives or collects support money((s which represent)) representing payment on the required support obligation for future months, ((the office)) OSE shall:

(a) Apply the support money((s)) to ((such)) future months ((if)) when the support debt ((has been)) is paid in full; ((and))
 (b) Distribute the support money((s)) on a monthly basis ((as of the date)) when payments become due in the future((-)); and

~~((67))~~ (c) ~~((When the office receives or collects prepaid support moncy, the office shall))~~ Mail a notice to the last known address of the person entitled to receive support ((payments)) money. The notice shall inform the person ((that)):

~~((a))~~ (i) ~~((The office))~~ OSE received prepaid support money;
~~((b))~~ (ii) ~~((The office))~~ OSE will distribute ((this)) the prepaid money as support payments become due in the future; and
~~((c))~~ (iii) ~~((He or she))~~ The person may petition the court that entered the support order for an order requiring the immediate distribution of the prepaid support money.

~~((7))~~ (8) ~~((The office))~~ OSE may recover support money distributed to a person or to the family when OSE:

(a) Distributed the money in error(~~(-after receipt of))~~;
 (b) Distributed the money based on a check which is later dishonored((-); or ((the office is later))

(c) Is required to refund or return the ((support)) money to the person or entity making the payment(~~(-as follows))~~;

~~((a))~~ (9) ~~((In nonassistance cases, the office))~~ OSE may ((deduct and)) retain(~~(-from subsequent support payments, any))~~ amounts collected on a support debt and ten percent of amounts collected as current support to recover support money as provided under subsection (8) of this section in nonassistance cases. ~~((The office))~~

(a) OSE shall send a notice to the last known address of the person or family ~~((prior to))~~ before taking action to recover ((such payments)) the support money. The notice shall:

(i) ~~((Contain a finding that a payment was distributed in error, was paid against a check that was later dishonored, or that the office was required to refund the support payment to the responsible parent))~~ Explain the reason why OSE is authorized to recover the support money;

(ii) Identify the ((payments the office)) money OSE will recover; and

(iii) Inform the person or family of ((the)) amounts ((that)) OSE will ~~((be deducted))~~ deduct from future collections; and

(iv) Inform the person or family they ((may request)) have twenty days from the date of the notice to file an application for an ((administrative hearing)) adjudicative proceeding as specified under ((chapter 34.04 RCW)) subsection (12) of this section to object to the notice.

(b) At the hearing, the person may contest ((the office)) OSE's findings regarding the existence and amount of the debt ~~((for erroneous payments or other payments the office))~~ OSE is seeking to recover as provided under subsection (8) of this section.

~~((b))~~ (c) ~~((If))~~ When the person or family is no longer receiving support enforcement services, ~~((the office of support enforcement))~~ OSE may take action under RCW 74.20A.270 to recover the money.

~~((b))~~ (10) ~~((If))~~ When the family is receiving public assistance and the applicant/recipient fails to remit support ((payments)) money to ((the office)) OSE as required, ~~((the office))~~ OSE shall ((use)) recover the support payments using the process set forth in WAC 388-14-200 ~~((to recover such support payments))~~.

(11) OSE shall mail a notice, once each quarter or more often, to the last known address of the person for whom OSE received support during the quarter, except as provided under subsection (12)(d) of this section.

(a) The person for whom OSE receives support has ninety days from the date of the notice to file an application for an adjudicative proceeding as specified under subsection (12) of this section to object to the notice.

(b) The person may only contest how OSE distributed the support money including the amounts stated in the notice.

(c) The notice shall contain the following information:

(i) The current support amount owed under the order;
 (ii) The amount of support money OSE received and the date of receipt;

(iii) A description of how OSE allocated the support money between current support and the support debt;

(iv) The amount the department claims as reimbursement for public assistance paid, if applicable; and

(v) A statement of the right to request an adjudicative proceeding.

(d) OSE is not required to send a notice under this subsection when OSE mails another notice to the family or person to whom support is owed as provided under WAC 388-14-275 or this section.

(12) A person shall file an application for an adjudicative proceeding with OSE, within the time period specified in the notice, by a method showing proof of receipt.

(a) The person shall include in or with the application:
 (i) A specific statement of the issue or issues and law involved;
 (ii) The grounds for contesting the notice; and
 (iii) A copy of the notice the person is contesting.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section governs.

WSR 90-03-042
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2933—Filed January 12, 1990, 4:33 p.m.]

Date of Adoption: January 12, 1990.

Purpose: The purpose of these amendments to WAC 388-14-270 is to clarify existing distribution rules and establish a process for providing persons who receive nonassistance support enforcement services with a notice of and an opportunity to challenge the distribution of child support payments by the Office of Support Enforcement (OSE).

Citation of Existing Rules Affected by this Order: Amending WAC 388-14-270.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to comply with the agreed terms of the stipulation and order granting relief in a class action lawsuit, *Mullen v. Sugarman*, Thurston County Superior Court, No. 87-2-02413-7.

Effective Date of Rule: January 16, 1990, 12:01 a.m.

January 12, 1990
 Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2794, filed 5/3/89)

WAC 388-14-270 DISTRIBUTION OF SUPPORT PAYMENTS(=PUBLIC ASSISTANCE)).

(1) ~~((When))~~ The office ~~((provides support enforcement services, the office))~~ of support enforcement (OSE) shall distribute ~~((all))~~ support money ~~((collected by the office,))~~ OSE collects or ~~((received by the office in its capacity, as the Washington state support registry))~~ OSE receives, in accordance with state and federal law and the provisions of this section, to the:

(a) ~~((In accordance with state and federal law, if))~~ Department when the department provides or has provided public assistance payments, or cash benefits under the family independence program(~~(-is being or has been~~

provided)) for the support of the family unit, household, or a member of the family unit or household;

(b) ~~((To the))~~ Payee under the order ~~((if the payee has physical custody of the children,~~

~~(c)), or to the physical custodian of the ~~((children if someone other than))~~ child when OSE provides nonassistance support enforcement services on behalf of the payee ~~((has))~~ or physical ~~((custody of and is caring for the children))~~ custodian; ~~((and/or))~~~~

~~((+))~~ (c) To the child support enforcement agency in another state or foreign country which submitted a request for support enforcement services; and/or

(d) Person or entity making the payment when OSE is unable to identify the person to whom the support money is payable after making reasonable efforts to obtain identification information.

(2) ~~((Prior to))~~ OSE may distribute support money to a person, other than the payee under a support order, when that person has physical custody of and provides care for the child.

(3) Before OSE begins distributing support money~~((s))~~ to a physical custodian who is not the payee under the support order, ~~((the office))~~ OSE shall:

(a) Obtain a sworn statement from the physical custodian attesting to the fact ~~((he or she))~~ the physical custodian:

(i) Has physical custody of and is caring for the ~~((children and is caring for them))~~ child; and

(ii) Is not wrongfully depriving the payee of physical custody.

(b) Mail a notice to the last known address of the payee and the responsible parent of ~~((its))~~ OSE's intent to distribute support money to the physical custodian ~~((to the last known address of the payee and the responsible parent:)).~~

(i) The notice shall contain the following ~~((statements and))~~ information:

(A) That ~~((the office has))~~ OSE collected or received support money due under the support order;

(B) The name of the physical custodian;

(C) That the payee ~~((may))~~ has twenty days from the date of the notice to contest distribution of money to the physical custodian by ~~((requesting a conference board))~~ filing an application for an adjudicative proceeding as specified under ~~((WAC 388-14-385))~~ subsection (12) of this section, or serving notice on OSE of the filing of an appropriate motion with ~~((the))~~ a court ~~((that entered the support order)); and~~

(D) That the ~~((office))~~ payee must ~~((be given))~~ give OSE and the physical custodian notice of ~~((and made a party to))~~ any judicial proceeding ~~((to contest))~~ contesting the notice of distribution.

(ii) A copy of the sworn statement of the physical custodian shall be attached to the notice~~((, and)).~~

(c) File a copy of the notice or the final administrative order entered as a result of the notice with the clerk of the court ~~((in which))~~ where the support order was entered.

~~((+))~~ (4) ~~((H))~~ The payee may request an adjudicative proceeding as specified under subsection (12) of this section or file a court action beyond the twenty-day period provided for under subsection (3) of this section.

When the department or the court determines the payee is entitled to receive the support money, OSE shall send support money OSE receives in the future to the payee, but shall not reimburse the payee for amounts OSE sent to the physical custodian as provided under subsections (2) and (3) of this section.

(5) When OSE is unable to distribute support money because the location of the family or person ~~((to whom the support money is owed))~~ is unknown, ~~((the office))~~ OSE shall exercise reasonable efforts to locate the family or person. ~~((If the office is unable to))~~ When OSE does not locate ~~((and disburse the money to))~~ the family or person, ~~((the office))~~ OSE shall handle the money in accordance with an agreement with the department of revenue and as required by state law.

~~((+))~~ (6) ~~((The office))~~ OSE shall apply the following rules ~~((to the distribution of))~~ when distributing support money:

(a) Record ~~((all))~~ payments in exact amounts without rounding;

(b) Distribute ~~((a))~~ support ~~((payment))~~ money within eight days of the date ~~((the office))~~ OSE receives the ~~((payment))~~ money, unless OSE is unable to distribute the payment for one or more of the following reasons:

(i) The location of the payee is unknown;

(ii) ~~((There is))~~ OSE does not have sufficient information to identify the accounts against which ~~((and))~~ or to which OSE should apply the ~~((payment should be applied))~~ money;

(iii) An action is ~~((filed in))~~ pending before a court or agency ~~((with))~~ which has jurisdiction ~~((to decide))~~ over the issue~~((:))~~ to determine:

(A) Whether or not ~~((a))~~ support ~~((payment))~~ money is owed ~~((and/or)); or~~

(B) How OSE should distribute the ~~((payment should be distributed:))~~ money.

(iv) ~~((Under subsection (6) of this section, the office))~~ OSE receives prepaid support money~~((s))~~ which ~~((are being held and will be distributed))~~ OSE is holding for distribution in future months under subsection (7) of this section;

(v) ~~((The office))~~ OSE mails a notice of intent to distribute the support money to the physical custodian under subsection ~~((+))~~ (3) of this section; or

(vi) Other circumstances exist which make a proper and timely distribution of the ~~((payment))~~ money impossible through no fault or lack of diligence of ~~((the office))~~ OSE.

(c) The date of collection ~~((shall be))~~ is the date ~~((on which))~~ OSE receives the ~~((payment is received by the office))~~ money. For interstate collections, the date of collection ~~((shall be))~~ is the date ~~((on which the payment is received by the office or))~~ the support enforcement agency or other legal entity of ~~((any))~~ a state or political subdivision, actually making the collection, receives the money, whichever is earliest;

(d) ~~((The office shall))~~ Apply ~~((all payments))~~ support money:

(i) First, to satisfy the current support obligation for the month ~~((in which))~~ OSE, or the support enforcement agency or other legal entity of another state or political

subdivision, received the ((payments are received and then)) money;

(ii) Second, to ((any)) the responsible parent's support ((debt or)) debts ((owed to:

(A) The family;

(B) A person for whom services are being provided;

(C) The department)); ((or

(D) A child support agency in another state or foreign country)) and

(iii) Third, to prepaid support as provided for under subsection (7) of this section.

(e) ((If the responsible parent owes a current support obligation to more than one family and does not pay enough money during the month to satisfy these current support obligations in full, the office shall)) Distribute ((the money collected)) current support based on the proportionate share of the obligation owed to each family unit or household when the responsible parent owes a current support obligation to two or more families or households;

(f) ((The office shall apply)) Distribute amounts ((received)) collected during a month ((in excess of the responsible parent's current support obligation or obligations)) to the responsible parent's support ((debt or)) debts based on the proportionate size of the debts owed for each family unit or household, except as provided in subsection ~~((f))~~ (g) and (h) of this section((; if)), when:

(i) ((The support payment or payments exceed)) OSE, or the support enforcement agency or legal entity of a state or political subdivision, collects support in excess of the amount required to satisfy the responsible parent's current support ((obligation or)) obligations for that month; and

(ii) The responsible parent owes ((more than one)) a support debt for two or more families or households.

(g) ((The office may)) Apply amounts ((distributed under this subsection)) to a ((single)) support debt owed for one family or household and distribute the amounts accordingly, rather than make a proportionate distribution ((in the following circumstances)) when:

(i) ((To satisfy a support debt owed to the family that accrued after the family terminated from public assistance as provided for in RCW 26.23.030, or

(ii) If)) Proportionate distribution is administratively inefficient; or

~~((iii))~~ (ii) ((If)) The collection resulted from the sale or disposition of a specific piece of property ((in)) against which a court awarded the applicant/recipient or applicant/custodian ((has)) a judgment lien for child support.

(h) ((The office shall convert amounts collected which are paid more frequently than once a month to an amount that represents payment on the required support obligation for the current month. The office of support enforcement is directed to distribute payments periodically to give effect to efficient administration)) Distribute amounts applied to the support debt for the family as provided under RCW 26.23.035(1) when the responsible parent owes a support debt for a family to both the department and the family. When the support debt owed to the family for the period following termination from

public assistance is paid, OSE shall distribute amounts applied to the support debt owed for the family to reimburse public assistance payments;

(i) ((The office shall)) Report ((any)) amounts distributed to a family, receiving public assistance, to the community service office ((identifying whether or not the payment is available to meet the need)). This requirement shall not relieve the recipient of the duty to report receipt of ((any)) support money((s)); and

(j) ((The department shall)) Pay a family, receiving cash assistance under the aid to families with dependent children program or the family independence program, the first fifty dollars of each child support payment as provided under WAC 388-14-275.

~~((f))~~ (7) ((If the office)) When OSE receives or collects support money((s which represent)) representing payment on the required support obligation for future months, ((the office)) OSE shall:

(a) Apply the support money((s)) to ((such)) future months ((if)) when the support debt ((has been)) is paid in full; ((and))

(b) Distribute the support money((s)) on a monthly basis ((as of the date)) when payments become due in the future((-)); and

~~((f))~~ (c) ((When the office receives or collects prepaid support moneys, the office shall)) Mail a notice to the last known address of the person entitled to receive support ((payments)) money. The notice shall inform the person ((that)):

~~((a))~~ (i) ((The office)) OSE received prepaid support money;

~~((b))~~ (ii) ((The office)) OSE will distribute ((this)) the prepaid money as support payments become due in the future; and

~~((c))~~ (iii) ((He or she)) The person may petition the court that entered the support order for an order requiring the immediate distribution of the prepaid support money.

~~((f))~~ (8) ((The office)) OSE may recover support money distributed to a person or to the family when OSE:

(a) Distributed the money in error((, after receipt of));

(b) Distributed the money based on a check which is later dishonored((-); or ((the office is later))

(c) Is required to refund or return the ((support)) money to the person or entity making the payment((, as follows)).

~~((a))~~ (9) ((In nonassistance cases, the office)) OSE may ((deduct and)) retain((, from subsequent support payments, any)) amounts collected on a support debt and ten percent of amounts collected as current support to recover support money as provided under subsection (8) of this section in nonassistance cases. ((The office))

(a) OSE shall send a notice to the last known address of the person or family ((prior to)) before taking action to recover ((such payments)) the support money. The notice shall:

(i) ((Contain a finding that a payment was distributed in error, was paid against a check that was later dishonored, or that the office was required to refund the support payment to the responsible parent)) Explain the

reason why OSE is authorized to recover the support money;

(ii) Identify the ~~((payments the office))~~ money OSE will recover; and

(iii) Inform the person or family of ~~((the))~~ amounts ~~((that))~~ OSE will ~~((be deducted))~~ deduct from future collections; and

(iv) Inform the person or family they ~~((may request))~~ have twenty days from the date of the notice to file an application for an ~~((administrative hearing))~~ adjudicative proceeding as specified under ~~((chapter 34.04 RCW))~~ subsection (12) of this section to object to the notice.

(b) At the hearing, the person may contest ~~((the of- fice))~~ OSE's findings regarding the existence and amount of the debt ~~((for erroneous payments or other payments the office))~~ OSE is seeking to recover as provided under subsection (8) of this section.

~~((fb))~~ (c) ~~((H))~~ When the person or family is no longer receiving support enforcement services, ~~((the office of support enforcement))~~ OSE may take action under RCW 74.20A.270 to recover the money.

~~((th))~~ (10) ~~((H))~~ When the family is receiving public assistance and the applicant/recipient fails to remit support ~~((payments))~~ money to ~~((the office))~~ OSE as required, ~~((the office))~~ OSE shall ~~((use))~~ recover the support payments using the process set forth in WAC 388-14-200 ~~((to recover such support payments))~~.

(11) OSE shall mail a notice, once each quarter or more often, to the last known address of the person for whom OSE received support during the quarter, except as provided under subsection (12)(d) of this section.

(a) The person for whom OSE receives support has ninety days from the date of the notice to file an application for an adjudicative proceeding as specified under subsection (12) of this section to object to the notice.

(b) The person may only contest how OSE distributed the support money including the amounts stated in the notice.

(c) The notice shall contain the following information:

(i) The current support amount owed under the order;

(ii) The amount of support money OSE received and the date of receipt;

(iii) A description of how OSE allocated the support money between current support and the support debt;

(iv) The amount the department claims as reimbursement for public assistance paid, if applicable; and

(v) A statement of the right to request an adjudicative proceeding.

(d) OSE is not required to send a notice under this subsection when OSE mails another notice to the family or person to whom support is owed as provided under WAC 388-14-275 or this section.

(12) A person shall file an application for an adjudicative proceeding with OSE, within the time period

specified in the notice, by a method showing proof of receipt.

(a) The person shall include in or with the application:

(i) A specific statement of the issue or issues and law involved;

(ii) The grounds for contesting the notice; and

(iii) A copy of the notice the person is contesting.

(b) The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC. If any provision in this section conflicts with chapter 388-08 WAC, the provision in this section governs.

WSR 90-03-043

PROCLAMATION

OFFICE OF THE GOVERNOR

[No: 90-01]

Beginning January 6, 1990, strong winds followed by heavy rains, slides, and extensive flooding have occurred in Washington State. The rainfall in parts of Western Washington and the resulting flows on some of the major rivers have been of a magnitude and severity normally expected only once in a hundred years. The state is saddened by the lives that have been lost and continue to be threatened.

The Department of Community Development has implemented the state's Comprehensive Emergency Management Plan, coordinating resources to support local officials in alleviating the immediate threats to people and property and assessing the magnitude of the damage. The severity and magnitude of the destruction and damage from both flood and wind are beyond the capabilities of the affected political subdivisions.

NOW, THEREFORE, I, BOOTH GARDNER, Governor of the State of Washington, as a result of the aforementioned situation and under the provisions of Chapters 43.06 and 38.52 Revised Code of Washington, do hereby proclaim that a State of Emergency exists in the counties of Benton, Cowlitz, Garfield, Grays Harbor, King, Lewis, Pacific, Pierce, Thurston, Wahkiakum, Walla Walla, Whitman, and Yakima and authorize execution of the Washington State Comprehensive Emergency Management Plan. State agencies and departments are directed to utilize state resources and do everything possible to assist affected political subdivisions in an effort to cope with the emergency. Additionally, the Department of Community Development, Division of Emergency Management is instructed to coordinate all state assistance to the affected areas, including the use of the Military Department and a determination of the need for federal disaster assistance.

IN WITNESS WHERE-
OF, I have hereunto set my
hand and caused the seal of
the State of Washington to
be affixed at Olympia this
twelfth day of January,
A.D., Nineteen Hundred
and Ninety.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 90-03-044
PERMANENT RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 337—Filed January 16, 1990, 2:03 p.m., effective March 1, 1990]

Date of Adoption: January 11, 1990.

Purpose: This rule defines law enforcement work period designation as doing law enforcement 50% or more of the time.

Citation of Existing Rules Affected by this Order: Amending WAC 356-05-210 Law enforcement personnel.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 89-24-072 on December 6, 1989.

Effective Date of Rule: March 1, 1990.

January 12, 1990
Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 248, filed 5/28/86, effective 7/1/86)

WAC 356-05-210 LAW ENFORCEMENT PERSONNEL. Employees ((empowered by statute to enforce laws designed to maintain public peace and order, whose primary duty (fifty percent or more of the time) is to protect life and property, and detect and prevent crimes. Employees in these positions must have the power of arrest, and have training which typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigative and law enforcement techniques, community relations, medical aid, and ethics)) who meet the Fair Labor Standards Act requirements for the section 7(K) special exemption as described and limited by chapter 29, Code of Federal Regulations, sections 553.211 and 553.212, and who are designated as law enforcement work period designation by the personnel board.

WSR 90-03-045
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Filed January 16, 1990, 2:04 p.m.]

Continuance of WSR 90-01-106.

Title of Rule: Amending WAC 356-30-145 Project employment; 356-30-180 Transfer requiring relocation of position with incumbent domiciliary movement; 356-30-190 Transfer—Within class—Agency—Permitted—Report; 356-30-280 Probationary period—Transfer, intraagency appoint too higher class; and 356-30-320 Trial service—Reversion status.

Purpose: These rules within chapter 356-30 WAC pertain to employee rights relating to transfers within projects, relocation, within the same class, probationary period and trial service periods.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: In general, these proposals are housekeeping in nature and clarify the intent of the rule and also provide for uniform transfer rights to employees. This will allow employees to transfer within different status after having completed six months of their probationary periods.

Reasons Supporting Proposal: Department of Social and Health Services has several classes with 12-month probationary periods. It would be advantageous to the employee and the department to allow transfers after completion of six months of the probationary periods. This is also consistent with the timeframes surrounding promotional eligibility under merit system rules.

Name of Agency Personnel Responsible for Drafting: Paul Peterson, 521 Capitol Way South, Olympia, 586-1769; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Bonni Parker, Department of Social and Health Services, OB-13, 753-5184, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal will make transfers consistent with the timeframes surrounding promotional eligibility under current WAC's. It will provide uniform transfer rights to employees in project employment, relocating of positions with incumbent, within the same class, within a probationary period and for reversion of employees who fail to satisfactorily complete the trial service period. These proposals are also in part clarifying in nature to emphasize the intent of the rule.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on February 8, 1990, at 10:00 a.m.

Submit Written Comments to: Paul Peterson, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA 98507, by February 6, 1990.

Date of Intended Adoption: February 8, 1990.
January 12, 1990
Dee W. Henderson
Secretary

WSR 90-03-046
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
(Library Commission)
[Memorandum—January 12, 1990]

The dates for the 1990 Washington State Library Commission meetings are as follows:

March 9, 1990 Olympia
June 14, 1990 Spokane
September 14, 1990 Not presently designated
December 14, 1990 Seattle

WSR 90-03-047
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed January 16, 1990, 2:06 p.m.]

Continuance of WSR 89-24-070 and 89-24-071.

Title of Rule: Amending WAC 356-22-120 Examinations—Promotional—Evaluations—Regulations and; 356-22-010 Examination—Announcements; repealing 356-22-11001 Examinations—Use of aids by applicants; and new 356-22-111 Examinations—Use of aids by applicants.

Purpose: These rules describe the information that must be included in examination announcements and also establish guidelines in using mechanical, electrical, or electronic devices used in testing situations.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: Changes in WAC 356-22-120 and 356-22-010 will delete the requirement that the type of examination and method of ranking candidates be included in the exam requirement. WAC 356-22-111 will change the number of the section of this WAC only.

Reasons Supporting Proposal: The reason for changing WAC 356-22-111 is a housekeeping change only. WAC 356-22-120 and 356-22-010 is being proposed because occasionally during the recruitment process and the changing needs of the agency's the exams change. This will eliminate reissuing a new bulletin.

Name of Agency Personnel Responsible for Drafting: Paul Peterson, 521 Capitol Way South, 586-1769; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The new section WAC 356-22-111 is being

changed only for housekeeping reasons to keep in uniform with the numbering of the current WAC's in that section. The amendments to WAC 356-22-120 and 356-22-010 will allow the department of personnel to continue the recruitment under the same announcement in the event of a change in the type of examination from what was published. This will allow a more efficient recruitment process that is not contingent upon the completion of an examination prior to opening recruitment.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on February 8, 1990, at 10:00 a.m.

Submit Written Comments to: Paul Peterson, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA, by February 6, 1990.

Date of Intended Adoption: February 8, 1990.

January 12, 1990
Dee W. Henderson
Secretary

WSR 90-03-048
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed January 16, 1990, 2:07 p.m.]

Continuance of WSR 90-01-108.

Title of Rule: Amending WAC 356-07-030 Description and location of departmental organization.

Purpose: This rule gives a general description of the department and their locations.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposed change is housekeeping in nature only.

Reasons Supporting Proposal: The department in the last year has had many location changes. This proposal only changes the addresses of particular divisions and the reporting relationships with the department.

Name of Agency Personnel Responsible for Drafting: Paul Peterson, 521 Capitol Way South, Olympia, 586-1769; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Paul Peterson, Department of Personnel, 521 Capitol Way South, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule outlines, in general, the separate divisions of the Department of Personnel and its locations. Since some of the divisions of the department have relocated within the last year we have proposed revisions to this rule to specify the new addresses of the divisions. These are housekeeping changes only.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on January 8, 1990, at 10:00 a.m.

Submit Written Comments to: Paul Peterson, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA, by March 6, 1990.

Date of Intended Adoption: March 8, 1990.

January 12, 1990
Dee W. Henderson
Secretary

WSR 90-03-049
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)

[Order 2931—Filed January 16, 1990, 3:56 p.m.]

Date of Adoption: January 16, 1990.

Purpose: To introduce a rule into WAC requiring assessment and collection of fees for an adult family home license.

Statutory Authority for Adoption: Chapter 427, Laws of 1989.

Pursuant to notice filed as WSR 89-23-030 on November 8, 1989.

Effective Date of Rule: Thirty-one days after filing.

January 16, 1990
Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 440-44-028 ADULT FAMILY HOME LICENSE FEES. The department shall charge a license fee of fifty dollars per year for each home. The department shall also charge a fifty dollar processing fee for each home when the home is initially licensed.

WSR 90-03-050
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed January 16, 1990, 4:00 p.m.]

Continuance of WSR 89-23-107.

Title of Rule: WAC 388-49-560 Issuance.

Purpose: To amend food stamp program rules to require a combined food stamp allotment for the first and second months when an eligible household applies on the 16th or after.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: When an eligible household applies on or after the 16th of the month, the department shall issue the prorated benefits for the initial month and the benefits for first full month at the same time. If any food coupon authorization (FCA) is issued after the 20th

(changed from the 25th), the department shall issue a replacement if the household is unable to transact the FCA before the expiration date.

Reasons Supporting Proposal: This rule is necessary to implement provisions of the Hunger Prevention Act of 1988 and the implementing federal regulations in 7 CFR 274.2 and 274.3(e).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Randall Francom, Income Assistance, 753-4918.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, Hunger Prevention Act of 1988, 7 CFR 274.2 and 274.3(e).

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Date of Intended Adoption: March 1, 1990.

January 16, 1990
Leslie F. James, Director
Administrative Services

WSR 90-03-051
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2934—Filed January 16, 1990, 4:01 p.m.]

Date of Adoption: January 16, 1990.

Purpose: Implements chapter 427, Laws of 1989. Also clarifies and corrects language previously in use.

Citation of Existing Rules Affected by this Order: Amending chapter 388-76 WAC, Adult family homes minimum licensing requirements.

Statutory Authority for Adoption: Chapter 427, Laws of 1989.

Pursuant to notice filed as WSR 89-23-031 on November 8, 1989.

Changes Other than Editing from Proposed to Adopted Version: Reference to chapter 427, Laws of 1989 was changed to chapter 70.128 RCW or more specific citations of chapter 70.128 RCW in WAC 388-76-010, 388-76-030, 388-76-040 (7) and (8)(a), 388-76-090(2), 388-76-155 (2)(g), 388-76-190(2) and 388-76-310(1).

Reference to chapter 334, Laws of 1989 was changed to RCW 43.43.830 and 43.43.832 in WAC 388-76-070(5) and 388-76-155 (2)(f).

In WAC 388-76-030, Definitions, the following changes were made: (3) delete the words "by exception to policy"; (4) replace "daily living activities" with the wording "personal care services"; (15) after relief caregivers add "supportive assistance staff persons"; (16) delete tasks defined under WAC 388-15-820 (4)(a)-(l) and additional tasks as defined by the department. This section replaced with this wording: (16) "Personal care"

means assistance with the following tasks: (a) Personal hygiene; (b) Dressing; (c) Bathing; (d) Eating; (e) Toileting; (f) Ambulation; (g) Transfer; (h) Positioning; (i) Self-medication; (j) Body-care; (k) Travel to medical services; and (l) Essential shopping. These tasks are provided to the resident as needed according to the resident's physical condition. The department may define and include additional tasks.; (17) delete plan of care; (21) change wording to read: (21) "Relief caregiver" means a person designated by the sponsor and who meets the relief caregiver standards to care for residents in the sponsor's absence.; (22) delete the words "related or"; (23) insert a new (23) service plan that reads as follows: (23) "Service plan" means a written description of a resident's needs and capabilities, including who, when and how often care services are provided and the expected outcomes.; (24) delete "health related" and write "care beyond personal care". End the last sentence at "conditions". Delete wording from "including"; and (28) insert "or relief caregiver" after "at same time the sponsor".

In WAC 388-76-040; (2) change wording as follows: The department shall send the sponsor a license application form and written notice no later than one hundred twenty days before the license expiration date. The sponsor shall apply for license renewal no later than ninety days before the expiration date. Submittal of a renewal application and fee before the expiration date shall keep the license in effect until the department takes action. If the renewal application and applicable fee are not submitted before the expiration date, the department shall treat the home as an unlicensed facility. The department shall have the authority to investigate the accuracy of any information included in the application for a license.; (3) insert "supportive assistance staff persons" after relief caregivers; (4) insert "supportive assistance staff persons" after relief caregivers. At end of sentence add the sentence: The department shall furnish, upon request from the sponsor a copy of the completed State Patrol criminal history check for any person involved in the sponsor's adult family home operation.; and (5)(a), (b) and (c) deleted.

In WAC 388-76-045; (3) change sentence to read as follows: The department may deny the application of a person operating an adult family home without a license.

In WAC 388-76-070 add "and supportive assistance staff person" to title; (3): add a new (3), (3) The supportive assistance staff person shall meet the following minimum qualifications: (a) Eighteen years of age or older; (b) Be of good moral and responsible character and reputation; (c) Have an approved TB skin test or x-ray; (d) Have a satisfactory criminal history check; (e) Have successfully completed appropriate training on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS).; in original (4)-(9) add "supportive assistance staff person" after "relief caregiver"; and (7) original (7) became (8). Change wording to the following: (8) The sponsor shall notify the department before employing a relief caregiver or supportive assistance staff person on a conditional basis. The sponsor may employ a relief caregiver and supportive assistance

staff person pending completion of the background investigation and HIV/AIDS training. In an extraordinary situation requiring immediate employment action, the sponsor shall notify the department within forty-eight hours after employing a relief caregiver or supportive assistance staff person. The sponsor shall submit to the licensor the properly completed form requesting a criminal history check within seven days after the relief caregiver and supportive assistance staff person begin employment in the adult family home.

In WAC 388-76-087 changes as follows: Make a new (1), (2) and (3) insert with this wording: (1) The department shall inspect an adult family home regarding compliance with chapter 70.128 RCW and this chapter at the time of initial licensure. (2) The department shall inspect licensed homes regarding compliance with chapter 70.128 RCW and this chapter every eighteen months. The department shall notify the sponsor, in writing, two weeks or more in advance of a regular inspection. (3) When a complaint is received, the department may inspect, without written notice, a licensed home. At the time of the inspection, the department shall furnish the sponsor with a written copy of the complaint. The name of the complainant shall remain confidential.; the previous (1) becomes (4). In the last sentence of this section add "supportive assistance staff person" after relief caregiver; (6) at end of sentence add the words "due to the action or inaction of the sponsor"; (7) is rewritten to read: "An adult family home shall have readily available for the public's review"; and (7)(b) is rewritten to read: "Copies of inspection reports the adult family home receives from the department for the past three years."

In WAC 388-76-090 changes as follows: (1)(a) end sentence at "or excessive use of alcohol". Delete remaining wording; (2) replace the wording "The department shall" with "The department may"; and (2)(j)(i) change wording to: "Have access to the adult family home resident records".

In WAC 388-76-100 change as follows: Insert the word "applicant" before the word "sponsor" in the first sentence.

In WAC 388-76-155, change as follows: (2)(c) insert "resident" before the word "records"; and (4) change wording to read: (4) The department shall grant or deny exceptions, in writing, and review the exceptions at the time of license renewal, if not earlier.

In WAC 388-76-160 change as follows: (1) change wording to read: The department shall license an adult family home for no more than four adults. A maximum exception of six adults may be permitted when the department determines the home is of adequate size and the home and provider are capable of meeting standards and qualifications as provided for in law and this chapter. There shall be no more than the home's maximum licensed capacity of adults unrelated to the sponsor requiring full-time care on the premises at one time.; (2) change wording to read as follows: (2) Sponsors approved to care for five or six residents shall assure they have supportive assistance from a co-sponsor, employed staff, or appropriate others. Supportive assistance shall be provided in the following ratios: (a) When caring for

five residents, supportive assistance shall be available at least twenty hours per week during the normal hours residents are awake and present in the home; (b) When caring for six residents, supportive assistance shall be available to residents forty hours or more per week during the hours the residents are normally awake and present in the home.; (3) delete this section; and (8) change wording to read as follows: (7) A sponsor shall knowingly accept only residents for whom the sponsor is qualified to meet the resident needs and assure resident safety in the sponsors' care. No sponsor shall knowingly admit for care a person who is a danger to themselves or to others.

In WAC 388-76-170 change as follows: change "the department shall give..." to read "the department may give..."

In WAC 388-76-180 change as follows: After "shall have a written" change wording to read "plan, approved by the department"; and after "or other appointments" add "unless the resident's condition requires full time supervision".

In WAC 388-76-185 change as follows: (1)(b) add "The department and" before "resident's guardian..."

In WAC 388-76-190 change chapter 9, Laws of 1989, 1st ex. sess. to RCW 70.128.175.

In WAC 388-76-200 change as follows: (11) delete the word "operating" before "2A-rated"; and (17) replace the words "within twenty-four hours" to read "by the first working day following the fire."

In WAC 388-76-220 change as follows: Delete (2)(c).

In WAC 388-76-240 change as follows: (1) sentence 2 begin sentence with "Resident" records... In sentence 3 insert "resident" between "If and records"; and (3) change "plan of care" to "service plan".

In WAC 388-76-250 (1)(b) change the words "plan of care" to "service plan".

In WAC 388-76-260 change as follows: (3) after "the sponsor" add "which interferes with the sponsors' ability to provide care"; (5) delete "change in relief caregiver's". Replace with: Employment of new relief caregiver or supportive assistance staff person; and; and (7) delete.

In WAC 388-76-370 change as follows: (5) change "seventy" to "sixty".

In WAC 388-76-465 change as follows: (13) change "plan of care" to read "service plan".

In WAC 388-76-475 change as follows: Replace the words "plan of care" with the words "service plan" wherever they appear.

In WAC 388-76-490 change as follows: (2) add this additional sentence: "Medication organizers may be used when they are filled by the resident, pharmacist, nurse, a resident's family member or legal guardian."

Effective Date of Rule: Thirty-one days after filing.

January 16, 1990

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-010 AUTHORITY. The following rules are adopted ((pursuant to)) under chapter ((74.15 RCW and RCW 74.08.044)) 70.128 RCW.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-020 ADULT FAMILY HOMES. The rules in this chapter apply entirely to licensing adult family homes and replace and supersede any rules on licensing adult family homes ((which may be)) found in previous editions of chapter ((388-73)) 388-76 WAC.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-030 DEFINITIONS. Those terms in chapter ((74.15)) 70.128 RCW shall have the same meaning when used in this chapter except as otherwise provided herein.

(1) "Abuse" means ((the injury, sexual use, or sexual mistreatment of an individual resident by any person under circumstances indicating the health, welfare, and safety of the resident is harmed thereby.

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

(b) "Emotional abuse" means verbal or nonverbal actions constituting harassment:

(2) "Adult family home" means ~~the regular family abode of a person or persons licensed to provide therein full-time family care and supervision for from one to no more than four adults who are in need of personal and special care and who are not related to the person or persons providing care.~~

(3) "Adult in need of personal and special care" means ~~a person age eighteen or over who, because of developmental disability, age, or physical or mental infirmity, requires some degree of supervision or health care beyond the level of board and room only.~~

(4) "Ambulatory resident" means ~~a resident physically and mentally capable of walking unaided or is capable of independent mobility with the use of a cane, crutches, a walkerette, a walker, a wheelchair, or artificial limb. It shall mean an individual able to walk or traverse a normal path to safety unaided by another individual. This definition shall not be interpreted to include an individual needing the assistance of another individual in order to get into and out of bed, to transfer to a chair or toilet, or to move from place to place.~~

(5) "Capacity" means ~~the maximum number of persons permitted to be under care at a given time.~~

(6) "Developmentally disabled adult" means ~~a person age eighteen or over who has been determined to be developmentally disabled by the department as defined in RCW 71.20.016.~~

(7) "Family care" means ~~twenty-four-hour protective supervision and care given to an adult in need of personal and special care who has the standing of a member of the family, but not by birth, adoption, or marriage.~~

(8) "Infirmity" means a disability limiting normal activity but not causing an individual to require total inpatient medical or nursing care. An infirmity may be based on conditions including, but not limited to, physical handicap, mental illness, developmental disability, chemical addiction, or habituation or mental confusion, disability, or disturbance.

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

(10) "Other persons regularly on the premises" means relief caretakers, family members, and other relatives and friends of the sponsor who have regular unmonitored access to the residents in care.

(11) "Premises" means the abode, other buildings, and adjoining grounds over which the adult family home sponsor has direct control.

(12) "Relative" or "related" means parent, grandparents, brother, sister, uncle, aunt, and/or first cousin by birth, marriage, or adoption.

(13) "Resident" means an adult in need of personal and special care in an adult family home who is not related to the adult family home sponsor.

(14) "Sponsor or sponsors" means a person or persons licensed to personally provide full-time family care in the person or person's own home.

(15) "To sponsor" means to act as a sponsor)) an act of physical or mental mistreatment or injury, harming or threatening a person through action or inaction by another individual.

(a) "Exploitation" means the illegal or improper use of a vulnerable adult or the adult's resources for another person's profit or advantage.

(b) "Neglect" means a pattern of conduct resulting in deprivation of care necessary to maintain minimum physical and mental health.

(2) "Adult dependent person" means a person eighteen years of age or older found legally incompetent under chapter 11.88 RCW or found disabled to such a degree under this chapter that protection is needed.

(3) "Adult family home" means a regular family abode of a person providing personal care, room, and board to more than one, but not more than four, adults not related by blood or marriage to the person or persons providing the services; except, a maximum of six adults may be permitted if the department determines the home is of adequate size and the home and provider are capable of meeting standards and qualifications as provided for in law and this chapter.

(4) "Adult in need of personal care" means a person eighteen years of age or older who, because of developmental disability or physical or mental disability requires supervision and assistance in personal care services.

(5) "Ambulatory resident" means a resident physically and mentally capable of walking unaided or capable of independent mobility or transfer with the use of a cane, crutches, walkerette, walker, wheelchair, artificial limb, or other assistive device. A resident is considered nonambulatory when bedridden, immobile, unable to

walk or move without assistance from another person, or unable to independently transfer.

(6) "Applicant" means a person who completes an adult family home license application.

(7) "Bedroom" means a living space set apart by floor-to-ceiling walls on all sides with all openings provided with doors or windows.

(8) "Board" means the availability of three or more daily meals.

(9) "Capacity" means the maximum number of persons permitted under adult family home care at a given time.

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

(11) "Developmentally disabled adult" means a person eighteen years of age or older who the department determines is developmentally disabled.

(12) "Good cause" means the conditions providing for the best interest of the resident.

(13) "Imminent danger" means serious physical harm to or death of a resident occurred or a serious threat to resident life, health, or safety exists.

(14) "Nursing care" means the practice of nursing by a licensed practical nurse (LPN) or registered nurse (RN) as specified under chapter 18.88 or 18.78 RCW.

(15) "Other persons on the premises" means relief caregivers, supportive assistance staff person, family members, other relatives and friends of the sponsor with unmonitored access to the residents in care.

(16) "Personal care" means assistance with the following tasks:

(a) Personal hygiene;

(b) Dressing;

(c) Bathing;

(d) Eating;

(e) Toileting;

(f) Ambulation;

(g) Transfer;

(h) Positioning;

(i) Self-medication;

(j) Body-care;

(k) Travel to medical services; and

(l) Essential shopping.

These tasks are provided to the resident as needed according to the resident's physical condition. The department may define and include additional tasks.

(17) "Premises" means the residence, other buildings, and adjoining grounds.

(18) "Private pay resident" means a resident whose cost of care is paid entirely without the assistance of state funds.

(19) "Provider" is synonymous with "sponsor."

(20) "Relative" or "related" means a person related by birth, marriage, or adoption as follows:

(a) Parent,

(b) Grandparent,

(c) Brother,

(d) Sister,

(e) Son,

(f) Daughter,

(g) Step parent,

(h) Step brother,

- (i) Step sister,
- (j) Uncle,
- (k) Aunt, and/or
- (l) First cousin.

(21) "Relief caregiver" means a person designated by the sponsor and who meets the relief caregiver standards to care for residents in the sponsor's absence.

(22) "Resident" means any adult person unrelated to the sponsor receiving room, board, personal, and/or special care and supervision, as defined by the department, in an adult family home.

(23) "Service plan" means a written description of a resident's needs and capabilities, including who, when, and how often care services are provided and the expected outcomes.

(24) "Special care" means care beyond personal care and other services authorized through an exception to policy process. Special care services are provided to persons suffering chronic long-term health conditions.

(25) "Sponsor" means a person licensed under this chapter to operate an adult family home. The sponsor shall reside at the adult family home. Exceptions may be authorized by the department for good cause, as defined in the rule.

(26) "State-pay resident" means a resident receiving financial assistance from the state for paying adult family home cost of care.

(27) "Supervision" means a sponsor available to:

(a) Help the client with personal care tasks that cannot be scheduled, for example, toileting, ambulation, transfer, positioning, some medication assistance;

(b) Provide protective supervision to a client who cannot be left alone because of confusion, forgetfulness, or lack of judgment; or

(c) Intervene on a resident's behalf if a crisis arises.

(28) "Supportive assistance" means assistance with caregiving tasks provided to residents and/or home care by co-sponsor, employed staff, or appropriate others at the same time the sponsor or relief caregiver is present in the adult care home.

(29) "Vulnerable adult" means a person sixty years of age or older and unable to care for or protect self because of a functional, mental, or physical disability.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-040 APPLICATION FOR LICENSE (~~INVESTIGATION~~). (1) Persons (~~(applying)~~) making application for (~~(and adult family home)~~) a license under this chapter shall do so (~~(on forms and comply with procedures prescribed by the)~~) upon department-provided forms. The forms shall contain information the department reasonably requires. The application shall be made by and in the name of the person (~~(or persons)~~) who shall be the adult family home sponsor.

(2) (~~The applicant shall submit such additional information as the department deems necessary for proper administration of this chapter.~~) The department shall (~~undertake such corollary investigations of applicant sponsors, relief caregivers, and members of sponsors' households as required, including accessing of criminal~~

~~histories and law enforcement files~~) send the sponsor a license application form and written notice no later than one hundred twenty days before the license expiration date. The sponsor shall apply for license renewal no later than ninety days before the expiration date. Submittal of a renewal application and fee before the expiration date shall keep the license in effect until the department takes action. If the renewal application and applicable fee are not submitted before the expiration date, the department shall treat the home as an unlicensed facility. The department shall have the authority to investigate the accuracy of any information included in the application for a license.

(3) The (~~department~~) applicant shall (~~(make an on-site inspection of the adult family home and premises of an applicant sponsor prior to disposition of an adult family home application)~~) submit additional information the department considers necessary for proper administration of this chapter. The department shall make investigations of the applicant, relief caregivers, supportive assistance staff persons, and members of applicant's household.

(4) The department shall make a criminal history check of all applicants, relief caregivers, supportive assistance staff persons, and members of the applicant's household before an initial license is issued or a license is renewed. The department shall furnish, upon request from the sponsor, a copy of the completed State Patrol criminal history check for any person involved in the sponsor's adult family home operation.

(5) The department shall issue licenses provided under this chapter for a period of one year.

(6) A sponsor may accept a state-pay client into the adult family home only if the sponsor is licensed and has an adult family home contract with the department.

(7) If the department finds the home is not in compliance with chapter 70.128 RCW and this chapter, the department shall require the home to correct any violations in a time frame specified by the department. If corrections are not made within this time period, the department may take one or more of the following actions:

(a) Refuse to issue a license;

(b) Suspend, revoke, or refuse to renew a license; or

(c) Suspend admissions to the adult family home.

(8) The department shall issue a license to an adult family home if:

(a) The department finds the applicant and the home are in compliance with chapter 70.128 RCW and the rules adopted under this chapter;

(b) The applicant has no prior violations of the rules pertaining to adult family home licensing in either the home the applicant is applying for or any other adult family home;

(c) The applicant has no prior violation of any other law regulating residential care facilities within the past five years resulting in revocation or nonrenewal of a license.

(9) The department shall serve upon the applicant a copy of the decision granting or denying an application for a license. An applicant shall have the right to contest denial of the applicant's application for a license. The proceedings shall be governed by the Administrative

Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC by requesting a hearing, in writing, within ten days after receipt of the notice of denial.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 388-76-045 UNLICENSED FACILITIES.

(1) A public agency contractor or employee shall not place, refer, or recommend placement of a person into an adult family home operating without a license.

(2) A public agency contractor or employee knowing or with reason to know an adult family home is operating without a license shall report the adult family home's name and address to the department. The department shall investigate any report filed under this section.

(3) The department may deny the application of a person operating an adult family home without a license.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-050 LICENSING OF STATE EMPLOYEES. Department staff or any member of ~~((his or her))~~ the state employee's household shall be prohibited from obtaining an adult family home license when involved:

(1) Directly or in an administrative or supervisory capacity in the adult family home licensing process ~~((, or))~~;

(2) In placement of persons in a licensed adult family home ~~((;))~~; or

(3) In authorizing payment for such persons ~~((is prohibited from obtaining an adult family home license))~~.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-060 LIMITATIONS ON LICENSES. The department shall not issue licenses ~~((shall not be issued))~~ to an applicant for both children and adults in the same family home. The department may make exceptions ~~((may be made))~~ only if it is clearly evident the care of one category of clients does not interfere with the quality of care to be provided to the other category of clients. In such circumstances, the total number of persons in care in both categories shall not exceed the number permitted by the ~~((most stringent))~~ licensed capacity ~~((limitation))~~ of ~~((an))~~ the adult family home.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-070 GENERAL QUALIFICATIONS OF SPONSOR, ~~((PERSONS ON THE PREMISES))~~ RELIEF CAREGIVER, AND SUPPORTIVE ASSISTANCE STAFF PERSON. (1) ~~((An))~~ The adult family home sponsor shall ~~((be at least))~~ meet the following minimum qualifications:

(a) Twenty-one years of age ~~((and reside in the adult family home. The sponsor and other persons regularly on the premises shall be persons of good character))~~ or older;

(b) Be of good moral and responsible character and reputation;

(c) Literate;

(d) Able to carry out the requirements of this chapter;

(e) Have an approved TB skin test or X-ray;

(f) Have an unexpired first aid/CPR card;

(g) Have a satisfactory criminal history check; and

(h) Have successfully completed appropriate training on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS).

(2) The relief caregiver shall meet the following minimum qualifications:

(a) Eighteen years of age or older;

(b) Be of good moral and responsible character and reputation;

(c) Literate;

(d) Have an approved TB skin test or X-ray;

(e) Have an unexpired first aid/CPR card;

(f) Have a satisfactory criminal history check; and

(g) Have successfully completed appropriate training on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS).

(3) The supportive assistance staff person shall meet the following minimum qualifications:

(a) Eighteen years of age or older;

(b) Be of good moral and responsible character and reputation;

(c) Have an approved TB skin test or x-ray;

(d) Have a satisfactory criminal history check;

(e) Have successfully completed appropriate training on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS).

(4) The sponsor and relief caregiver shall ~~((demonstrate he or she and other persons regularly on the premises))~~ have the understanding, language skills, physical health, emotional stability, personality, and ~~((professional))~~ skills ~~((suited))~~ to meet the physical, mental, emotional, and social needs of ~~((persons under care))~~ residents.

(5) The sponsor and ~~((other persons regularly on the premises))~~ relief caregiver and supportive assistance staff person shall not have been convicted of abuse and/or any crime involving physical harm to another person ~~((nor be a perpetrator of substantiated abuse))~~ as specified under RCW 43.43.830 and 43.43.832.

(6) The sponsor, relief caregiver, and supportive assistance staff person shall not have been found, by a court in a protection proceeding to have abused or financially exploited a vulnerable adult as specified under chapter 74.34 RCW.

(7) The sponsor, relief caregiver, and supportive assistance staff person shall specify crimes against persons and crimes relating to financial exploitation where the victim is a vulnerable adult as defined under RCW 43.43.830.

(8) The sponsor shall notify the department before employing a relief caregiver or supportive assistance staff person on a conditional basis. The sponsor may employ a relief caregiver and supportive assistance staff

person pending completion of the background investigation and HIV/AIDS training. In an extraordinary situation requiring immediate employment action, the sponsor shall notify the department within forty-eight hours after employing a relief caregiver or supportive assistance staff person. The sponsor shall submit to the licensor the properly completed form requesting a criminal history check within seven days after the relief caregiver and supportive assistance staff person begin employment in the adult family home.

(9) No licensed adult family home sponsor, relief caregiver, or supportive assistance staff person shall provide skilled nursing care unless licensed and registered under chapter 18.88 or 18.78 RCW.

(10) The relief caregiver or supportive assistance staff person shall not be a resident requiring care.

NEW SECTION

WAC 388-76-085 GENERAL STANDARDS. A sponsor shall assure the following standards:

(1) The sponsor shall maintain the adult family home internally and externally in good repair and condition. The home shall have safe and functioning systems for heating, cooling, hot and cold water, electricity, plumbing, garbage disposal, sewage, cooking, laundry, artificial and natural light, ventilation, and any other feature of the home. Steps shall be provided with handrails as determined necessary by the department. Emergency lighting devices, such as flashlights, shall be in working order, available and easily accessible to sponsors, relief caregivers, and residents.

(2) The adult family home shall be maintained in a clean and sanitary manner, including proper food handling and hygiene practices.

(3) The adult family home shall have clean, functioning, safe, adequate household items and furnishings to provide for the needs of residents.

(4) The sponsor shall assure an adult family is located on a well-drained site free from hazardous conditions.

(5) Sponsors shall be able to gain rapid access to any bedroom, shower room, bathroom, or other room occupied by residents in case of emergency.

(6) The sponsor shall provide one operating nonpay telephone or more on the premises accessible to residents and affording privacy. The telephone shall be available for emergency incoming or outgoing use at all times.

NEW SECTION

WAC 388-76-087 INSPECTIONS. (1) The department shall inspect an adult family home regarding compliance with chapter 70.128 RCW and this chapter at the time of initial licensure.

(2) The department shall inspect licensed homes regarding compliance with chapter 70.128 RCW and this chapter every eighteen months. The department shall notify the sponsor, in writing, two weeks or more in advance of a regular inspection.

(3) When a complaint is received, the department may inspect, without written notice, a licensed home. At the time of the inspection, the department shall furnish

the sponsor with a written copy of the complaint. The name of the complainant shall remain confidential.

(4) During inspections of an adult family home, the department shall have access and authority to examine areas and articles in the home used to provide resident care or support, including resident's records, accounts, equipment, and the physical premises. The department also has the authority to interview the sponsor, relief caregiver, supportive assistance staff person, residents, guardian and resident advocates of an adult family home.

(5) When conducting an inspection, the department shall prepare a written report summarizing all information obtained during the inspection. If the home is in violation of this chapter, the department shall provide the sponsor a copy of the inspection report at the same time as a notice of violation is served. If the home is not in violation of this chapter, the department shall mail the sponsor a copy of the inspection report within ten days of the home inspection. The department shall make available to the public all department inspection reports during business hours.

(6) The inspection report shall describe any of the sponsor's corrective measures which are completed and necessary to pass a re-inspection and will include a time frame when the corrections shall be completed. If the department finds upon re-inspection of the home the corrective measures are satisfactorily implemented, the department shall cease any actions taken against the home. This section shall not require the department to license or renew the adult family home's license where serious physical harm or death occurred to a resident due to the action or inaction of the sponsor.

(7) An adult family home shall have readily available for the public's review:

(a) The adult family home's license to operate; or

(b) Copies of inspection reports the adult family home received from the department for the past three years.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-090 LICENSURE—DENIAL, SUSPENSION, OR REVOCATION. (1) Disqualified applicants. Before granting a license and as a condition for continuance of a license, the department shall consider separately and jointly the ability of each applicant to sponsor an adult family home in accordance with the law and this chapter. If ~~((any one be deemed disqualified by))~~ the department disqualifies an applicant in accordance with this chapter, the ~~((license may be denied, suspended, revoked, or not renewed))~~ department shall deny, suspend, revoke, or not renew the license.

(a) The department shall disqualify any ((individual)) applicant who has engaged in the past year or is engaging in illegal use of drugs or excessive use of alcohol ((shall be disqualified)).

(b) The department shall disqualify any ((individual)) applicant who within seven years of the date of application for a license was:

(i) Released from prison((-or));

(ii) Convicted of a felony((-;) or any crime involving physical harm to another((-or identified as a perpetrator

~~of substantiated abuse pursuant to chapters 26.44 within seven years of the date of application for the license shall be disqualified)). This shall be an issue if ((such)) the conviction or identification is reasonably related to the competency of the person to exercise responsibilities for home management, supervision, and full-time family care and the department determines, after investigation, that such person has not been sufficiently rehabilitated subsequent to ((such)) the conviction or identification to warrant public trust.~~

~~(c) ((Individuals)) The department shall disqualify applicants who, in this state or elsewhere, have for cause been denied a license or had a license suspended or revoked within five years to operate a hospital, nursing home, boarding home, adult family home, or a facility for the care of:~~

~~(i) Children(,); or~~

~~(ii) Developmentally disabled or aged adults(, or a hospital, or a nursing home, or a boarding home, or have had a license to operate such a facility suspended or revoked shall be disqualified. PROVIDED HOWEVER, That when such person demonstrates to the department and affirmatively establishes by clear, cogent, and convincing evidence his or her ability to operate an adult family home under this chapter, the department may waive this provision and license such an individual)).~~

~~(2) ((An adult family home)) The department may deny, suspend, or revoke a license ((shall be denied, suspended, revoked, or not renewed)) for failure to comply with the provisions of chapter ((74.15)) 70.128 RCW(,;) and rules contained in this chapter or for any of the following reasons:~~

~~(a) ((Obtaining or attempting to obtain a license by fraudulent means or misrepresentation)) Knowingly or with reason to know made a false statement of material fact:~~

~~(i) On the license application or any data attached thereto; or~~

~~(ii) In any matter under investigation by the department;~~

~~(b) ((Committing, permitting, aiding, or abetting the commission of any illegal act on the premises)) Operates an adult family home without a license or under a revoked license;~~

~~(c) ((Committing, permitting, aiding, or abetting assault, abuse, neglect, exploitation, cruelty or indifferent care to residents)) Willfully prevents or interferes with any inspection or investigation by the department, local fire protection authority, or state fire marshal to inspect the premises;~~

~~(d) ((Failure to provide adequate supervision to residents)) Commits, permits, aids, or abets the commission of any illegal act on the premises;~~

~~(e) ((Allowing persons unqualified by training, experience, or temperament to care for residents)) Commits, permits, aids, or abets assault, abuse, neglect, exploitation, or cruelty;~~

~~(f) ((Misappropriation of the property of)) Fails to provide adequate resident(s) supervision;~~

~~(g) ((Failure or inability to exercise fiscal responsibility and accountability in respect to operation of the~~

~~adult family home)) Allows unqualified persons to care for residents;~~

~~(h) Displays an inability to care for residents consistent with WAC 388-76-465, Resident Rights;~~

~~(i) Misappropriates resident property;~~

~~(j) ((Refusal)) Refuses to ((admit)) permit authorized department representatives ((of the department, local fire protection authority, or state fire marshal to inspect the premises; and~~

~~(i) Refusal to permit authorized representatives of the department)) to:~~

~~(i) Have access to the ((records relating to the operation of the)) adult family home resident records; or ((to permit authorized representatives to))~~

~~(ii) Interview residents.~~

~~(k) Exceeds the licensed adult family home capacity.~~

~~(3) The department has the authority to immediately suspend a license if the department finds conditions at the adult family home constitute an imminent danger to residents. The department shall issue a stop placement order and assist with relocation of residents.~~

~~(4) If the department denies, suspends, revokes, or fails to renew a license or issue a stop placement order, the department decision becomes final ten days after the same is served upon the applicant or license unless a hearing is requested in writing. The proceedings shall be governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC.~~

Reviser's note: RCW 34.05.395 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 in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-100 LICENSE FEES. ~~((At the time of the application for or renewal of a license,))~~ The ((license)) applicant/sponsor shall ((pay such)) submit the license fee ((as may have been established by the department under RCW 43.20A.055)) with the application. The license fee shall be set at fifty dollars per year for each home. A fifty dollar processing fee shall also be charged each adult family home when the home is initially licensed.

READOPTED SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-110 DISCRIMINATION PROHIBITED. **WAC 388-76-110 DISCRIMINATION PROHIBITED.** The sponsor shall comply with federal and state statutory and regulatory requirements regarding nondiscrimination.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-130 PERSONS SUBJECT TO LICENSING. ~~((Persons are subject to licensing who provide or intend to provide twenty-four-hour family care~~

~~in their own home for adults))~~ A person providing full-time care in the person's own home for an unrelated adult in need of room, board, supervision, personal, and/or special care ((who are not their relatives in the following numbers)) shall be subject to licensing requirements of this chapter when the total resident census includes:

~~(1) ((One through four developmentally disabled adults; or~~

~~(2)) One ((through four)) or more state ((assistance recipients)) pay residents; or~~

~~((3)) (2) ((Three through four persons not developmentally disabled or recipients of state assistance))~~ Two or more private pay residents.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-140 PERSONS NOT SUBJECT TO LICENSING. ~~((In addition to those persons exempt from the licensing requirements as provided in chapter 74.15 RCW;))~~ The department shall exempt the following person(s are not required to be licensed)) from licensing requirements according to this chapter:

~~(1) ((Persons))~~ A person caring for an adult in need of personal ((and special)) care in that adult's own home whether related or not; and

~~(2) ((Persons))~~ A person providing ((family)) care in ((their)) the person's own home for one ((or two nondevelopmentally disabled)) unrelated adult((s not related to them)) and for whom the department has not authorized care (chapter 74.15 RCW; RCW 18.20.020; RCW 74.08.044).

NEW SECTION

WAC 388-76-155 EXCEPTIONS. (1) The department may grant an exception from all requirements in chapter 388-76 WAC excluding requirements listed in subsection (2) of this section. The department shall grant an exception only upon justification given to ensure an exception does not jeopardize the resident's health and safety.

(2) The department shall not grant an exception from requirements relating to:

- (a) Inspections;
- (b) Resident rights;
- (c) Access to the adult family home or resident records;

(d) Resident's file and records;

(e) License fees;

(f) RCW 43.43.830 and 43.43.832; or

(g) Any section required by chapter 70.128 RCW.

(3) The department shall not grant an exception related to fire safety requirements without approval of the appropriate local fire inspector.

(4) The department shall grant or deny exceptions, in writing, and review the exceptions at the time of license renewal, if not earlier.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-160 CAPACITY. (1) ~~((An adult family home))~~ The department shall ((be licensed)) license an adult family home for no more than four adults. A maximum exception of six adults may be permitted when the department determines the home is of adequate size and the home and provider are capable of meeting standards and qualifications as provided for in law and this chapter. There shall be no more than ((four)) the home's maximum licensed capacity of adults unrelated to the sponsor requiring full-time care on the premises at one time.

(2) Sponsors approved to care for five or six residents shall assure they have supportive assistance from a co-sponsor, employed staff, or appropriate others. Supportive assistance shall be provided in the following ratios:

(a) When caring for five residents, supportive assistance shall be available at least twenty hours per week during the normal hours residents are awake and present in the home;

(b) When caring for six residents, supportive assistance shall be available to residents forty hours or more per week during the hours the residents are normally awake and present in the home.

~~(3) ((No licensed adult family home))~~ Sponsors may provide care for ((more than)) a maximum of two persons suffering mental or physical handicaps of such severity as to require nursing care((, and then only)) if the sponsor is qualified by training and/or experience to provide proper care and the person's treatment is under ((the)) a physician's supervision ((of a physician)).

(4) No sponsor shall provide care for more than one nonambulatory resident unless the sponsor has regular full-time assistance.

(5) The total number of persons in the home shall not exceed five for each toilet. A portable toilet or commode may be counted in the number of toilets available.

(6) When a sponsor provides respite and/or day care, in addition to adult family home care, the total number of persons in care shall not exceed the licensed capacity for that home.

(7) A sponsor shall knowingly accept only residents for whom the sponsor is qualified to meet the resident needs and assure resident safety in the sponsors' care. No sponsor shall knowingly admit for care a person who is a danger to themselves or to others.

AMENDATORY SECTION (Amending Order 2761, filed 2/13/89)

WAC 388-76-170 SPONSORS' OUTSIDE EMPLOYMENT. ~~((H))~~ When both sponsors in a two-sponsor home or the single sponsor in a one-sponsor home are employed outside the home, the department ((must)) may give written approval for placement ((there)) in that adult family home. Approval ((will be)) shall be based on justification that the sponsor ((will be)) is able to provide adequate ((twenty-four-hour)) full-time care to the residents.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-180 SPONSOR ABSENCE FROM HOME. ~~((+))~~ The sponsor ~~((or sponsors))~~ shall have a ~~((department-approved))~~ written plan, approved by the department for ~~((provision-of))~~ providing resident care ~~((for residents))~~ during any absence of the sponsor from the home. This rule does not apply to the sponsor's short absences for shopping, errands, or other appointments unless the resident's condition requires full-time supervision.

~~((2))~~ The sponsor or sponsors shall not place residents in another home temporarily or otherwise without the approval of the department and guardian or responsible relative of the person under care (RCW 74.15.030).)

NEW SECTION

WAC 388-76-185 PLACEMENT OF RESIDENTS OUTSIDE HOME. (1) The sponsor shall not temporarily place state pay residents in another home without the approval of the:

- (a) Department and resident; or
- (b) The department and resident's guardian or responsible relative.

(2) When an emergency such as fire or flood necessitates a temporary move, the sponsor shall notify the department no later than the first working day following the move.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-190 EFFECT OF LOCAL ORDINANCES. (1) ~~((Licenses are issued or denied on the basis of applicant's compliance with the department's minimum licensing requirements. The enforcement of local ordinances such as zoning regulations and))~~ Each adult family home shall meet applicable local licensing, building, and housing codes and state and local fire safety regulations. The applicant shall be responsible for checking with local authorities to ensure all local ((building)) codes ((is the responsibility of appropriate local officials (RCW 74.15.030))) are met.

(2) An adult family home shall be considered a residential use of property for zoning purposes. Adult family homes shall be a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single family dwellings (RCW 70.128.175).

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-200 FIRE SAFETY. (1) Every room used by persons under care ~~((; unless provided with two separate doors or one door leading directly to the outside;))~~ shall have a fully-opening window ((opening freely and)) of sufficient size and free of obstructions ~~((so as to be readily available))~~ for emergency escape or rescue unless the room has:

- (a) Two separate doors; or
- (b) One door leading directly to the outside.

(2) Every occupied area shall have access to ~~((at least))~~ one exit or more not passing through rooms or spaces subject to being locked or blocked from the opposite side.

(3) No space shall be ~~((used for residential purposes))~~ accessible only by ladder, folding stairs, or a trap door.

(4) Every bathroom door lock shall ~~((be designed to permit the opening of the locked door))~~ open from the outside in an emergency.

(5) Every closet door ~~((hatch))~~ shall ~~((be such that the door can be opened))~~ open from the inside.

(6) No stove or heater shall be ~~((so))~~ located ~~((as to))~~ where the stove or heater blocks escape ~~((in case of malfunctioning and ensuing fire)).~~

(7) Flammable ~~((;))~~ or combustible ~~((; or poisonous))~~ material shall be stored away from exits and in areas not accessible to persons under care.

(8) Open flame devices, cooking appliances, and other similar products ~~((capable of igniting clothing))~~ shall ~~((not))~~ be ~~((left unattended or))~~ used in ~~((such))~~ a safe manner ~~((which could result in accidental ignition of clothing)).~~

(9) Portable oil, gas, kerosene, and electric space heaters ((are)) shall be prohibited, except in case of a power outage when the portable space heater is the only heat available.

(10) An adult family home shall have ~~((in effect and available to all relief caretakers))~~ a posted, written plan ~~((for the protection of all persons))~~ for evacuation to safe areas in the event of fire ~~((and for their evacuation to areas of refuge when necessary)).~~ All ~~((persons in care))~~ residents and relief caregivers shall be instructed in emergency evacuation procedures. Fire drills shall be conducted ~~((during the first week of each new admission and at bimonthly intervals thereafter to test equipment and practice procedure))~~ at least every two months. The sponsor shall maintain a log of dates and times of fire drills ((shall be maintained by the sponsor)). At the time of fire evacuation drills, the sponsor shall verify:

- (a) Fire extinguishers are fully charged; and
- (b) Smoke detectors are in proper working order.

(11) There shall be readily available an approved, ~~((operating))~~ 2A-rated or larger fire extinguisher in proper operating condition on each floor of the adult family home. ~~((Except for facilities licensed prior to June 3, 1983, an approved five pound or larger all purpose A.B.C. fire extinguisher will be acceptable.))~~ ~~((f))~~ Where local fire authorities require installation of a different type or size of fire extinguisher, the requirement of the local authority shall prevail. ~~((f))~~

(12) An approved automatic smoke detector, in working order, shall be located in proximity to the area ~~((or areas))~~ where ~~((persons under care))~~ residents sleep. ~~((At a minimum,))~~ In addition, a smoke detector shall be located in each resident's bedroom and there ((with)) shall be one smoke detector in working order on each floor of a multilevel home. For violations in maintaining battery-operated smoke detectors, the department may require hard wiring of the smoke detector into the home electrical system.

(13) ~~((Smoke detectors and fire extinguishers shall be continuously maintained in proper working order))~~ If the

sponsor's bedroom is not within hearing distance of resident bedrooms, the department may require a call bell or intercom system.

~~(14) ((If questions arise concerning fire danger, the local fire protection authority shall be consulted and its recommendations followed.~~

~~(15)) An adult family home located in a rural area where there is no public fire district shall ((affiliate with whatever)) ensure fire ((safety organization)) protection is available to the adult family home.~~

(15) Beginning July 1, 1990, adult family homes with dead bolt locks on exterior doors shall have single motion door locks. Sliding doors are not considered exterior doors for purposes of this section.

(16) Sponsors shall not house nonambulatory residents above or below the ground level of the home.

(17) The sponsor shall notify the department of any fire on the premises by the first working day following the fire.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-220 CORPORAL PUNISHMENT AND PHYSICAL RESTRAINTS. Corporal punishment and physical restraints are prohibited.

(1) Physical contact in order to punish or discipline a resident is prohibited. Prohibited conduct includes, but is not limited to:

- (a) Striking with the hand;
- (b) Striking with an object;
- (c) Biting;
- (d) Kicking;
- (e) Shoving;
- (f) Choking;
- (g) Pulling of hair, and
- (h) Tripping.

(2) Physical restraint of a resident is prohibited.

(a) Prohibited physical restraints shall include, but are not limited to:

- (i) Sleeper holds;
- (ii) Arm twisting;
- (iii) Hair holds;
- (iv) Using chemicals not included in the plan of care.

(b) Prohibited mechanical restraints shall include, but are not limited to:

- (i) Hand coverings used to restrict motion;
- (ii) Belt restraints;
- (iii) Chest restraints;
- (iv) Gerichair.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-240 RESIDENT'S RECORDS AND INFORMATION. (1) The sponsor shall maintain records and information concerning each ((person in care shall be maintained)) resident in ((such)) a manner ((as to preserve)) preserving the resident's confidentiality. Resident records ((giving the following information

on each person under care shall be maintained at the licensed adult family home)) shall be accessible to the department and other authorized persons. If resident records are computerized, there shall be complete directions for access and use available to relief caregivers. Sponsors shall retain a resident's record for three years following the resident's discharge or death. Sponsors shall maintain records documenting the following information for residents:

~~((1)) (a) ((Identifying information, including name, birthdate, and dates of admission, absences, and discharge)) Upon admission, a current written medical history;~~

(b) Upon admission, an inventory of personal belongings recorded, dated, and signed by the resident or the resident's guardian and the sponsor;

(c) Identifying information for:

(i) Private-pay residents including name, birthdate, dates of admission, and discharge;

(ii) State-pay residents including name, birthdate, Social Security Number, dates of admission, absences, and discharge.

(d) Names, addresses, and telephone numbers of next-of-kin or other persons to be contacted in case of emergency.

~~(2) ((Names, addresses, and telephone numbers of next-of-kin or other persons to be contacted in case of emergency)) The sponsor shall provide a space accessible to all residents and visitors for posting the following telephone numbers:~~

- (a) Long-term care ombudsman;
- (b) Local adult protective services office;
- (c) Adult family home licensor; and
- (d) Placement worker.

~~(3) ((Health assessment at time of placement and subsequent revisions)) The service plan describing care and services shall be provided for the resident based on resident needs assessment.~~

~~(4) ((Written consent (or court order) for providing medical care and emergency surgery, except as such care is otherwise authorized by law.~~

~~(5) Daily care plan including treatments, medications, observations, examinations, and physician's orders.~~

~~(6) Upon admission, an inventory of personal belongings. Inventory changes will be recorded and dated with a copy to resident and guardian or responsible relative, if any:~~

~~(7) Names, addresses, and telephone numbers of persons taking a person under care temporarily out of the adult family home.~~

~~(8) A summary upon discharge by the person responsible for the total plan of care, instructions given to the person providing continuing care, and a record of any referrals directed toward continuity of care.~~

~~(9) Appropriate information if the adult has died including the time and date of death, apparent cause of death, appropriate notification of the physician and relevant others (including the coroner if necessary), and the disposition of the body and personal effects)) In the event of the resident's death, while in the care of the adult family home, the sponsor shall record appropriate information including:~~

- (a) Time and date of death;
- (b) Circumstances of death;
- (c) Time of appropriate notification of the physician and relevant others, including the coroner, as required by law; and
- (d) Disposition of the body and personal effects.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-250 REPORTING OF ILLNESS, DEATH, INJURY, EPIDEMIC, OR ADULT ABUSE.

(1) The sponsor shall report to the ((persons)) indicated person the following events((-):

(((+)) (a) ((To the department)) For private-pay residents, notify next-of-kin, ((and)) interested friend, or relative identified in the care plan of any serious injury, trauma, or death of a person under care ((as soon as possible but no later than twenty-four hours after occurrence:)) by the next working day, if not earlier;

(b) For state-pay residents, notify the department, next-of-kin, interested friend, or relative identified in the service plan of any serious injury, trauma, or death of a person under care by the next working day, if not earlier;

(((-)) (c) ((To)) Notify the local public health officer of any occurrence of food poisoning or communicable disease as required by the state board of health((-); and

(((+)) (d) ((To)) Notify the department of any evidence of abuse or neglect immediately by phone or in person, with a written follow-up report within five days.

(2) The sponsor shall maintain a log of injuries and accidents involving residents.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-260 REPORTING CHANGE((S)) IN CIRCUMSTANCES. Adult family home sponsors shall report to the department changes in circumstances ((which might constitute grounds for reclassification of the home as to category of license, continued eligibility for license, or major changes in the license)) including, but not limited to, the following:

(1) Changes in sponsor's address ((or)), location ((and phone)), or telephone number ((license is valid only for address indicated on the license:));

(2) Changes in the maximum number ((and range)) or level of care of persons ((licensee)) the sponsor wishes to serve ((as compared to specifications in the license:));

(3) The ((death, retirement:)) illness or incapacity of ((a licensee. (A license is valid only for the person named on the license:))) the sponsor which interferes with the sponsor's ability to provide care;

(4) The marriage or divorce of a sponsor or other change in household composition ((and relief caregiver affecting eligibility for license or number of persons that may be served:));

(5) ((Occurrence of a fire on licensed premises within twenty-four hours:)) Employment of new relief caregiver or supportive assistance staff person; and

(6) ((Major)) Structural changes or significant damage to premises from any causes((; and plans for major remodeling)).

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-280 SPONSOR-PROVIDED TRANSPORTATION FOR RESIDENTS. ((When a sponsor provides transportation for residents:))

(1) The sponsor shall assure the vehicle ((shall be)) is in a safe operating condition. The driver shall have a current driver's license.

(2) The sponsor or other driver shall carry auto insurance including adequate liability and medical coverage.

(3) Seat belts or other appropriate safety devices shall be provided for and used by all passengers. The number of passengers shall not exceed the vehicle's seating capacity. Buses approved by the state patrol shall not ((be required to be equipped with)) require seat belt((s)) equipment.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-290 CLOTHING. Sponsors ((are responsible to)) shall provide or arrange for the care, washing, repair, or purchase of resident's clothing ((for the persons under care)). Clothing shall be clean, neat, seasonable, and of ((such)) a quality and design ((as to foster)) fostering self-respect.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-300 PERSONAL HYGIENE. Sponsors ((are responsible to)) shall provide or ((arrange for)) assure each resident has individual items needed for good grooming and personal hygiene ((for persons under care)).

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-310 TRAINING. (1) Sponsors ((are responsible for keeping themselves)) shall keep informed of ((the)) policies and ((the)) rules contained in chapter 70.128 RCW and this chapter. ((Completion of approved training for sponsors shall be required prior to)) Before licensure ((in the absence of documentation assuring the sponsor is qualified to provide care)), the department shall coordinate the completion of the required sponsor training.

(2) In addition, sponsors shall:

(a) Verify or arrange for appropriate education and training for themselves, relief caregivers, persons in the household, and employees on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310; and

(b) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for

Health Care Facility Employees, May 31, 1989, published by the office on HIV/AIDS.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-340 WATER SAFETY. (1) ~~((Residents))~~ Sponsors shall not ~~((be permitted))~~ permit residents to use swimming or other pools ~~((or))~~, hot tubs, saunas, or spas ~~((, etc.))~~ on the premises without supervision.

(2) Swimming ~~((and other))~~ pools, hot tubs, spas, or saunas shall not be ~~((inaccessible))~~ accessible to ~~((persons))~~ residents in care ~~((when not in use))~~ without supervision.

~~((3))~~ Hot tubs, spas, etc., shall be inaccessible when not in use.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-350 FIREARMS. Sponsors shall keep any firearms ~~((, if any, shall be kept))~~ in locked storage accessible only to authorized persons.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-360 STORAGE. (1) ~~((Suitable space))~~ Sponsors shall ~~((be provided and used))~~ provide adequate space for ~~((the))~~ residents' storage of clothing and a reasonable amount of personal possessions ~~((of residents and for supplies, records and files, and bedding used in adult family home management)).~~

(2) Sponsors shall store cleaning supplies, toxic substances, poisons, aerosols, and items bearing warning labels ~~((shall be stored so as to be inaccessible to persons with limited mental capacity))~~ in a place not accessible to residents except under supervision.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-370 BEDROOMS. (1) Sponsors shall not use hallways, kitchens, living rooms, dining rooms, and unfinished basements ~~((shall not be used))~~ as resident bedrooms. Every resident bedroom shall be an outside room permitting entrance of natural light.

(2) ~~((Windows designated for escape and/or ventilation shall open and close freely.))~~ Window screens ~~((must))~~ shall be:

(a) Of such design that escape is not hindered; and ~~((are))~~

(b) Adequate to prevent entrance of flies and other insects.

(3) Separate sleeping quarters shall be ~~((furnished))~~ available for each sex.

(4) Single occupancy bedrooms shall provide eighty square feet or more of floor space.

(5) Multiple occupancy bedrooms shall provide ~~((not less than seventy))~~ sixty square feet ~~((per occupant))~~ or more of floor ~~((area))~~ space per occupant exclusive of closets. There shall be ~~((not less than))~~ thirty-six inches

or more laterally between beds. ~~((Single occupancy bedrooms shall provide at least eighty square feet of floor space.))~~ There shall be no more than two residents to a bedroom.

~~((5))~~ (6) ~~((For))~~ Sponsors shall provide each resident ~~((there shall be))~~ a bed ~~((at least))~~ thirty-six inches or more wide with:

(a) A clean, firm mattress ~~((, pillow,))~~ with waterproof cover for use when needed or requested by the resident;

(b) Clean sheets ~~((;))~~;

(c) Adequate blankets ~~((;))~~;

(d) Clean pillow cases; and ~~((pillowcases. Pillows shall be))~~

(e) Clean pillows:

(i) Covered with waterproof material; or ~~((be))~~

(ii) Of a washable type. ~~((Waterproof mattress covers shall be provided for incontinent persons.))~~

~~((6))~~ (7) The upper bunk of doubledeck beds ~~((are))~~ shall be prohibited for resident use ~~((by residents)).~~

~~((7))~~ (8) ~~((Bedding shall be clean.))~~ Sheets and pillowcases shall be laundered weekly.

~~((8))~~ (9) Residents may not share a bedroom with persons under eighteen years of age unless approved by the department.

~~((9))~~ (10) Residents ~~((may))~~ shall not share a bedroom with the sponsor or any member of the sponsor's family.

~~((10))~~ (11) Only rooms having unrestricted, direct access to hallways, corridors, living rooms, day rooms, or common use areas shall be used as bedrooms.

~~((11))~~ Only ambulatory residents and/or residents able to negotiate the adult family home fire escape system from other than ground floor level shall be assigned to other than ground floor level bedrooms.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-380 KITCHEN FACILITIES. Adult family homes shall have kitchen facilities ~~((for the))~~ providing proper storage, preparation, and food service ~~((of food)).~~

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-390 LAUNDRY. The adult family home sponsor shall ~~((store soiled linen and clean linen separately. Unless laundry is sent out, or bedding and/or clothing are provided and laundered by responsible relatives or interested others, the adult family home shall))~~ have ~~((adequate))~~ operational laundry and drying equipment unless other suitable arrangements are made.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-400 TOILETS, LAVATORIES, AND BATHING FACILITIES. (1) ~~((There shall be at least one indoor flush-type toilet, one bathing facility, and one lavatory with hot and cold or tempered running water not to exceed one hundred twenty degrees Fahrenheit))~~ An adult family home shall provide each toilet and bathing facility with one or more:

- (a) Indoor flush toilet;
- (b) Bathing facility; and
- (c) Lavatory with hot and cold running water.

(2) ~~((Toilet and bathing facilities shall provide for privacy for persons of the opposite sex))~~ An adult family home shall provide a hot water temperature not to exceed one hundred twenty degrees Fahrenheit for all residents under care utilizing hot water at tub, shower, and lavatory facilities.

(3) ~~((There shall be a lavatory in each room containing a toilet or in an adjacent common-use area))~~ An adult family home shall provide toilet and bathing facilities with privacy.

(4) ~~((All bathing facilities shall have a conveniently located grab bar unless other safety measures, such as nonskid pads, are approved by the department))~~ An adult family home bathroom shall contain a lavatory in:

- (a) The same room; or
- (b) An adjacent common-use area.

(5) ~~((Soap and individual towels or disposable towels or other hand-drying devices shall be easily accessible))~~ A department-approved resident bathing facility shall have securely fastened, conveniently located grab bars or other safety measures.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-410 LIGHTING. Sponsors shall assure all areas ((shall be)) in use are appropriately lighted by natural or artificial means ((when in use)). Light fixtures shall be located to provide for the comfort and safety of the persons under care. ~~((Lighting intensities shall be at least fifteen foot candles for all rooms and areas used for care, except for food service areas, which shall be thirty foot candles.))~~

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-420 PEST CONTROL. The ((premises)) sponsor shall ((be)) assure the premises are kept free from rodents, flies, cockroaches, and other insects.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-430 SEWAGE AND LIQUID WASTES. The sponsor shall assure sewage and liquid wastes ((shall be)) are discharged into a public sewer system or into an independent sewage system approved by the local health authority or department. Discharge of sewage or liquid wastes directly on the ground, into bodies of water, or directly into ground water ~~((is))~~ shall be prohibited.

NEW SECTION

WAC 388-76-435 PETS. (1) The sponsor shall assure that sanitation for household pets and other domestic animals is adequate to prevent health hazards.

(2) The sponsor shall assure pets residing on the premises have up-to-date rabies vaccinations.

(3) The sponsor shall assure pets not confined in enclosures are under control and shall not present a danger to residents or guests.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-440 WATER SUPPLY. The applicant/sponsor shall have a private water supply ((must be)) approved by the local health authority ((or department)). Nonpotable water on the premises shall be labeled to avoid use.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-450 TEMPERATURE. Temperature within the adult family home shall be maintained at ((not less than)):

(1) Sixty-eight degrees Fahrenheit or more during waking hours((-)); and ((at not less than))

(2) Sixty degrees Fahrenheit or more during sleeping hours. ((Use of portable space heaters is prohibited:))

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-460 VENTILATION. The ((facility)) adult family home shall be ventilated to adequately assure health and comfort of the ((persons under care)) residents.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-465 RESIDENT RIGHTS~~((= SERVICES TO BE PROVIDED)).~~ ~~((1))~~ Insofar as a general or specific nuisance or a danger to the individuals or others is not created,) All resident rights, house policies, and admission agreements are subject to department review and approval. Each resident shall have ~~((, in addition to any rights not specifically withheld by law,))~~ the following rights:

~~((a))~~ To be informed or to have an agent, designated by the resident, informed of his or her rights and the policies of the adult family home at the time of admission. A written copy of rights and policies shall be provided to each resident or designated agent.

~~((b))~~ (1) The sponsor shall make a written list of resident rights;

(2) To receive a written copy of resident's rights or to have a copy of such rights provided to the guardian or agent designated by the resident; Sponsors shall retain a signed copy for each resident.

(3) To be treated in a manner ((that respects his or her)) respecting the resident's individual identity ((and human)), dignity, and ((fosters constructive)) self-esteem((-);

~~((c))~~ (4) To be notified thirty days in advance if ((he or she)) the resident requires transfer for ((medical or nursing care or for his or her)) the resident's welfare or ((that)) the welfare of other residents, ((except as prohibited by Titles XVIII, XIX or XX of the Social Security Act,)) unless an emergency condition requires

immediate transfer ~~(, or there is failure to comply with written policy of the adult family home or to ensure orderly transfer or discharge. The notice of transfer or discharge and discharge planning shall be documented in the resident's record.);~~

~~((d))~~ (5) To open communications including the right to:

(a) Associate and communicate privately with persons of ~~((his or her))~~ the resident's choice; ~~((to))~~

(b) Send and receive uncensored correspondence ~~((through the mail)); ((to))~~

(c) Have reasonable access to a telephone both to make and to receive personal calls; and

(d) Receive visitors in the adult family home and to be assured privacy for visits with relatives and guests, provided the visits do not infringe upon other resident or sponsor rights.

~~((e))~~ (6) To manage personal financial affairs unless ((such person has been adjudicated to be)) the resident is declared incompetent in a court proceeding ((directed to that particular issue or pursuant to law)). If the sponsor maintains resident funds, the sponsor shall provide the resident or designated agent with a complete accounting of funds. Sponsors shall not commingle resident funds with sponsor funds;

~~((f))~~ (7) To retain and use personal ((clothing and)) possessions unless ((to do)) doing so ((would)) infringes upon the rights of other residents((-);

~~((g))~~ (8) To refuse to perform services for the ((facility unless these services are included in a plan of care.

(h) To be assured privacy for visits with relatives or guests;)) sponsor;

~~((i))~~ (9) To ((voice grievances and)) complain about or recommend changes in policies and services ((to)) of the home to the sponsor and/or to outside representatives ((of his or her choice)) free from ((restraint, interference, coercion, discrimination, or)) reprisal((-);

~~((j))~~ To be informed of phone numbers and addresses of the licensing agency or appropriate advocacy group or groups;

~~((k))~~ (10) To ((meet with and)) participate in ((activities of)) social, religious, and community ((groups at his or her discretion.

(l) To be free from physical, chemical, and psychological restraints unless authorized by law.

(m) To be free from exploitation, assault, abuse, and neglect;)) activities of the resident's choice;

~~((n))~~ (11) To have information contained in resident health records kept confidential ((with access only to authorized personnel and the department.);

~~((o))~~ (12) To be given timely notice of changes in ((admission or retention policy)) policies and ((procedure.

(2) Each resident shall have at least one comfortable pillow and adequate, clean bedding. Clean sheets, a pillow case, towels and washcloths shall be provided as needed and at least each week.

(3) A resident shall be regularly observed for changes in physical, mental, and emotional functioning. When observations reveal the resident has need for services unavailable in the adult family home, the sponsor or designee shall arrange for the transfer of the resident.

(4) Care services shall be conducted so as to attain or maintain each resident's highest degree of functioning possible and compatible with individual safety and welfare. The following services shall be provided when a resident requires such services:

(a) General health supervision, which means provision of the following services in accordance with a resident's particular needs including:

(i) To encourage a resident to self-administer medically prescribed drugs and treatment;

(ii) To encourage a resident to follow any medically prescribed modified diet, rest, or activity regimen;

(iii) To encourage and assist a resident to keep appointments for health care services, e.g., physicians, dentists, home health care services or clinics;

(iv) Encourage and assist a resident to see his or her health care practitioner if the resident manifests signs and symptoms of an illness or abnormality for which medical diagnosis and treatment seem indicated.

(b) Reminding and/or guidance, supervision, or assistance to a resident in:

(i) Personal hygienic care, dressing, grooming, and other activities;

(ii) Maintenance of functional aids or equipment, such as glasses, hearing aids, canes, crutches, walker, or wheelchair;

(iii) Maintenance of clothing and other personal effects;

(iv) Maintenance of personal living quarters in a manner conducive to safety and comfort.

(c) Encouraging, guiding, or assisting a resident to participate in social, recreational, diversional, vocational, church, or other activities within the family home and the community in accordance with his or her interests, tolerance, and abilities.

(5) Whenever a resident is believed to be ill or injured, the health care practitioner or other individual designated by the resident shall be notified immediately)) procedures; and

(13) To receive the services outlined in the service plan.

NEW SECTION

WAC 388-76-475 SERVICE PLAN. (1) The department shall develop the service plan for state-pay residents. The sponsor shall follow the service plan in providing services to the state-pay resident.

(2) The sponsor shall develop the service plan in consultation with the resident and resident's family, if appropriate, for private pay residents. The service plan includes, but is not limited to:

(a) Identification of resident's needs related to personal and special care and supervision;

(b) Description of how the service plan needs shall be met;

(c) Identification of the person providing the services and when the services are provided;

(d) Expected outcome description; and

(e) Updates entered when the client's condition changes.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-480 FIRST AID. ~~((+))~~ An adult family home sponsor shall ~~((have))~~ provide current ~~((basic first-aid training and cardiopulmonary resuscitation training. Verification of completion dates shall be maintained by the adult family home sponsor.~~

~~(2)), readily available first-aid supplies((, as needed to conform with first-aid policies and procedures;)) and a first-aid manual ((shall be readily available.~~

~~(3) There shall be written medical emergency policies and procedures readily available in the adult family home).~~

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-490 MEDICATION ~~((S—CONTROLLED BY THE SPONSOR))~~ SERVICES. (1) All medications shall be kept ~~((in an orderly fashion))~~ in locked storage or otherwise made inaccessible to other residents and unauthorized persons ~~((and shall be refrigerated when so required)).~~

~~(2) ((External medications shall be stored separately (separate compartments) from internal medications.~~

~~(3)) All medication((s must)) shall be stored in the medication's original containers with the legible, original label. Medication organizers may be used when they are filled by the resident, pharmacist, nurse, a resident's family member, or legal guardian.~~

~~((4)) (3) ((Medications)) Sponsors shall ((be disbursed)) assist the resident to self medicate only on the written consent of the ((competent)) resident or other person having authority ((by court order)) to approve medical care.~~

~~(4) Unless a licensed health professional, the sponsor shall only assist the resident to self medicate by:~~

~~(a) Reminding the resident when it is time to take a medication;~~

~~(b) Handing the resident the medication container; and~~

~~(c) Opening the resident's medication container.~~

~~(5) ((Only the sponsor or responsible designee shall deliver, disburse, or have access to medications except for self-administered medications as provided for in WAC 388-76-500.~~

~~(6) Prescription and nonprescription medications shall be disbursed only as specified on the prescription label or as otherwise authorized by a physician or other person legally authorized to prescribe medication.~~

~~"As needed" medications shall be approved by a physician or registered nurse prior to disbursement.~~

~~(7)) A record shall be kept of all physician-prescribed medications ((disbursed)) the resident takes.~~

~~((8)) (6) Unused or expired medications shall be ((properly)) disposed of properly.~~

~~(7) A resident may self-administer medications, including injections. Medications, including injections, shall also be allowed to be given by:~~

~~(a) The resident's relative;~~

~~(b) A licensed practical nurse (LPN) or registered nurse (RN); or~~

(c) A physician.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-520 INFECTION CONTROL, COMMUNICABLE DISEASE. (1) Persons with a communicable disease in an infectious stage shall not provide care or supervision in an adult family home.

(2) Appropriate infection control measures shall be instituted when the resident or any household member has, or is suspected of having, a communicable disease.

(3) Each sponsor, relief caregiver, and other adult person((s)) residing in the adult family home having regular contact with residents shall have a tuberculin skin test((, by the Mantoux method, upon employment or licensing unless medically contraindicated)).

(a) Persons whose TB skin test is positive (ten millimeters or more induration) shall have a chest x-ray within ninety days following the skin test. Proof of follow-up treatment shall be required when there is a positive chest x-ray.

(b) Routine periodic retesting or x-ray ((biennial or otherwise)) after the entry testing is not required.

(c) An entry test shall not be required of persons whose TB skin test has been documented as negative (less than ten millimeters) ((within the last two years)) nor shall routine periodic retesting or x-ray ((biennial or otherwise)) be required ((of such persons)).

((2) [(3)]) (4) A record of skin test ((results)), x-ray((s)) results, or exemptions to such ((will)) shall be kept in the adult family home.

AMENDATORY SECTION (Amending Order 2319, filed 12/18/85)

WAC 388-76-530 FOOD SERVICES. (1) ~~((Food served by each adult family home))~~ Sponsors shall ~~((be planned to meet))~~ serve food meeting the needs of residents, taking into consideration the ~~((residents'))~~ resident's:

(a) Age((s));

(b) Developmental ((levels, individual preferences, individual metabolic differences;)) and physical capabilities;

(c) Caloric need;

(d) Cultural background((;)) and

(e) Any ((handicapping)) physical condition making food intake difficult.

To promote a ~~((socializing))~~ social environment ~~((during mealtimes)),~~ residents and sponsors shall be encouraged to sit ~~((with the sponsor and eat from the same menu unless special diet and resident preference precludes it))~~ together at meal times. The same foods shall be available to the resident and the sponsor unless a special diet is prescribed.

(2) The use of raw milk is prohibited.

(3) Sponsors shall serve nutrient concentrates, supplements, and modified diets ((therapeutic and allergy diets) shall be served) only on the written approval of ((a health care practitioner. The sponsor shall obtain from)) the ((resident, responsible relative, or)) the resident's

physician (~~a written list of any foods the resident cannot have. The list, with the resident's name, must be on file and the food not served to the resident~~)).

~~(4) ((Food shall be served in accordance with the 1980 recommended dietary allowances of the Food and Nutrition Board, National Research Council, adjusted for age, sex, physical abilities, and activity of each person.~~

~~(5))) Sponsors shall provide a minimum of three meals in each twenty-four-hour period ((shall be provided. Deviation may be made from this minimum when a written request has been made to and approved in writing by the department)). The time interval between the evening meal and breakfast shall be ((not more than)) fourteen hours or less. Sponsors shall make snacks reasonably available between residents' meals.~~

~~((6) Residents may participate in food preparation provided food preparation is a part of a department-approved plan. Incompetent persons shall be supervised when in the kitchen:))~~

WSR 90-03-052

PERMANENT RULES

DEPARTMENT OF HEALTH

[Order 020—Filed January 16, 1990, 4:12 p.m.]

Date of Adoption: January 10, 1990.

Purpose: To implement the Class IV human immunodeficiency virus insurance program.

Statutory Authority for Adoption: Section 3, chapter 260, Laws of 1989, chapter 70.24 RCW.

Pursuant to notice filed as WSR 89-20-032 on September 29, 1989; and WSR 90-01-133 on December 20, 1989.

Effective Date of Rule: Thirty-one days after filing.

January 10, 1990
Pam Campbell Mead
for Kristine M. Gebbie
Secretary

Chapter 248-180 WAC

CLASS IV HIV HEALTH INSURANCE ELIGIBILITY

NEW SECTION

WAC 248-180-010 CLASS IV HUMAN IMMUNODEFICIENCY VIRUS (HIV) INSURANCE PROGRAM. Definitions of program covered by the department of health.

(1) "Class IV HIV insurance program" means the program authorized by chapter 70.24 RCW and financed by state funds to assure health insurance coverage for an individual with Class IV HIV infection as defined by the state board of health meeting eligibility requirements established by the department.

(2) "Class IV HIV infection" means an illness characterized by the diseases and conditions defined and described by the state board of health in WAC 248-100-011(1) and 248-100-076 (1)(c)(i).

NEW SECTION

WAC 248-180-020 ELIGIBILITY. (1) The department shall pay, to the extent a person is liable for group health insurance premiums, such premiums for a person who has a diagnosis of Class IV human immunodeficiency virus (HIV) infection and:

(a) Is terminated from employment for reasons other than gross misconduct;

(b) Has experienced a reduction in employment hours to the extent the applicant is liable for part or all of the health insurance premium;

(c) Is entitled to benefits under Title XVIII of the Social Security Act;

(d) Ceases to be a dependent child under the requirements of the health insurance plan; or

(e) Is divorced or legally separated from the covered employee and has continuation coverage rights.

(2) An applicant's eligibility under the program shall cease when the individual:

(a) Dies;

(b) Loses insurance eligibility for a reason other than the reasons noted under subsection (1) of this section; or

(c) Moves out of state.

WSR 90-03-053

PROPOSED RULES

BOARD OF PHARMACY

[Filed January 17, 1990, 9:12 a.m.]

Original Notice.

Title of Rule: WAC 360-10-050 Requirements for preceptor certification.

Purpose: To extend the time limit for pharmacist preceptors to have completed the board approved training program.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: RCW 18.64.005.

Summary: The requirement for completion of the training program would be extended one year.

Reasons Supporting Proposal: Additional time is needed to implement the training d program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald H. Williams, 319 East Seventh Avenue, Olympia, WA 98504, (206) 753-6834.

Name of Proponent: Washington State Board of Pharmacy, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 360-10-050 which includes a requirement for pharmacist preceptors to complete an approved training program would be revised to provide additional time to develop and implement the training program.

Proposal Changes the Following Existing Rules: In WAC 360-10-050 the date January 1, 1990, is changed to January 1, 1991.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Marriott Courtyard Inn, 400 Andover Park West, Tukwila, WA, on March 22, 1990, at 10:00 a.m.

Submit Written Comments to: Donald H. Williams, Board of Pharmacy, 319 East Seventh Avenue, Olympia, WA 98504, by March 21, 1990.

Date of Intended Adoption: March 22, 1990.

January 11, 1990

Harold Dygert

Assistant Attorney General
Board Counsel

rule was changed to make clear that whereas the records of license holders voluntarily entering treatment programs are exempt from the provisions of the Public Disclosure Act, board orders incorporating treatment programs are not exempt.

Effective Date of Rule: Thirty-one days after filing.

December 14, 1989

Joseph M. Honda

Chair

Chapter 360-15 WAC

IMPAIRED PHARMACIST REHABILITATION

WAC

360-15-010	Purpose and scope.
360-15-020	Definitions.
360-15-030	Applicability.
360-15-040	Reporting and freedom from liability.
360-15-050	Approval of substance abuse monitoring programs.
360-15-060	Participation in approved substance abuse monitoring program.
360-15-070	Confidentiality.

NEW SECTION

WAC 360-15-010 PURPOSE AND SCOPE.

These rules are designed to assist the board of pharmacy regarding a registrant/licensee whose competency may be impaired due to the abuse of alcohol and/or drugs. The board intends that such registrants/licenses be treated and their treatment monitored so that they can return or continue to practice pharmacy with judgment, skill, competence, and safety to the public. To accomplish this, the board shall approve voluntary substance abuse monitoring programs and shall refer registrants/licenses impaired by substance abuse to approved programs.

NEW SECTION

WAC 360-15-020 DEFINITIONS. For the purpose of this chapter:

(1) "Chemical dependence - Substance abuse" means a chronic progressive illness which involves the use of alcohol and/or other drugs to a degree that it interferes in the functional life of the registrant/licensee, as manifested by health, family, job (professional services), legal, financial, or emotional problems.

(2) "Board" means the Washington state board of pharmacy.

(3) "Diversion" means illicit dispensing, distribution, or administration of a scheduled controlled substance or other legend drug not in the normal course of professional practice.

(4) "Drug" means a chemical substance alone or in combination, including alcohol.

(5) "Impaired pharmacist" means a pharmacist who is unable to practice pharmacy with judgment, skill, competence, or safety to the public due to chemical dependence, mental illness, the aging process, loss of motor skills, or any other mental or physical condition.

WSR 90-03-054

PERMANENT RULES

BOARD OF PHARMACY

[Order 025—Filed January 17, 1990, 9:15 a.m.]

Date of Adoption: December 14, 1989.

Purpose: These rules are to assist the board in the rehabilitation of pharmacists and others whose ability to practice pharmacy or pharmacy support services is impaired.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 89-22-066 on October 31, 1989.

Changes Other than Editing from Proposed to Adopted Version: The introductory paragraph of WAC 360-15-050 was changed. Ambiguity on the proposed rule suggested some limitation on the board's authority to contract for pharmacist recovery, assistance and monitoring programs. The proposed rule was changed to clarify the board's authority to contract with any appropriate service provider. WAC 360-15-070(2) was changed. The proposed rule was imprecise. The proposed

(6) "Approved substance abuse monitoring program" means a pharmacy recovery assistance program or program which the board has determined meets the requirement of the law and the criteria established by the board in WAC 360-15-050 which enters into a contract with pharmacists who have substance abuse problems regarding the required components of the pharmacists recovery activity and oversees the pharmacist's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating pharmacists.

(7) "Contract" means a comprehensive, structured agreement between the recovering pharmacist and the approved monitoring program stipulating the pharmacist's consent to comply with the monitoring program and its required components of the pharmacist's recovery program.

(8) "Approved treatment facility" means a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 70.96A.020(3) to provide concentrated alcoholism or drug addiction treatment if located within Washington state. Drug and alcohol addiction treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(3).

(9) "Aftercare" means that period of time after intensive treatment that provides the pharmacist and the pharmacist's family with group, or individualized counseling sessions, discussions with other families, ongoing contact and participation in self-help groups, and ongoing continued support of treatment program staff.

(10) "Twelve-step groups" means groups such as Alcoholics Anonymous, Narcotics Anonymous, Cocaine Anonymous, and related organizations based on a philosophy of anonymity, peer group associations, self-help belief in a power outside of oneself which offer support to the recovering individual to maintain a chemically free lifestyle.

(11) "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person to be tested. The collection of the body fluid must be observed by a treatment or health care professional or other board or monitoring program-approved observer.

(12) "Recovering" means that a chemically dependent pharmacist is in compliance with a treatment plan of rehabilitation in accordance with criteria established by an approved treatment facility and an approved substance abuse monitoring program.

(13) "Rehabilitation" means the process of restoring a chemically dependent pharmacist to a level of professional performance consistent with public health and safety.

(14) "Reinstatement" means the process whereby a recovering pharmacist is permitted to resume the practice of pharmacy.

(15) "Pharmacist support group" means a group of pharmacists meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced pharmacist facilitator in

which pharmacists may safely discuss drug diversion, licensure issues, return to work, and other issues related to recovery.

NEW SECTION

WAC 360-15-030 **APPLICABILITY.** This chapter is applicable to all registered/licensed externs, interns, pharmacists, and any pharmacy assistants. For the purpose of this chapter, the word "pharmacist" shall include externs, interns and pharmacy assistants, as defined under chapter 18.64A RCW.

NEW SECTION

WAC 360-15-040 **REPORTING AND FREEDOM FROM LIABILITY.** (1) Reporting.

(a) If any pharmacist or pharmacy owner knows or suspects that a pharmacist is impaired by chemical dependence, mental illness, physical incapacity, or other factors, that person shall report any relevant information to a pharmacy recovery assistance program or to the board.

(b) If a person is required by law to report an alleged impaired pharmacist to the board, the requirement is satisfied when the person reports the pharmacist to a board-approved and contracted pharmacist recovery assistance program.

(2) Any person who in good faith reports information concerning a suspected impaired pharmacist to a pharmacy recovery assistance program or to the board shall be immune from civil liability.

NEW SECTION

WAC 360-15-050 **APPROVAL OF SUBSTANCE ABUSE MONITORING PROGRAMS.** The board will approve pharmacist recovery, assistance, and monitoring programs which will participate in the board's substance abuse monitoring program. The board may contract for these services.

(1) The approved monitoring program will not provide evaluation or treatment to participating pharmacists.

(2) The approved monitoring program/recovery assistance staff must have the qualifications and knowledge of both substance abuse and the practice of pharmacy as defined in this chapter to be able to evaluate:

- (a) Clinical laboratories.
- (b) Laboratory results.
- (c) Providers of substance abuse treatment, both individuals and facilities.
- (d) Pharmacist support groups.
- (e) The pharmacist's work environment.
- (f) The ability of the pharmacist to practice with reasonable skill and safety.

(3) The approved monitoring program will enter into a contract with the pharmacist and the board to oversee the pharmacists' compliance with the requirements of the program.

(4) The approved monitoring program may make exceptions to individual components of the contract on an individual basis.

(5) The approved monitoring program staff will determine, on an individual basis, whether a pharmacist

will be prohibited from engaging in the practice of pharmacy for a period of time and restrictions, if any, on the pharmacist's access to controlled substances in the work place.

(6) The approved monitoring program shall maintain records on participants.

(7) The approved monitoring program will be responsible for providing feedback to the pharmacist as to whether treatment progress is acceptable.

(8) The approved monitoring program shall report to the board any pharmacist who fails to comply with the requirements of the monitoring program.

(9) The approved monitoring program shall provide the board with a statistical report on the program, including progress of participants, at least annually.

(10) The approved monitoring program shall receive from the board guidelines on treatment, monitoring, and limitations on the practice of pharmacy for those participating in the program.

NEW SECTION

WAC 360-15-060 PARTICIPATION IN APPROVED SUBSTANCE ABUSE MONITORING PROGRAM. (1) The pharmacist who has been investigated by the board may accept board referral into the approved substance abuse monitoring program. This may be part of disciplinary action.

(a) The pharmacist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professionals with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The pharmacist shall enter into a contract with the board and the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The pharmacist will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The pharmacist will agree to abstain from the use of all mind-altering substances, including alcohol, except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101. Said prescriber shall notify the monitoring program of all drugs prescribed within fourteen days of the date care was provided.

(iii) The pharmacist must complete the prescribed aftercare program of the intensive treatment facility. This may include individual and/or group psychotherapy.

(iv) The pharmacist must cause the treatment counselor(s) and authorized prescriber(s) to provide reports to the appropriate monitoring program at specified intervals. Reports shall include treatment prognosis, goals, drugs prescribed, etc.

(v) The pharmacist shall submit to random drug screening, with observed specimen collection, as specified by the approved monitoring program.

(vi) The pharmacist will attend pharmacist support groups facilitated by a pharmacist and/or twelve-step group meetings as specified by the contract.

(vii) The pharmacist will comply with specified employment conditions and restrictions as defined by the contract.

(viii) The pharmacist shall sign a waiver allowing the approved monitoring program to release information to the board if the pharmacist does not comply with the requirements of this contract.

(c) The pharmacist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, random urine screens, and other personal expenses incurred in compliance with this contract.

(d) The pharmacist may be subject to disciplinary action under RCW 18.64.160 if the pharmacist does not consent to be referred to the approved monitoring program, does not comply with specified employment restrictions, or does not successfully complete the program.

(2) A pharmacist who is not being investigated by the board or subject to current disciplinary action or currently being monitored by the board for substance abuse may voluntarily participate in the approved substance abuse monitoring program without being referred by the board. Such voluntary participants shall not be subject to disciplinary action under RCW 18.64.160 for their substance abuse and shall not have their participation known to the board if they meet the requirements of the approved monitoring program:

(a) The pharmacist shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by a health care professional with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The pharmacist shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to:

(i) The pharmacist will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The pharmacist will agree to abstain from the use of all mind-altering substances, including alcohol, except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101. Said prescriber shall notify the monitoring program of all drugs prescribed within fourteen days of the date care was provided.

(iii) The pharmacist must cause the treatment counselor(s) and authorized prescriber(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis, goals, drugs prescribed, etc.

(v) The pharmacist shall submit to random drug screening, with observed specimen collection, as specified by the approved monitoring program.

(vi) The pharmacist will attend pharmacist support groups facilitated by a pharmacist and/or twelve-step group meetings as specified by the contract.

(vii) The pharmacist will comply with specified employment conditions and restrictions as defined by the contract.

(viii) The pharmacist shall sign a waiver allowing the approved monitoring program to release information to

the board if the pharmacist does not comply with the requirements of this contract.

(c) The pharmacist is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, random urine screens, and other personal expenses incurred in compliance with this contract.

NEW SECTION

WAC 360-15-070 CONFIDENTIALITY. (1) The treatment and pretreatment records of license holders referred to or voluntarily participating in approved monitoring programs shall be confidential, shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena or admissible as evidence except for monitoring records reported to the disciplinary authority for cause as defined in WAC 360-15-060 (1) and (2). Records held by the board under this section shall be exempt from RCW 42.17.250 through 42.17.450 and shall not be subject to discovery by subpoena except by the license holder.

(2) Notwithstanding subsection (1) of this section, board orders shall be subject to RCW 42.17.250 through 42.17.450.

WSR 90-03-055
PERMANENT RULES
BOARD OF PHARMACY
 [Order 026—Filed January 17, 1990, 9:16 a.m.]

Date of Adoption: December 14, 1989.

Purpose: To regulate the preparation, labeling and distribution of parenteral products by nonhospital pharmacies.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 89-22-067 on October 31, 1989.

Changes Other than Editing from Proposed to Adopted Version: Chapter 360-16A WAC, the title of the section was changed from "Outpatient parenteral products" to "Parenteral products for nonhospitalized patients" in order to more accurately reflect the chapter's coverage. Proposed WAC 360-16A-050, which allowed registered nurses to prepare parenteral products on an emergency basis, was deleted. Several of those testifying at the rules hearing had objected to the preparation of parenterals by registered nurses on the ground that, under the proposed rules, the nurses need not have had any training in the preparation of parenteral products.

Effective Date of Rule: Thirty-one days after filing.
 December 14, 1989
 Joseph M. Honda
 [Chair]

Chapter 360-16A WAC
**PARENTERAL PRODUCTS FOR NONHOSPITAL-
 IZED PATIENTS**

WAC

- 360-16A-010 Scope and purpose.
- 360-16A-020 Definitions.

- 360-16A-030 Policy and procedure manual.
- 360-16A-040 Physical requirements.
- 360-16A-060 Personnel.
- 360-16A-070 Drug distribution and control.
- 360-16A-080 Antineoplastic medications.
- 360-16A-090 Clinical services.
- 360-16A-100 Quality assurance.

NEW SECTION

WAC 360-16A-010 SCOPE AND PURPOSE. The purpose of this chapter is to provide standards for the preparation, labeling, and distribution of parenteral products by licensed pharmacies, pursuant to an order or prescription. These standards are intended to apply to all parenteral products not administered in a hospital.

NEW SECTION

WAC 360-16A-020 DEFINITIONS. (1) Biological safety cabinet - A containment unit suitable for the preparation of low to moderate risk agents where there is a need for protection of the product, personnel, and environment according to National Sanitation Foundation (NSF) Standard 49.

(2) Class 100 environment - An atmospheric environment which contains less than 100 particles 0.5 microns in diameter per cubic foot of air, according to Federal Standard 209B.

(3) Antineoplastic - A pharmaceutical that has the capability of killing malignant cells.

(4) Parenteral - Sterile preparations of drugs for injection through one or more layers of skin.

NEW SECTION

WAC 360-16A-030 POLICY AND PROCEDURE MANUAL. (1) A policy and procedure manual as it relates to parenteral products shall be available for inspection at the pharmacy. The manual shall be reviewed and revised on an annual basis by the on-site pharmacist-in-charge.

(2) The manual shall include policies and procedures for:

- (a) Clinical services;
- (b) Parenteral product handling, preparation, dating, storage, and disposal;
- (c) Major and minor spills of antineoplastic agents, if applicable;
- (d) Disposal of unused supplies and medications;
- (e) Drug destruction and returns;
- (f) Drug dispensing;
- (g) Drug labeling—relabeling;
- (h) Duties and qualifications for professional and nonprofessional staff;
- (i) Equipment;
- (j) Handling of infectious waste pertaining to drug administration;
- (k) Infusion devices and drug delivery systems;
- (l) Dispensing of investigational medications;
- (m) Training and orientation of professional and non-professional staff commensurate with the services provided;
- (n) Quality assurance;

- (o) Recall procedures;
- (p) Infection control;
- (i) Suspected contamination of parenteral products;
- (ii) Orientation of employees to sterile technique;
- (q) Sanitation;
- (r) Security;
- (s) Transportation; and
- (t) Absence of a pharmacist.

NEW SECTION

WAC 360-16A-040 PHYSICAL REQUIREMENTS. (1) Space. The pharmacy shall have a designated area with entry restricted to designated personnel for preparing compounded parenteral products. This area shall be designed to minimize traffic and airflow disturbances. It shall be used only for the preparation of these specialty products. It shall be of sufficient size to accommodate a laminar airflow hood and to provide for the proper storage of drugs and supplies under appropriate conditions of temperature, light, moisture, sanitation, ventilation, and security.

(2) Equipment. The pharmacy preparing parenteral products shall have:

(a) Appropriate environmental control devices capable of maintaining at least a Class 100 environment condition in the workspace where critical objects are exposed and critical activities are performed; furthermore, these devices are capable of maintaining Class 100 environment conditions during normal activity;

(b) Clean room and laminar flow hood certification shall be conducted annually by an independent contractor according to Federal Standard 209B or National Sanitation Foundation 49 for operational efficiency. These reports shall be maintained for at least two years;

(c) Prefilters. Prefilters for the clean air source shall be replaced on a regular basis and the replacement date documented;

(d) Sink with hot and cold running water which is convenient to the compounding area for the purpose of hand scrubs prior to compounding;

(e) Appropriate disposal containers for used needles, syringes, etc., and if applicable, antineoplastic agents;

(f) Refrigerator/freezer with thermometer;

(g) Temperature controlled delivery container, if appropriate;

(h) Infusion devices, if appropriate.

(3) Reference library. The pharmacy shall have current reference materials related to parenteral products. These reference materials will contain information on stability, incompatibilities, mixing guidelines, and the handling of antineoplastic products.

NEW SECTION

WAC 360-16A-060 PERSONNEL. (1) Pharmacist-in-charge. Each pharmacy shall be managed on site by a pharmacist who is licensed to practice pharmacy in this state and who has been trained in the specialized functions of preparing and dispensing compounded parenteral products, including the principles of aseptic technique and quality assurance. This training may be

obtained through residency training programs, continuing education programs, or experience in an IV admixture facility. The pharmacist-in-charge shall be responsible for the purchasing, storage, compounding, repackaging, dispensing, and distribution of all parenteral products. He/she shall also be responsible for the development and continuing review of all policies and procedures, training manuals, and the quality assurance programs. The pharmacist-in-charge may be assisted by additional pharmacists trained in this area of practice.

(2) Supportive personnel. The pharmacist-in-charge may be assisted by a level A pharmacy assistant. The level A pharmacy assistant shall have specialized training in this field and shall work under the immediate supervision of a pharmacist. The training provided to these personnel shall be described in writing in a training manual pursuant to chapter 360-52 WAC and chapter 18.64A RCW. The duties and responsibilities of the level A pharmacy assistant must be consistent with his/her training and experience.

(3) Staffing. A pharmacist shall be accessible twenty-four hours per day for each pharmacy to respond to patient's and other health professionals' questions and needs.

NEW SECTION

WAC 360-16A-070 DRUG DISTRIBUTION AND CONTROL. (1) Prescription. The pharmacist, or pharmacy intern acting under the immediate supervision of a pharmacist, must receive a written or verbal prescription from an authorized prescriber before dispensing any parenteral product. Prescriptions may be filed within the pharmacy by patient-assigned consecutive numbers. A new prescription is required every twelve months or upon any prescription change. These prescriptions shall, at a minimum, contain the following:

(a) Patient name;

(b) Patient address;

(c) Drug name, strength, and dispensing quantity;

(d) Patient directions for use;

(e) Date written;

(f) Authorizing prescriber's name;

(g) Physician's address and Drug Enforcement Administration identification code, if applicable;

(h) Refill instructions, if applicable; and

(i) Provision for generic substitution.

(2) Profile or medication record system. A pharmacy-generated profile or medication record system must be separated from the oral prescription file. The patient profile or medication record system shall be maintained under the control of the pharmacist-in-charge for a period of two years after the last dispensing activity. The patient profile or medication record system shall contain, at a minimum:

(a) Patient's full name;

(b) Date of birth or age;

(c) Weight, if applicable;

(d) Sex, if applicable;

(e) Parenteral products dispensed;

(f) Date dispensed;

(g) Drug content and quantity;

(h) Patient directions;

- (i) Prescription identifying number;
- (j) Identification of dispensing pharmacist and preparing level A pharmacy assistant, if applicable;
- (k) Other drugs patient is receiving;
- (l) Known drug sensitivities and allergies to drugs and foods;
- (m) Primary diagnosis, chronic conditions; and
- (n) Name of manufacturer and lot numbers of components or a policy for return of recalled product if lot numbers are not recorded.

(3) Labeling. Parenteral products dispensed to patients shall be labeled with the following information with a permanent label:

- (a) Name, address, and telephone number of the pharmacy;
- (b) Date and prescription identifying number;
- (c) Patient's full name;
- (d) Name of each component, strength, and amount;
- (e) Directions for use including infusion rate;
- (f) Prescriber's name;
- (g) Required transfer warnings;
- (h) Date of compounding;
- (i) Expiration date and expiration time, if applicable;
- (j) Identity of pharmacist compounding and dispensing or other authorized individual;
- (k) Storage requirements;
- (l) Auxiliary labels, where applicable;
- (m) Antineoplastic drug auxiliary labels, where applicable; and
- (n) On all parenteral products, a twenty-four hour phone number where a pharmacist can be contacted.

(4) Records and reports. The pharmacist-in-charge shall maintain access to and submit, as appropriate, such records and reports as are required to ensure patient's health, safety, and welfare. Such records shall be readily available, maintained for two years, and subject to inspections by the board of pharmacy. These shall include, as a minimum, the following:

- (a) Patient profile/medication record system;
- (b) Policy and procedure manual;
- (c) Training manuals; and
- (d) Such other records and reports as may be required by law and rules of the board of pharmacy.

Information regarding individual patients shall be maintained in a manner to assure confidentiality of the patient's record. Release of this information shall be in accordance with federal and/or state laws or rules.

(5) Delivery service. There will be a provision for the timely delivery of parenteral products from a pharmacy so a practitioner's order for drug therapy can be implemented without undue delay. The pharmacist-in-charge shall assure the environmental control of all parenteral products shipped. Therefore, any parenteral products must be shipped or delivered to a patient in appropriate temperature controlled delivery containers (as defined by USP Standards) and stored appropriately in the patient's home. Chain of possession for the delivery of controlled substances via contracted courier must be documented, and a receipt required. The pharmacy, on request, will provide instruction for the destruction of unused parenteral products and supplies in the event a

parenteral product is being discontinued or a patient dies.

(6) Disposal of infectious wastes. The pharmacist-in-charge is responsible for assuring that there is a system for the disposal of infectious waste pertaining to drug administration in a manner so as not to endanger the public health.

(7) Emergency kit. When parenteral products are provided to home care patients, the dispensing pharmacy may supply the registered nurse with emergency drugs if the physician has authorized the use of these drugs by a protocol for use in an emergency situation, e.g., anaphylactic shock. A protocol for the emergency kit must be submitted to and approved by the board of pharmacy.

NEW SECTION

WAC 360-16A-080 ANTINEOPLASTIC MEDICATIONS. The following additional requirements are necessary for those pharmacies that prepare antineoplastic medications to assure the protection of the personnel involved.

(1) All antineoplastic medications shall be compounded within a certified Class II type A or Class II type B vertical laminar airflow hood.

Policy and procedures shall be developed for the cleaning of the laminar airflow hood between compounding antineoplastic medications and other parenteral products, if applicable.

(2) Protective apparel shall be worn by personnel compounding antineoplastic medications. This shall include disposable gloves, gowns with tight cuffs, masks, and protective eye shields if the safety cabinet is not equipped with splash guards.

(3) Appropriate safety containment techniques for compounding antineoplastic medications shall be used in conjunction with the aseptic techniques required for preparing parenteral products.

(4) Disposal of antineoplastic waste shall comply with all applicable local, state, and federal requirements, i.e., Occupational Safety and Health Administration (OSHA) and Washington Industrial Safety and Health Administration (WISHA).

(5) Written procedures for handling both major and minor spills of antineoplastic medications must be developed and must be included in the policy and procedure manual. These procedures will include providing spill kits along with directions for use to those persons receiving therapy.

(6) Prepared doses of antineoplastic medications must be dispensed and shipped in a manner to minimize the risk of accidental rupture of the primary container.

(7) Documentation that personnel have been trained in compounding, handling, and destruction of antineoplastic medications.

NEW SECTION

WAC 360-16A-090 CLINICAL SERVICES. (1) Primary provider. There shall be an authorizing practitioner primarily responsible for the patient's medical care. There shall be a clear understanding between the

authorizing practitioner, the patient, the home health care agency, and the pharmacy of the responsibilities of each in the areas of the delivery of care and the monitoring of the patient. This shall be documented in the patient's medication record system.

(2) A systematic process of medication use review must be designed, followed, and documented on an ongoing basis.

(3) Pharmacist-patient relationship. The pharmacist is responsible for seeing that the patient's compliance and adherence to a medication regimen is followed.

(4) Patient monitoring. The pharmacist will have access to clinical and laboratory data concerning each patient. Any abnormal values will be reported to the authorizing practitioner in a timely manner.

(5) Documentation. There must be documentation of ongoing drug therapy monitoring and assessment shall include but not be limited to:

(a) Therapeutic duplication in the patient's drug regimen;

(b) The appropriateness of the dose, frequency, and route of administration;

(c) Clinical laboratory or clinical monitoring methods to detect side effects, toxicity, or adverse effects and whether the findings have been reported to the authorizing practitioner.

(6) Patient training. The patient, the patient's agent, the authorizing practitioner, the home health care agency, or the pharmacy must demonstrate or document the patient's training and competency in managing this type of therapy in the home environment. A pharmacist is responsible for the patient training process in any area that relates to medication compounding, labeling, storage, stability, or incompatibility. The pharmacist must be responsible for seeing that the patient's competency in the above areas is reassessed on an ongoing basis.

(7) A pharmacist will verify that any parenteral product a patient has not received before will be administered under the supervision of a person authorized to manage anaphylaxis.

NEW SECTION

WAC 360-16A-100 QUALITY ASSURANCE. There shall be a documented, ongoing quality assurance program that is reviewed at least annually.

(1) The quality assurance program shall include but not be limited to methods to document:

- (a) Medication errors;
- (b) Adverse drug reactions;
- (c) Patient satisfaction;
- (d) Product sterility.

There shall be written documentation that the end product has been tested on a sampling basis for microbial contamination by the employee responsible for compounding parenteral products. Documentation shall be on a quarterly basis at a minimum.

(2) Nonsterile compounding. If bulk compounding of parenteral solutions is performed utilizing nonsterile chemicals, extensive end product testing, as referenced in Remington, must be documented prior to the release of the product from quarantine. This process must include

appropriate testing for particulate matter and testing for pyrogens.

(3) Expiration dates. There shall be written justification of the chosen expiration dates for compounded parenteral products.

WSR 90-03-056

NOTICE OF PUBLIC MEETINGS

MARINE EMPLOYEES' COMMISSION

[Memorandum—January 16, 1990]

Pursuant to RCW 42.30.075, the Marine Employees' Commission hereby gives notice that the previously scheduled February 1990 monthly meeting of the Marine Employees' Commission has been changed to Wednesday, February 28, 1990. The meeting will be held at 11:00 a.m., in the Conference Room of the Marine Employees' Commission, Main Floor, S.W. Quadrant, Evergreen Plaza Building, 711 Capitol Way South, Olympia, WA, following adjournment of a public hearing to be held to adopt chapters 316-55 and 316-85 WAC (WSR 90-03-039 and 90-03-040, filed January 12, 1990). Any questions regarding the meeting may be addressed to: Janis Lien, Administrative Assistant, Marine Employees' Commission, Main Floor, S.W. Quadrant, Evergreen Plaza Building, FJ-11, Olympia, Washington 98504.

WSR 90-03-057

PREPROPOSAL COMMENTS DEPARTMENT OF ECOLOGY

[Filed January 17, 1990, 9:20 a.m.]

Subject of Possible Rule Making: The Department of Ecology is required to develop rules that establish guidelines and polices regulating ocean uses on the outer continental shelf from the shoreline to three miles seaward. The policies and guidelines will be used by local governments on the coast in reviewing their shoreline master programs.

Persons may comment on this subject in the following ways: Written or verbal comments can be made to Paul Carr, Environmental Planner, Department of Ecology, Shorelands Program, Mailstop PV-11, Olympia, Washington 98504, phone (206) 438-7708, Monday - Friday, 8:00 a.m. to 5:00 p.m. from the date of filing of this notice until adoption of the rule.

January 8, 1990
Fred Olson
Deputy Director

WSR 90-03-058

COLUMBIA RIVER GORGE COMMISSION

[Filed January 17, 1990, 9:24 a.m.]

Reviser's note: The following material has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been

filed in the office of the code reviser and is published in the Register exactly as filed.

I HEREBY CERTIFY that the copy shown below is a true, full and correct copy of permanent rule(s) adopted on January 9, 1990, by the Columbia River Gorge Commission to become effective upon filing.

The within matter having come before the Columbia River Gorge Commission after all procedures having been in the required form and conducted in accordance with applicable statutes and rules and being fully advised in the premises.

Notice of Intended Action in Code Reviser's Register: Yes.

NOW THEREFORE, IT IS HEREBY ORDERED that the following action to be taken: Amending 350-20 and 350-16 as administrative rules of the Columbia River Gorge Commission.

DATED this 11th day of January, 1990.

By: Richard P. Benner
Title: Executive Director

Statutory Authority: RCW 493.97.015 [43.97.015] to 493.97.035 [43.97.035], chapter 499, Laws of 1987.

For Further Information Contact: Richard P. Benner, Executive Director, (509) 493-3323.

Chapter 350
Division 16
Administrative Rules
With Amendments of January 9, 1990

350-16-001. Commission Required to Prepare Public Writings in Readable Form.

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) Precedes final commission action; or

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

(6) "Party" means:

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

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

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

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

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

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

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

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

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

(c) Declaratory rulings.

(d) Intra-agency memoranda.

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

350-16-003. Description of Organization; Service of Order; Effect of Not Putting Order in Writing.

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

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

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

350-16-004. Notice Requirements for Rule Adoption; Temporary Rule Adoption, or Amendment; Substantial Compliance Required.

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

(a) In the manner established by rule adopted by the commission, which provides a reasonable opportunity for interested persons to be notified of the agency's proposed action;

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

(c) No later than three days after publication in the register and bulletin, to persons who have requested notice pursuant to subsection (7) of this section.

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

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

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

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

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

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

(E) A statement of the anticipated effects of the proposed rule;

(F) A statement whether the rule is necessary as a result of federal law or a court decision;

(G) An indication of the person or persons proposing the rule;

(H) The date on which the commission intends to adopt the rule; and

(I) The commission personnel responsible for implementation and enforcement of the rule, with office location and telephone number.

(3) When the commission proposes to adopt, amend or repeal a rule, it shall give interested persons reasonable opportunity to submit data or views at a public hearing. The commission shall consider fully any written or oral submission.

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

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

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

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

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

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

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

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

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

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

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

350-16-005. Procedure for Commission Adoption of Federal Rules.

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

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

(3) After giving notice the commission may add to the rule or regulation by filing a copy with the Oregon Secretary of State and the Washington Code Reviser. The commission is not required to conduct public hearings concerning the adoption of the rule or regulation.

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

350-16-006. Filing and Taking Effect of Rules; Filing of Executive Orders; Copies.

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

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

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

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

(2) Each rule is effective upon the expiration of 30 days after the date of filing as required by subsection (1) of this section, except that:

(a) If a later effective date is required by constitution, statute or court order, the later date is the effective date.

(b) If a different effective date is specified in the rule and the commission finds that action is necessary because of imminent peril to public health, safety or welfare, the specified date is the effective date.

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

make temporary rules known to the persons who may be affected by them.

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

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

350-16-007. Petitions Requesting Adoption of Rules.

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

350-16-008. Notice to Party Before Hearing of Rights and Procedure; Legislative Findings; Failure to Provide Notice.

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

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

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

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

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

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

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

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

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

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

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

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

(4) The failure of the commission to give notice of any item specified in subsections (2) and (3) of this section, shall not invalidate any determination or order of the commission unless upon an appeal from or review of the determination or order a court finds that the failure affects the substantial rights of the complaining party. In the event of such a finding, the court shall remand the matter to the commission for a reopening of the hearing and shall direct the commission as to what steps it shall take to remedy the prejudice to the rights of the complaining party.

350-16-009. Notice, Hearing and Record in Contested Cases; Informal Dispositions; Hearings Officer; Statement of Ex Parte Communications.

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

(2) The notice shall include:

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

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

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

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

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

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

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

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

(7) Within seven days after service of a default order under subsection (6) of this section, the party against whom it was entered may file a written motion requesting that the order be vacated, and stating the grounds relied upon. During the time within which a party may file a written motion under this subsection, the presiding officer may adjourn the proceedings or conduct them without the participation of that party, having due regard for the interests of justice and the orderly and prompt conduct of the proceedings. At the commencement of the hearing, the officer presiding shall explain the issues involved in the hearing and the matters that the parties must either prove or disprove.

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

(9) A presiding officer who receives an ex parte communication during the pendency of a proceeding shall place on the record of the proceeding all written communications received, all written responses to the communications and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the presiding officer received an ex parte communication. The presiding officer shall advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a written rebuttal statement on the record.

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

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

(a) all pleadings, motions and intermediate rulings.

(b) Evidence received or considered.

(c) Stipulations.

(d) A statement of matters officially noticed.

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

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

(g) Proposed findings and exceptions.

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

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

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-16-010. Presiding Officer – Disqualification, Substitution.

(1) Any party may petition for the disqualification of an individual promptly after receipt of notice indicating that the individual will preside or, if later, promptly upon discovering facts establishing grounds for disqualification.

(2) The individual whose disqualification is requested shall determine whether to grant the petition, stating facts and reasons for the determination.

(3) If a substitute is required for an individual who becomes unavailable as a result of disqualification or any other reason, the substitute must be appointed by the commission.

350-16-011. Interpreter for Handicapped Person in Contested Case.

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

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

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

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

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

(3) As used in this section:

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

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

350-16-012. Depositions or Subpoena of Material Witness; Discovery.

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

(2) On petition of any party to a contested case the commission may order that the party be allowed an opportunity to visit the property that is the subject of a hearing before the commission. The petition shall set forth the name, address and telephone number of the person or persons who will visit the property and a showing of the materiality of the evidence to be obtained from the visit. The applicant, the owner of the property or a representative shall be entitled to accompany the petitioning party while on the property and shall be given access to any written report or notes from the site visit prepared for the petitioning party that is not subject to protection under the attorney-client privilege.

(3) The commission may allow petitions to take depositions, for subpoenas, admissions or other forms of discovery prescribed by law in civil actions upon a showing of necessity and unavailability by other means. In determining whether to allow the discovery the commission shall consider:

- (a) Whether all parties are represented by counsel;
- (b) Whether undue expense or delay in bringing the matter to hearing will result;
- (c) Whether the discovery will promote the orderly and prompt conduct of the proceeding; and
- (d) Whether the interests of justice will be promoted.

350-16-013. Subpoenas in Contested Cases.

(1) The commission shall issue subpoenas to any party to a contested case upon request upon a showing of general relevance and reasonable scope of the evidence sought. A party, other than the commission, entitled to

have witnesses on behalf of the party may have subpoenas issued by an attorney of record of the party, subscribed by the signature of the attorney. Witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the commission, shall receive fees and mileage as prescribed by law for witnesses in civil actions.

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

350-16-014. Evidence in Contested Cases.

(1) Irrelevant, immaterial or unduly repetitious evidence shall be excluded but erroneous rulings on evidence shall not preclude commission action on the record unless shown to have substantially prejudiced the rights of a party. All other evidence of a type commonly relied upon by reasonably prudent persons in conduct of their serious affairs shall be admissible. The commission shall give effect to the rules of privilege recognized by law. Objections to evidentiary offers may be made and shall be noted in the record. Any part of the evidence may be received in written form.

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

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

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

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

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

350-16-015. Examination of Evidence by Agency in Contested Cases.

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

350-16-016. Commission Statement of Ex Parte Communications; Notice.

Any commissioner who receives an ex parte communication during the pendency of a proceeding shall place on the record of the proceeding all written communications received, all written responses to the communications and a memorandum stating the substance of all oral communications received, all responses made, and the identity of each person from whom the commissioner received an ex parte communication. The commissioner shall advise all parties that these matters have been placed on the record. Upon request made within ten days after notice of the ex parte communication, any party desiring to rebut the communication shall be allowed to place a written rebuttal statement on the record.

350-16-017. Proposed Order by Hearings Officer; Amendment by Commission; Exemptions.

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

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

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

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-16-018. Orders in Contested Cases.

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

(2) A final order shall be accompanied by findings of fact and conclusions of law, and the reasons and basis therefore, on all the material issues of fact, law, or discretion presented on the record, including the remedy or sanction. Any findings based substantially upon credibility of evidence or demeanor of witnesses shall be so identified. The findings of fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue of facts and as to each ultimate fact required to support the commission's order.

(3) The commission shall serve in writing any final order within 90 days after the hearing or after the submission of any additional memoranda, briefs or proposed findings. The commission shall notify the parties to a proceeding of a final order by delivering or mailing a copy of the order and any accompanying findings and conclusions to each party or, if applicable, the party's attorney of record.

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

350-16-020. Commission Record of Contested Case.

(1) The commission shall maintain an official record of each contested case.

(2) The commission record shall include:

- (a) Notices of proceedings;
- (b) Any prehearing order;
- (c) Any motions, pleadings, briefs, petitions, requests and intermediate rulings;
- (d) Evidence received or considered;
- (e) A statement of any matters officially noticed;
- (f) Proffers of proof and objections and rulings thereon;
- (g) Proposed findings, requested orders and exceptions;
- (h) The recording prepared for the commission at the hearing, together with any transcript of all or part of the hearing considered before final disposition of the proceeding;
- (i) Any final order, initial order or order on reconsideration;
- (j) Staff memoranda or data submitted to the commission; and
- (k) Matters placed on the record after an ex parte communication.

350-16-022. Service of Process.

A petition for judicial review of a final order in a contested case shall be served upon the commission by delivery of a copy of the petition to the office of the executive director or chairperson of the commission at the principal office of the commission.

350-16-024. Commission Record for Review.

(1) Within thirty days after service of a petition for judicial review, or within further time allowed by the court, the commission shall transmit to the court the

original or a certified copy of the commission record specified in 350-16-020.

(2) The commission may charge a nonindigent petitioner with the reasonable costs of preparing any necessary copies and transcripts for transmittal to the court. A failure by the petitioner to pay this cost to the commission relieves the commission from the responsibility for preparation of the record and transmittal to the court.

Chapter 350
Division 20

Review and Approval of
Major Development Actions and New Residential
Development

With Amendments of
May 10 and November 15, 1988,
June 13, 1989 and January 9, 1990

350-20-001. Purpose.

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

350-20-002. Definitions.

For the purposes of this division, the following definitions shall apply, unless context requires otherwise:

- (1) "City" means any city whose boundaries extend into a Special or General Management Area.
- (2) "Commission" means the Columbia River Gorge Commission as authorized by ORS 390.500 to 390.515, Chapter 14, Oregon Laws 1987 and RCW 43.97.015 to 43.97.035, Chapter 499, Washington Laws 1987.
- (3) "Director" means the Executive Director of the Columbia River Gorge Commission or staff designee.
- (4) "Counties" means Multnomah, Hood River and Wasco Counties, Oregon; and Clark, Skamania and Klickitat Counties, Washington.
- (5) "General Management Areas (GMAs)" means those lands within the boundaries of the National Scenic Area except for those areas designated as Special Management Areas (SMAs) or Urban Areas (UAs).
- (6) "File" means to deliver to Commission offices by mail or otherwise. To be considered filed, a document must be received at Commission offices by 5:00 p.m.
- (7) "Forest Service" means U.S.D.A. Forest Service Columbia River Gorge National Scenic Area Office.
- (8) "Major Development Action" means any of the following:
 - (a) subdivisions, partitions, and short plat proposals outside of Urban Areas;
 - (b) any permit for siting or constructing outside Urban Areas of multifamily residential, industrial or commercial facilities, except such facilities as are included in the recreation assessment prepared pursuant to section 6 of P.L. 99-663;
 - (c) the exploration, development, and production of mineral resources in General and Special Management

Areas unless such exploration, development, or production can (i) be conducted without disturbing the surface of any land within the boundaries of a Special Management Area or (ii) is for sand, gravel, and crushed rock used for the construction, maintenance or reconstruction of roads within the Special Management Areas used for the production of forest products; and

(d) permits for siting or construction within the Special Management Areas of any residence or other related major structure on any parcel less than forty (40) acres in size.

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

(10) "Person" means any individual, partnership, corporation, association, governmental division or public or private organization or any character other than the Commission.

(11) "Party" means:

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

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

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

(12) "Related Major Structure" means any detached structure which is accessory to a residence.

(13) "Residential Development" means the permitting for siting or construction of any single family residence, related major structure, or alteration to the exterior of any single family residence or related major structure deemed significant by the Commission or its designee.

(14) "Special Management Areas (SMAs)" means areas within the National Scenic Area established or revised pursuant to section 4(b) of P.L. 99-663.

(15) "Indian Tribes" means the Nez Perce Tribe, the Confederated Tribes and Bands of the Yakima Nation, the Confederated Tribes of the Warm Springs of Oregon, and the Confederated Tribes of the Umatilla Indian Reservation.

(16) "Urban Areas (UAs)" means those areas within the Scenic Area identified as Urban Areas on the map referred to in section 4(e) of P.L. 99-663 or within the boundaries of an Urban Area as revised pursuant to section 4(f).

350-20-003. Review and Approval Required.

Prior to the effective date of a county's land use ordinance adopted and approved pursuant to sections 7 and 8 of P.L. 99-663, the Commission shall review all proposals for major development actions and new residential development within Special and General Management Areas in that county. Only major development actions and new residential development found by the Commission to be consistent with the standards of section 6 and the purposes of P.L. 99-663 and the Final Interim Guidelines referred to in section 350-20-004 shall be allowed. No major development action or new residential

development shall be undertaken or initiated without prior Commission approval.

350-20-004. Review Standards and Guidelines.

(1) The Columbia River Gorge National Scenic Area Final Interim Guidelines, published by the Forest Service and dated June 30, 1987, are adopted by reference as amended in paragraph (2) below and declared to be a part of this rule. In reviewing major development actions and new residential development for consistency with the standards of section 6 and the purposes of P.L. 99-663, Chapter 3 of the Final Interim Guidelines, as amended in paragraph (2) below, shall be utilized.

(2) The Final Interim Guidelines identified in paragraph (1) above are amended as follows:

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

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

(c) The guidelines for existing uses shall be revised as follows: "When a structure is destroyed or partially destroyed, it will be considered an existing use when replaced in kind and in the same location within one year. The exterior color and reflectivity of replacement structures must be consistent with the scenic guidelines in Chapter III. Replacement of a structure or use that differs in size or location from the original shall be subject to a consistency determination. Replacement of a mobile home in a special management area with a modular or site-built home, to be used in the same manner and for the same purposes, shall be considered the continuation of an existing use except that it shall be subject to review for consistency with the guidelines on scenic resources in section B(1).

350-20-005. Application for Review and Approval.

(1) Review of a major development action or new residential development shall commence upon the acceptance of an application by the Director.

(2) Applications for the review and approval of major development actions and new residential development shall provide the following information:

(a) The applicant's name, address and telephone number;

(b) The land owner's name, address and telephone number (if different from applicant's);

(c) The county in which the proposed development would be located;

(d) The section, quarter section, township and range in which the proposed development would be located;

(e) The street address of the proposed development;

(f) The tax lot number(s) and size in acres of the parcel(s) involved;

(g) A description of the current land use for the parcel(s) involved and adjoining lands;

(h) A narrative description in sufficient detail to clearly explain the major aspects and the features of the proposed development;

(i) A site plan drawn in black ink, either on the application form or on a separate sheet. The site plan must include:

scale and north arrow; boundaries of the parcel(s) involved; the location and width of all existing and proposed streets and roads; location and size of any existing and proposed structures; outside lighting; significant topographic features such as rock outcrops, swales, cliff or bluff lines; type and approximate location and height of trees 6" dbh (diameter at breast height) within 100 feet of proposed structures, roads, excavations or storage areas; trees 6" dbh (diameter at breast height) to remain on site after completion of development and other post-construction landscaping; boundary and depth of all grading and excavation to be done for road construction, building site preparation or landscaping purposes; location of water courses and bodies of water, including existing drainage patterns and proposed modifications to drainage patterns; location of source of water supply; for surface mining applications, the boundaries of the area to be mined, the depth of excavations and the proposed final site contours.

If the information required above is included on a site plan required for county or city permit approval, then the county or city site plan may be submitted in lieu of the above plan.

(j) A listing of major travel routes, scenic viewpoints, and public park and recreational facilities from which the proposed development would be visible;

(k) A description of the height, exterior color(s) and roofing and siding materials for all proposed structures;

(l) A description of any historic, archaeological, or cultural features on or adjacent to the development site;

(m) A description of how the proposed development would affect existing recreational uses or create new recreational opportunities;

(n) A description of how the proposed development action would affect air quality, water quality and quantity, fish and wildlife, soils, threatened or endangered plants or animals, native plants, and forest and agricultural lands; and

(o) Any additional information which the applicant feels will assist in the evaluation of the proposal including, but not limited to, maps, drawings, and development plans.

(p) The signature of the property owner or, if the applicant is other than the property owner, a signed statement by the property owner that he or she is aware that

the application is being filed or a copy of the purchase agreement with the applicant;--

(q) The signature of the applicant to a statement that authorizes the Director or the Director's designee reasonable access to the site in order to prepare a report on the application.

(3) Standard application forms shall be available at county and city planning offices, the office of the Columbia River Gorge Commission and the Forest Service.

350-20-006. Pre-Application Conference.

An applicant may request a pre-application conference prior to the submission of any application for development review. The purposes of the conference shall be to acquaint the applicant with the substantive and procedural requirements of this division, to discuss the principle elements of the proposed action, and to identify policies and regulations that create opportunities or pose constraints for the proposed action.

350-20-007. Submission of Applications.

Completed application forms shall be submitted directly to the office of the Columbia River Gorge Commission. Applications shall be accompanied by a statement from the applicable county or city planning department either that no approval or permit is required or that the applicant has been informed that approval or a permit is required.

350-20-008. Acceptance of Application.

Within five (5) working days of the receipt of an application, the Director shall review the application for completeness and adequacy.

(1) No application shall be accepted until all omissions and deficiencies noted have been corrected by the applicant.

(2) No application shall be accepted which the Director deems cannot be acted upon reasonably within thirty (30) working days, unless the applicant consents to a longer period for action.

(3) No application shall be accepted unless accompanied a statement from the applicable county or city planning department either that no approval or permit is required or that the applicant has been informed that approval or a permit is required.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

350-20-009. Notice of Development Review.

(1) Within seven (7) working days of the acceptance of an application, the Director shall issue notice of a proposed development review. The notice shall provide the following information:

- (a) The name of the applicant;
- (b) The general location of the subject property;
- (c) A brief description of the proposed action;
- (d) The deadline for rendering a decision; and
- (e) The deadline for filing comments on the proposed action.

(2) The notice shall state that the application and supporting documents are available for inspection at the Commission office during normal working hours.

(3) The notice shall be mailed to:

(a) The Forest Service, the States of Oregon and Washington, Indian Tribes and the planning director of the applicable county or city; and

(b) Owners of property within two hundred fifty (250) feet of the subject parcel(s) for all major development actions; and

(c) The appropriate newspaper(s).

(4) The notice shall be posted at the Commission and Forest Service offices and shall be made available for posting at the applicable county or city planning office(s) and applicable library or libraries.

(5) For all development, notice shall be published in a newspaper of general circulation nearest to the site of the proposed action.

(6) A copy of the notice shall be filed in the records of the Commission.

(7) Interested persons shall have the following time periods to submit written comments to the Director relative to the consistency of the proposed actions with the guidelines of 350-20-004:

(a) Fifteen (15) working days from the date the notice was mailed, or

(b) Ten (10) working days from the date the notice was mailed, where the proposed action is:

(1) A related major structure of 400 square feet or less in a General Management Area;

(2) An alteration to the exterior of or an addition to any residence or related major structure in a General Management Area;

(3) Replacement of a residence or related major structure of the same size and in the same location as the structure replaced; or

(4) Replacement of a structure destroyed or partially destroyed by fire if an application under 350-20-005 is filed within one year of the date of the fire.

350-20-010. Decision of the Director.

(1) In making a decision on a proposed development action the Director shall:

(a) Consult with the applicant and such agencies as the Director deems appropriate;

(b) Consider information submitted by the applicant and all other relevant information available;

(c) Consider all comments submitted pursuant to 350-20-009(7); and

(d) Solicit and consider the comments of the Forest Service.

(2) The Director shall approve a major development action and new residential development only if it is consistent with the standards of section 6 and the purposes of P.L. 99-663 and the Final Interim Guidelines referred to in section 350-20-004. In approving a proposed development action, the Director may impose conditions as necessary to ensure consistency with the standards and guidelines of 350-20-004.

(3) The Director shall issue a decision on a proposed development action including findings of fact and conclusions of law and any conditions to ensure consistency

with the standards of section 6 and the purposes of P.L. 99-663 and the Final Interim Guidelines referred to in section 350-20-004 within thirty (30) working days after acceptance of the application unless the applicant consents to an extension of time.

(4) The Director shall mail a copy of the decision to the applicant, the Commission, the Forest Service, the States of Oregon and Washington, the Indian Tribes, the planning director of the applicable county or city and each person who submitted comments under 350-20-009(7). The decision shall set forth the rights of appeal under 350-20-011.

(5) The decision of the Director shall be final unless a Notice of Appeal is filed in accordance with 350-20-011 or a Notice of Commission Initiated Review is filed in accordance with 350-20-013.

(6) The decision of the Director approving a proposed development action shall become void

(a) in one year if the development action is not undertaken within that year, or

(b) when the development action is discontinued for any reason for one continuous year or more.

(7) An applicant may request an extension of the validity of a development approval. Such request shall be considered an Administrative Action and shall be submitted to the Executive Director prior to the expiration of such approval, in writing, stating the reason why an extension should be granted. The Executive Director may grant an extension of up to twelve (12) months in the validity of a development approval if it is determined that conditions, for which the applicant was not responsible, would prevent the applicant from commencing his operation within the original time limitation.

350-20-011. Appeal of Decision by Director.

(1) The applicant or any person who submitted comments on a proposed development action pursuant to 350-20-009(7) may appeal the decision of the Director by filing a Notice of Appeal within the following time periods:

(a) Twenty (20) working days after the date the decision was mailed under 350-20-010(4); or

(b) Fifteen (15) working days after the date the decision was mailed under 350-20-010(4) where the proposed development action is one of these described in 350-20-009 (7)(b).

(2) The Notice of Appeal shall:

(a) Refer to the decision being appealed;

(b) Show that the person filing the appeal is either the applicant or submitted comments within the time specified in 350-20-009(7);

(c) Set forth the specific standards, guidelines or other grounds upon which the appeal is based;

(d) State the date of the Director's decision; and

(e) Indicate that the appellant has served by mail a copy of the Notice of Appeal upon the applicant, if other than the appellant, and those persons who submitted comments on the proposed development action pursuant to 350-20-009(7).

(3) Notices of Appeal not received within the time allotted by this section shall not be accepted.

350-20-012. Intervention in Appeal Hearing

(1) The applicant or any person who submitted comments on a proposed development action pursuant to 350-20-009(7) may participate in an appeal of the Director's decision by filing a Notice of Intervention with the Director within fifteen (15) working days of the date of the Notice of Appeal or Notice of Commission Initiated Review was mailed. The Notice of Intervention shall also be served by mail upon the applicant, the appellant if other than the applicant, and all persons who submitted comments on the proposed development action pursuant to 350-20-009(7).

(2) The Notice of Intervention shall:

(a) Refer to the Notice of Appeal for which intervenor status is being sought;

(b) Show that the person filing the Notice of Intervention is either the applicant or submitted comments on the proposed development action pursuant to 350-20-009(7);

(c) Set forth the specific standards, guidelines or other grounds upon which the Notice of Intervention is based;

(d) State the date of the Notice of Appeal; and

(e) Show service by mail upon those persons listed in subsection (1).

(3) Failure to file a Notice of Intervention which satisfies the requirements of subsection (2) above will deprive a person of the opportunity to participate under this section.

350-20-013. Commission Initiated Review

(1) A decision of the Director shall be referred directly to the Commission for hearing if three (3) or more members of the Commission file a written Notice of Commission Initiated Review with the Director within twenty (20) working days after the date the Notice of Decision was mailed. Copies of the Notice shall also be served by mail upon the applicant, the appellant if other than the applicant, and all persons who submitted comments on the proposed development action pursuant to 350-20-009(7).

(2) The Notice of Commission Initiated Review shall:

(a) Refer to the decision being appealed;

(b) Identify the Commission members filing the Notice;

(c) Set forth the specific policy issues, standards, guidelines or other grounds upon which the Notice of Commission Initiated Review is based;

(d) State the date of the Director's decision; and

(e) Show service by mail upon those persons listed in subsection (1).

350-20-014. Stay of Development Action.

No major development action or new residential development approved by the Director shall be undertaken or initiated during the appeal filing period set forth in 350-20-011 if the Director received any adverse comments during the comment period set forth in 350-20-009(7). If the Director received no adverse comments, major development action or new residential development approved by the Director may be undertaken or

initiated during the appeal filing period, subject to the risk and consequences of an appeal or a Commission initiated review pursuant to 350-20-013. The application remains subject to rules and regulations of other state and local authorities with jurisdiction over the proposed development.

350-20-015. Hearing Date and Notice.

(1) The Commission shall at the earliest practical date set a time and place to hear an appeal. In any event, the Commission shall conduct a hearing within forty-five (45) working days after the receipt of a Notice of Appeal or Notice of Commission Initiated Review, unless the parties agree to a later date.

(2) Notice of Hearing shall be mailed to all parties at least ten (10) working days in advance of the scheduled hearing in the form prescribed in 350-16-010, the Commission's Administrative Procedures Rule.

350-20-016. Content and Transmittal of the Record.

Unless otherwise stipulated by all parties to the review, the record shall include:

(1) The final decision of the Director including the findings and conclusions;

(2) The written comments on the proposed action submitted pursuant to 350-20-009(7);

(3) The application and any other documentation submitted by the applicant;

(4) Written comments or recommendations submitted to the Director during consultations pursuant to 350-20-010(1); and

(5) Documents and other materials not described above relied on by the Director in making a decision.

350-20-017. Conduct of the Hearing.

(1) The Commission's review of the Director's decision shall be *de novo*. *De novo* means that the Commission shall hear the matter as if no decision had been rendered by the Director, except that all materials and information received by the Director and the Director's decision including findings and conclusions shall be included in the record.

(2) The hearing shall be conducted by the Commission or a hearings officer, if the Commission so chooses, in accordance with 350-16-009 through 350-16-017, the Commission's Administrative Procedures Rule.

350-20-018. Final Order.

(1) Unless the parties agree to an extension of time, the Commission shall within fourteen (14) working days after the completion of a hearing adopt a final order upholding, amending or reversing the decision of the Director.

(2) The order shall be in the form prescribed in 350-16-018 and shall be distributed in accordance with the provisions of 350-16-018, the Commission's Administrative Procedures Rule.

(3) The order of the Commission shall be final and shall be subject only to judicial review pursuant to the provisions of P.L. 99-663 and the applicable laws of Oregon and Washington.

350-20-019. Resubmission of Disapproved Application.

If a proposed action is disapproved by the Director, and the Commission does not approve the development on appeal, no new application for the same or substantially similar action shall be filed for at least twelve (12) months from final Commission action on the application.

350-20-020. Changes or Alterations to an Approved Action.

Any change or alteration to a development action approved by the Commission or Director pursuant to this division shall be processed as new action, except that the Director may approve minor changes or alterations deemed to be consistent with the guidelines of 350-20-004 and the findings and conclusions for the original action. The decision to approve a minor alteration or change shall be supported by written findings and conclusions.

WSR 90-03-059
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed January 17, 1990, 10:47 a.m.]

Original Notice.

Title of Rule: Nonprofit homes for the aging.

Purpose: Provide procedures for administration of the property tax exemption for nonprofit homes for the aging.

Statutory Authority for Adoption: RCW 84.08.010 and 84.36.865.

Statute Being Implemented: RCW 84.36.041.

Summary: This rule provides guidance to persons concerned with claiming or administering the exemption for nonprofit homes for the aging.

Reasons Supporting Proposal: Statute contains ambiguities which need to be clarified.

Name of Agency Personnel Responsible for Drafting: Larry D. Stout, 6004 Capitol Boulevard, Tumwater, 586-4739; **Implementation and Enforcement:** William N. Rice, 6004 Capitol Boulevard, Tumwater, 753-5503.

Name of Proponent: Department of Revenue, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule specifies who may claim the homes for the aging exemption, how to claim the exemption, and how to administer the exemption. The rule's purpose is to provide procedures for the administration of the property tax exemption for nonprofit homes for the aging. It is anticipated that this rule will implement the provisions contained in RCW 84.36.041.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Department of Revenue has reviewed the administrative provisions contained in WAC 458-16-265 in

order to determine the economic impact on small business. The new provisions incorporated in the rule do not change the reporting frequency of tax returns, require new forms, nor alter long standing and generally accepted record keeping requirements. These rules will have no economic impact on small business.

Hearing Location: 2nd Floor Conference Room, Evergreen Plaza Building, Downtown, Olympia, Washington, on February 27, 1990, at 10:00 a.m.

Submit Written Comments to: Dick Kirpes, Department of Revenue, General Administration Building, Mailstop AX-02, Olympia, Washington 98504, by February 23, 1990.

Date of Intended Adoption: March 2, 1990.

January 17, 1990
 William N. Rice
 Assistant Director

NEW SECTION**WAC 458-16-265 NONPROFIT HOMES FOR THE AGING.****(1) DEFINITIONS:**

(a) "Home for the aging" (home) means a residential housing facility that:

(i) provides a housing arrangement chosen voluntarily by the resident, the resident's guardian or conservator, or another responsible person;

(ii) has only residents who are at least sixty-two years of age or who have needs for care generally compatible with persons who are at least sixty-two years of age; and

(iii) provides varying levels of care and supervision, as agreed to at the time of admission or as determined necessary at subsequent times of reappraisal.

(b) "Eligible resident" means a person who:

(i) is sixty one years of age or older or disabled on January 1st of the year in which a claim for exemption is filed and is a resident of the home on January 1st of the year in which a claim for exemption is filed; and

(ii) has annual income, including the income of all cotenants, not exceeding the amounts contained in RCW 84.36.381 for the prior year, Provided; That only one resident per unit must satisfy the age or disability requirement.

A surviving spouse of an eligible resident who is at last fifty seven years of age at the time of their spouse's death shall qualify as an eligible resident so long as the surviving spouse meets all other qualifications.

(c) "Reasonably necessary" means all property which is:

(i) operated and used by a home, and

(ii) the use of which is restricted to residents, guests or employees of a home.

(2) GENERALLY.

(a) The tax exemption created by RCW 84.36.041 is claimed by and benefits the non-profit entity, not the residents of the home.

(b) if a claim for exemption is filed on behalf of a home under RCW 84.36.041, no resident of that home may receive a personal exemption under RCW 84.36.381.

(c) Applicants who do not provide varying levels of care and supervision shall not receive an exemption.

(3) APPLICATIONS.

(a) A listing of the varying levels of care and supervision provided or coordinated by employees of a home shall accompany all initial applications submitted on behalf of the home. Examples of varying levels of care and supervision include but are not limited to the following:

(i) conducting routine room checks;

(ii) arranging for or providing transportation;

(iii) arranging for or providing meals;

(iv) on site medical personnel;

(v) monitoring of medication; or

(vi) housekeeping services.

(b) Homes which have property which is used for purposes other than as a home, for example property used by a facility which is licensed as a nursing home, shall provide the department with a floor plan identifying the square footage devoted to each different exempt and nonexempt use.

(c) The exemption under RCW 84.36.041 shall not be approved unless the applicant provides proof of recognition by the Internal Revenue Service as a 501(c) organization at the time the application is filed.

(4) SEGREGATION.

(a) Property which by its use qualifies for exemption under a statute other than RCW 84.36.041 shall be segregated and exempted pursuant to the applicable statute.

(b) Common areas which are used for more than one exempt purpose shall be exempted under RCW 84.36.041.

(c) Property which is not reasonably necessary for an exempt use shall be segregated and taxed.

(d) Dwelling units which are not occupied by residents who meet the age or disability requirements of RCW 84.36.381 shall be segregated and taxed.

(5) HOUSING AND URBAN DEVELOPMENT (HUD) PROGRAMS.

(a) Homes which are subsidized by a HUD program shall initially and annually thereafter by March 31st provide the department with a letter of certification from HUD of continued HUD subsidy.

(b) Homes which are subsidized by HUD which do not qualify for a total exemption shall receive exemption on those units occupied on January 1st of the year the claim is filed by persons age sixty one or older or disabled. The percentage of the entire parcel which is exempt shall be the same percentage as that of exempt units to the total number of units.

(6) HOMES WHICH ARE NOT SUBSIDIZED BY HUD.

(a) Homes which are not subsidized by HUD must qualify for exemption on a unit by unit basis under the provisions of RCW 84.36.041 and 84.36.385. Form REV 64-0043 shall be used for this purpose and shall be filed by residents with the county assessor between January 1st and July 1st of the year preceding the year in which the tax is due. If two or more residents occupy one unit, only one cotenant is required to file verification of combined disposable income, as defined in WAC 458-16-013, with the assessor.

(b) Residents shall notify the assessor prior to July 1st if the combined disposable income, as defined in WAC 458-16-013, of persons residing in the unit exceeds the maximum allowable amount under RCW 84.36.381.

(c) Form REV 64-0043 shall not be accepted by the assessor if postmarked after July 1st.

(d) Homes which are not subsidized by HUD shall by March 31st of each year file with the department a listing of the total number of dwelling units in their complex, the number of occupied dwelling units in their complex as of January 1st, and the number of previously qualified dwelling units in their complex which are no longer occupied by the same eligible residents.

(e) Residents whose financial status has not changed do not have to annually complete Form REV 64-0043, however assessors or the department may conduct audits to ensure continued eligibility.

(7) ASSESSORS' RESPONSIBILITIES.

(a) Assessors shall determine the age or disability and income eligibility of all residents who have filed and shall forward a copy of Form REV 64-0043 to the department by July 15th each year for residents who have met the eligibility requirements.

(8) DEPARTMENT OF REVENUE.

(a) The department shall make its determination of exempt status by August 31st.

(9) APPEALS.

(a) Residents may appeal the assessor's determination of non-eligibility to the board of equalization. Appeals must be filed within thirty days of notice from the assessor.

(b) Denial of exemption under RCW 84.36.041, including denial of a partial exemption, may be appealed to the state board of tax appeals.

(10) CALCULATING THE AMOUNT OF THE EXEMPTION.

(a) To calculate the amount of the partial exemption, the number of units occupied on January 1st shall be used as the denominator of the fraction specified in RCW 84.36.041. the numerator of the fraction shall be the number of units approved by the county assessor multiplied by two. The resulting fraction shall not exceed one.

(b) In 1991, two-thirds of the assessed value which would otherwise be subject to tax is exempt. In 1992, one-third of the assessed value which is otherwise taxable is exempt.

EXAMPLE

Presume a home with fifty units with an assessed value of \$1,000,000. On January 1st of 1990, forty five units were occupied. On July 15th the assessor certifies to the department that ten units qualify

for exemption. Under this hypothetical the following calculations would be made:

Assessed value multiplied by the number of qualifying units multiplied by two divided by the number of occupied units. The result is subtracted from the assessed value to arrive at the amount of taxable value of the property.

For taxes levied for collection in 1991, the amount of taxable value of the property is multiplied by one third, and the result is the amount to be placed on the tax roll.

For taxes levied for collection in 1992, two thirds of the taxable value of the property shall be placed on the tax roll.

For taxes levied for collection in 1993, the entire taxable value of the property will be placed on the tax roll.

Mathematically, the formula is expressed as follows:

$$\$1,000,000 ((10 \times 2) / 45) = \$444,444.$$

$$\$1,000,000 - \$444,444 = \$555,556.$$

$$\$555,556 \times 1/3 = \$185,185 \text{ taxable value in 1991.}$$

$$\$555,556 \times 2/3 = \$370,370 \text{ taxable value in 1992.}$$

$$\$555,556 \text{ taxable value in 1993.}$$

Note: The example presumes that all figures remain static over the three year period. Also, figures have been rounded for the purpose of this example.

WSR 90-03-060
PROPOSED RULES
GAMBLING COMMISSION
 [Filed January 18, 1990, 10:04 a.m.]

Original Notice.

Title of Rule: WAC 230-50-012 Summary suspensions.

Purpose: Changes to comply with APA requirement regarding authority for summary suspensions.

Statutory Authority for Adoption: RCW 34.05.422(4).

Statute Being Implemented: Chapter 9.46 RCW.

Summary: The rule provides guidelines for the summary suspension of licenses.

Name of Agency Personnel Responsible for Drafting: Frank L. Miller, Deputy Director, 4511 Woodview Drive S.E., 438-7640; Implementation: Ronald O. Bailey, Director, 4511 Woodview Drive S.E., 438-7640; and Enforcement: Richard Nicks, Assistant Director, 4511 Woodview Drive S.E., 438-7690.

Name of Proponent: Gambling Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This change incorporates language as determined by the APA regarding license suspensions. It substitutes the former described emergency adjudicated proceedings with summary suspensions. It does not change the content of the rule related to describing circumstances which may result in those suspensions.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

This rule amendment results in no significant change over existing rules.

Hearing Location: Sea-Tac Hilton, 17620 Pacific Highway South, Seattle, WA, on March 9, 1990, at 10:00 a.m.

Submit Written Comments to: Washington State Gambling Commission, 4511 Woodview Drive S.E., Lacey, WA 98504-8121, by March 9, 1990.

Date of Intended Adoption: March 9, 1990.

January 18, 1990
Frank L. Miller
Deputy Director

AMENDATORY SECTION (Amending Order 200, filed 11/21/89 [11/27/89])

WAC 230-50-012 (~~(EMERGENCY ADJUDICATED PROCEEDINGS)~~)SUMMARY SUSPENSIONS. (1) (~~(F)~~)Pursuant to RCW 34.05.422(4), the director may (~~(temporarily)~~) summarily suspend a license or permit issued pursuant to these rules pending a hearing upon suspension or revocation of the license, or issuance of a renewal thereof, for a period not to exceed 90 days when in the opinion of the commission or the director:

(a) The licensee or permittee has obtained the license or permit by fraud, trick, misrepresentation, concealment, or through inadvertence or mistake; or

(b) The licensee or permittee has engaged in any act, practice or course of operation as would operate as a fraud or deceit on any person, or has employed any device, scheme or artifice to defraud any person; or

(c) The licensee or permittee has again violated, failed, or refused to comply with any of the provisions, requirements, limitations, or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, after having been previously notified by the commission, its authorized representatives, or by local law enforcement personnel, that a violation or violations of the same or similar provisions had been, or were being, committed by the licensee or permittee; or

(d) Immediate cessation of the licensed or permitted activities by the licensee or permittee is necessary for the protection or preservation of the welfare of the community within which these activities are being conducted.

(2) When a license or permit has been (~~(temporarily)~~) summarily suspended by the director, an (~~(emergency)~~) adjudicated proceeding shall be commenced and the licensee or permittee shall be afforded an opportunity for a hearing before an Administrative Law Judge or the commission, upon the question of the suspension or revocation of the license or permit, or upon the renewal of the license or permit should it expire during the period of (~~(temporary)~~) summary suspension. If an application for an adjudicated proceeding and request for hearing is timely filed by the licensee or permittee, then a hearing shall be held within 90 days of the effective date of the (~~(temporary)~~) summary suspension ordered by the director.

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

WSR 90-03-061
EMERGENCY RULES
GAMBLING COMMISSION
[Filed January 18, 1990, 10:06 a.m.]

Date of Adoption: January 12, 1990.

Purpose: To comply with APA requirements.

Citation of Existing Rules Affected by this Order:
Amending WAC 230-50-012.

Statutory Authority for Adoption: RCW 34.05.422(4).

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity

to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The agency was advised to make the changes pursuant to APA requirements by the Attorney General's Office.

Effective Date of Rule: Immediately.

January 18, 1990
Frank L. Miller
Deputy Director

AMENDATORY SECTION (Amending Order 200, filed 11/21/89 [11/27/89])

WAC 230-50-012 (~~(EMERGENCY ADJUDICATED PROCEEDINGS)~~)SUMMARY SUSPENSIONS. (1) (~~(F)~~) Pursuant to RCW 34.05.422(4), the director may (~~(temporarily)~~) summarily suspend a license or permit issued pursuant to these rules pending a hearing upon suspension or revocation of the license, or issuance of a renewal thereof, for a period not to exceed 90 days when in the opinion of the commission or the director:

(a) The licensee or permittee has obtained the license or permit by fraud, trick, misrepresentation, concealment, or through inadvertence or mistake; or

(b) The licensee or permittee has engaged in any act, practice or course of operation as would operate as a fraud or deceit on any person, or has employed any device, scheme or artifice to defraud any person; or

(c) The licensee or permittee has again violated, failed, or refused to comply with any of the provisions, requirements, limitations, or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the commission pursuant thereto, after having been previously notified by the commission, its authorized representatives, or by local law enforcement personnel, that a violation or violations of the same or similar provisions had been, or were being, committed by the licensee or permittee; or

(d) Immediate cessation of the licensed or permitted activities by the licensee or permittee is necessary for the protection or preservation of the welfare of the community within which these activities are being conducted.

(2) When a license or permit has been (~~(temporarily)~~) summarily suspended by the director, an (~~(emergency)~~) adjudicated proceeding shall be commenced and the licensee or permittee shall be afforded an opportunity for a hearing before an Administrative Law Judge or the commission, upon the question of the suspension or revocation of the license or permit, or upon the renewal of the license or permit should it expire during the period of (~~(temporary)~~) summary suspension. If an application for an adjudicated proceeding and request for hearing is timely filed by the licensee or permittee, then a hearing shall be held within 90 days of the effective date of the (~~(temporary)~~) summary suspension ordered by the director.

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

WSR 90-03-062
NOTICE OF PUBLIC MEETINGS
EDMONDS COMMUNITY COLLEGE
 [Memorandum—January 18, 1990]

Thursday, January 18, 1990
 Lynnwood Hall, Room 424
 4:30 – 6:00

The facilities for this meeting are free of mobility barriers and interpreters for deaf individuals and brailled or taped information for blind individuals will be provided upon request when adequate notice is given.

WSR 90-03-063
RULES COORDINATOR
WASHINGTON STATE UNIVERSITY
 [Filed January 18, 1990, 3:27 p.m.]

Please be advised that Lou Ann Pasquan, Director, Administrative Procedures and Forms, continues to be designated by President Samuel H. Smith as rules coordinator for Washington State University.

Martha Copp
 Procedures and Forms

WSR 90-03-064
PERMANENT RULES
GAMBLING COMMISSION
 [Order 203—Filed January 18, 1990, 3:29 p.m.]

Date of Adoption: January 12, 1990.

Purpose: To comply with the statutory requirements of the APA, chapter 34.05 RCW, and codify agency policies pursuant to the APA.

Citation of Existing Rules Affected by this Order: Repealing WAC 230-60-020; and amending WAC 230-02-010, 230-04-020, 230-04-190, 230-04-270, 230-60-010 and 230-60-025.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Pursuant to notice filed as WSR 89-21-067 on October 17, 1989; and WSR 89-22-049 on October 30, 1989.

Effective Date of Rule: Thirty-one days after filing.

January 18, 1990
 Frank L. Miller
 Deputy Director

AMENDATORY SECTION (Amending Order 90, filed 6/14/79)

WAC 230-02-010 **WASHINGTON STATE GAMBLING COMMISSION – PURPOSE AND ORGANIZATION.** (1) Purpose – The Washington state gambling commission, hereinafter called "the commission," is ~~((the commission appointed by the governor))~~ created pursuant to RCW 9.46.040 as the licensing and regulatory agency charged with the authority and duty

to control statutorily authorized nonprofessional gambling ((activities)). Where appropriate, the term "commission" also refers to the staff and employees of the commission. In order to carry out the assigned duties and responsibilities, the legislature designated the commission as a law enforcement agency with the powers to investigate all gambling and associated activities and enforce the provisions of RCW 9.46.

(2) Organization – The commission is comprised of five part-time members, four ex officio members, and a full time staff.

(a) Commission Members – Five (5) citizens, all appointed by the governor with the consent of the state senate for six-year staggered terms. One member is annually elected as chairperson. Commissioners serve part-time as necessary and otherwise as directed by the chairperson.

(b) Ex Officio Members – Two members each from the senate and the house of representatives, one each from the majority and minority political parties. Members are appointed for two year terms by the president of the senate and speaker of the house of representatives, respectively. Ex officio members do not vote on matters before the commission for review.

(c) Staff – The commission staff is organized under a director, a deputy director, and two assistant directors pursuant to RCW 9.46.080. The director, the deputy director, both assistant directors, and all staff required to perform undercover duties are exempt from the provisions of chapter 41.06 RCW. Staff duties and responsibilities are as follows:

(i) Director – The director is appointed by the commission as its administrator for carrying out its powers and duties. The director ensures that staff and other resources are available to carry out the purposes and provisions of RCW 9.46. The director is directly responsible for matters pertaining to public relations, research, contracts, agreements, and legal problems.

(ii) Deputy Director – The deputy director is appointed by the director with responsibilities of making decisions and carrying out duties delegated by the director. Provided, that those duties specifically enumerated in WAC 230-12-900 may not be delegated to the deputy director.

(iii) Assistant Directors – Assistant directors are appointed by the director with the responsibilities for the day-to-day management of the various operational sections of the commission and advising the director regarding matters necessary to carry out the provisions of RCW 9.46.

AMENDATORY SECTION (Amending Order 190, filed 4/18/89, effective 7/1/89)

WAC 230-04-020 **CERTIFICATION PROCEDURE—GENERAL REQUIREMENTS—MANDATORY TRAINING REQUIRED.** Applicants for license from the commission shall submit all applications, ~~((with))~~ including the proper fee, as established by WAC 230-04-201, to the administrative office of the commission in ((Olympia)) Lacey. The application process is as follows:

(1) The application shall be made using a form provided by the commission. The application form must be completed in every respect, containing all the information and attachments requested ((on the appropriate application form is required to be submitted by each applicant for a license.));

((+)) (2) The application shall be signed under oath by an individual attesting that the information set forth in the application and any accompanying materials is true, accurate and complete and that they assume full responsibility for the fair and lawful operation of all licensed activities that the applicant conducts. The following person(s) shall sign the application:

(a) ((t)) The highest ranking officer/official of a charitable, nonprofit or profit seeking corporation((; such as the president of a firm or club or the head pastor or minister of a church)); ((or by t))

(b) The principal owner of a ((profit seeking business. Other persons, including but not limited to, the chairman of a board of directors or trustees, the person in charge of the financial records, or persons having a substantial interest in the applicant business and/or charitable nonprofit organization, may at the commission director's discretion be required to sign the application. When the application is being submitted by or on behalf of an incorporated city or town in the state of Washington, the application must be signed by t)) sole proprietorship;

(c) All partners of a partnership or general partner of a limited partnership; and

(d) The mayor or the mayor's designated representative if the application is being submitted by or on behalf of an incorporated city of town.

(e) The director may also require the following persons to sign the application:

(i) The chairman of the board of directors or trustees;

(ii) The person in charge of financial records; and/or

(iii) Persons with a substantial interest in the applicant business or charitable/nonprofit organization.

((2) Each such person shall acknowledge that he assumes full responsibility for the fair and lawful operation of all licensed activities that the applicant conducts.))

(3) The commission will consider only those applica((nts submitting the form and fully completing))tions submitted on the proper form and which all the applicable portions of the form are fully completed. ((Each applicant shall certify under oath that the information set forth in the application and any accompanying materials is true, accurate and complete.)) Failure to respond to written notification of an incomplete application, including submission of proper fees, within twenty (20) days of such notice, shall be cause for administrative closure of the application.

(4) The ((application form and)) commission may disclose to the public or discuss at a public meeting all information set forth ((therein)) in the application and all supplemental information submitted, ((at the commission's request,)) except statements ((as to)) regarding arrests or convictions of any person((, shall constitute public records and the entire contents thereof may, at the discretion of the commission, be disclosed to the

public or discussed at the public meetings of the commission)).

(5) The commission shall not issue ((the)) a license ((applied for only after)) until it is satisfied that the applicant is completely qualified to operate the activity for which ((the)) a license is ((being)) requested. ((The commission will refrain from issuing the license until the person that signed the application form and the designated person responsible for the gambling activity has completed a training course as established and provided by the commission and until the completion of such review and investigation as the commission deems necessary. Provided: Mandatory training shall not be required for licensing of manufacturers; manufacturers representatives; recertification of existing licenses, unless there has been a change in the highest ranking officer since the issuance of the license, and for licensees with special circumstances as approved by the director.)) Prior to issuing a license, the commission will:

(a) Conduct a review and investigation of all information available, whether submitted as a part of the application or otherwise obtained, to the degree deemed necessary to attest to the qualification of the applicant and the gambling premises;

(b) Require all persons who sign the application, as set out in subsection (2) above, plus the manager or other designated person(s) responsible for conducting the gambling activity or completing records, to complete a training course as established and provided by the commission: Provided, that mandatory training shall not be required for manufacturers; manufacturers representatives; or applicants or licensees with special circumstances as approved by the director. Mandatory training shall be completed within the following time lines:

(i) New applicants - Within 60 days of application and prior to being granted a license: Provided, that cardroom employees and bingo managers must attend training no later than 30 days after the first day of work.

(ii) Annual recertification - No later than 60 days after the effective date of the license: Provided, that only those person(s), as set out in subsection (2) above, which are newly designated to sign the application since the last license application shall be required to attend training if they have not attended within the previous three (3) years; and

(iii) Changes to managers or other designated persons responsible for conducting gambling activities or completing records - No later than 60 days after the first day of work.

AMENDATORY SECTION (Amending Order 190 [201], filed 4/18/89 [11/27/89], effective 7/1/89 [12/28/89])

WAC 230-04-190 ISSUANCE OF LICENSE. (1) Charitable and nonprofit organizations and agricultural fairs. The commission may issue a license to qualified bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

(a) Bingo;

(b) Raffles;

(c) Amusement games;

- (d) Punchboards and pull tabs;
- (e) Social cards; and

(2) Fund raising event as defined in RCW 9.46.0233. The commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.0209, other than any agricultural fair defined therein, to conduct fund raising events.

(3) Special amusement game license. The commission may issue a license to any person, association or organization other than a bona fide charitable or bona fide nonprofit organization to conduct amusement games only at one or more of the locations set out by the commission in WAC 230-20-380.

(4) Commercial stimulant card games. The commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(5) Public card room employee. The commission may issue a license to a person to perform duties in a public card room.

(6) Commercial stimulant punchboards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board, to operate punchboards and pull tabs upon specified premises.

(7) Punchboard and pull tab manufacturer and distributor. The commission may issue a separate license to:

- (a) Punchboard and pull tab manufacturers,
- (b) Distributors to sell and distribute punchboards and pull tabs and related equipment within the state of Washington,
- (c) Manufacturer's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the manufacturer in the state of Washington, and
- (d) Distributor's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the distributor in the state of Washington.

(8) License expiration. Each such license shall be valid for one year from the date that it is issued: Provided, That:

(a) All annual licenses for punchboard and pull tab and Class D and above bingo shall be issued with an expiration date adjusted to expire on March 31, June 30, September 30, or December 31. Punchboard and pull tab licenses shall expire on the above date that is closest to the license issuance date and does not exceed one year. Class D and above bingo licenses shall expire on the above date that is closest to licensee's fiscal year end plus at least six months. All other applicants or licensees may request specific license expiration dates to correspond with the above dates. Whenever license expiration

dates are adjusted under this provision, the required fee shall be prorated by the commission. The prorated fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. A prorated fee will be based on the number of whole months remaining upon approval of a license. For the purposes of this proration, any part of a month in which the activity is licensed shall be deemed to be a whole month when computing an annual fee. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant.

(b) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(c) Notwithstanding the provisions of subsection (a), a license issued to conduct a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair shall be in effect from the date the license was issued through the conclusion of the fair or festival.

(d) A license issued to conduct a card tournament(~~((tournament))~~) shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.

(e) A license issued to conduct a fund raising event(~~((event))~~) shall be valid for one year from the date issued but the event (or events) permitted under the license shall be held only at the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.0233 defining a fund raising event.

(f) A license issued to an individual shall be valid for a period of one year from the date of employment or issuance, whichever occurs first: Provided, a bingo game manager license shall expire as set out in WAC 230-04-145.

(g) If any licensee fails to (~~renew a license~~) submit a properly completed application and all applicable fees prior to ((its)) the normal expiration date, the license shall expire and the operation of the applicable activity must immediately cease. ((A)) When a license expires, a new application must then be submitted and a pre-licensing evaluation/investigation to the extent deemed necessary by the director will be completed prior to granting a license: Provided, that if a properly completed renewal application and fees are received within the fourteen (14) day period following the expiration date, the commission may reinstate the license using normal renewal procedures. Reinstating a license under this provision does not, in any case, grant authority to operate the activity during the period between the normal expiration date and the date of reinstatement.

(h) Licenses approved under the six month payment plan shall be issued with an expiration date of six

months from the license approval date or the original license expiration date, whichever is applicable. Upon receipt and validation of the second half payment, a licensee may be granted a second license for an additional six month period. Second half payments must be received by the commission on or before the due date. If the licensee fails to submit the second half of the fee payment(s) as established by WAC 230-04-201 prior to the expiration date, the license shall expire.

(9) Conditions of license issuance. All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

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

AMENDATORY SECTION (Amending Order 5, filed 12/19/73)

WAC 230-04-270 BAD CHECKS SUBMITTED AS PAYMENT OF FEES. The ~~((submission in))~~ payment of a license fee ~~((of))~~ by a check, which for any reason is not promptly paid by the drawee bank, shall be grounds for immediate ~~((denial of an application for the license, or for the suspension or revocation of a license issued for which the fee is due. The commission shall add fifteen dollars to each license fee when payment of a check originally submitted is denied by the drawee bank, or when the check is required to be resubmitted for payment for any reason.))~~ administrative closure of a new application, voiding of a temporary license, or revocation of a continuing license. If an application or license is administratively closed, voided or revoked under this section, a new application must be submitted with fees payable only by certified check, money order, or cash. Upon notification that a check is not negotiable or when a check must be resubmitted for payment for any reason, the commission shall:

(1) Add a processing fee of fifteen (15) dollars to the required license fee; and

(2) Notify the applicant by phone or in writing that payment in full, by certified check, money order, or cash, must be remitted within five (5) days of the notification date. If the proper fee is not received within five (5) days, the commission will proceed with appropriate administrative action.

AMENDATORY SECTION (Amending Order 104, filed 12/15/80)

WAC 230-60-010 DEFINITIONS. (1) The following definitions and all definitions set forth in RCW 42.17.020 shall apply to this chapter((-):

~~((2))~~ The "Washington state gambling commission" is the agency created pursuant to chapter 9.46 RCW,

which shall hereinafter be referred to as the commission. Where appropriate, the term commission also refers to the staff and employees of the Washington state gambling commission.

~~(3)~~ "Director" means the director of the commission as appointed by the commission pursuant to RCW 9.46.080.

~~(4)~~ "Deputy director" means the chief administrator appointed by the director to assist him in performing his duties for the commission.))

~~((5))~~ (2) "Raw data" means facts, symbols, or observations which have all of the following characteristics:

(a) They have not been processed, edited or interpreted.

(b) They are unevaluated and unorganized.

(c) The fact, symbol, or observation does not, of itself, impart meaning to a potential user or fulfill a recognized need.

(d) To be useable the fact, symbol, or observation must go through some transformation process.

~~((6))~~ (3) "Information" means raw data that are organized, evaluative and interpreted to impart meaning to potential users and fulfill a recognized need.

~~((7))~~ (4) "Listing (list)" means a series of items of any kind including names, words or numbers no matter what the arrangement or purpose. When applied to the release of commission record information it means the names of two or more individuals contained in:

- Data processing magnetic tapes
- Data processing print-outs 1, 2, 3, or 4 part utility paper or copies of such print-outs
- Data processing print-outs in the form of labels
- Any form of writing.

~~((8))~~ (5) "Tabulation" means the systematic arrangement of facts, statistics, and similar information, except the names of individuals, in column or table format.

~~((9))~~ (6) "Individual" means a natural person.

~~((10))~~ (7) "Commercial purpose" means the using of information obtained, or intending to use the information obtained, to contact or in some way personally affect an individual identified on the list when the purpose of the contact would be to facilitate that person's (the requestor's) profit expecting business activity.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order 75, filed 9/16/77)

WAC 230-60-025 PUBLIC RECORDS AVAILABLE- LOCATION - TIME AVAILABLE. All public records of the commission are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by chapter 42.17 RCW, and WAC 230-60-050. The records available, their location, and the times they are available for inspection as follows:

(1) Public records - The following are deemed public records:

(a) The license application form and all supplemental information submitted at the commission's request: Provided, that statements regarding arrest or conviction records of persons are not public records and will not be disclosed;

(b) All activity reports and attachments required to be submitted to the commission on a periodic basis;

(c) All completed administrative proceedings; and

(d) All opinions and interpretive statements;

(e) All policies and procedures: Provided, that investigative procedures that, when disclosed, would hinder the commission's ability to conduct inspections, audits, or other investigative procedures will not be disclosed.

(2) Location of public records - All public records of the commission are located at the administrative office in Lacey.

(3) Times public records are available - All public records are available during normal office hours as set out in WAC 230-02-030: provided, that public records may not be available during the period 12:00 noon to 1:00 p.m. unless a prior written request is made.

REPEALER

THE FOLLOWING SECTION OF THE WASHINGTON ADMINISTRATIVE CODE IS REPEALED:

WAC 230-60-020 OPERATIONS AND PROCEDURES

WSR 90-03-065

PERMANENT RULES

WALLA WALLA COMMUNITY COLLEGE

[Filed January 19, 1990, 9:24 a.m.]

Date of Adoption: January 8, 1990.

Purpose: Decodification of the constitution and bylaws of the associated student body of Walla Walla Community College.

Citation of Existing Rules Affected by this Order: Repealing chapter 132T-104 WAC.

Statutory Authority for Adoption: Chapter 1-21 WAC, RCW 28B.50.140 and chapters 34.05 and 34.08 RCW.

Pursuant to notice filed as WSR 89-23-045 on November 13, 1989.

Effective Date of Rule: Thirty-one days after filing.

January 9, 1990

Steven L. VanAusdle

President

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 132T-104 Constitution and Bylaws of the Associated Students of Walla Walla Community College.

WSR 90-03-066

PROPOSED RULES

DEPARTMENT OF NATURAL RESOURCES

[Filed January 19, 1990, 11:53 a.m.]

Original Notice.

Title of Rule: Chapter 332-130 WAC, Minimum standards for land boundary surveys and geodetic control surveys and guidelines for the preparation of land descriptions.

Purpose: To amend WAC 332-130-030, 332-130-070, 332-130-080 and 332-130-090.

Statutory Authority for Adoption: RCW 58.24.040(1).

Statute Being Implemented: RCW 58.24.040(1).

Summary: The purpose of these rules is to amend Order 561, filed on May 11, 1989, which rules set minimum performance levels for land boundary surveys and geodetic control surveys and provided guidelines for the preparation of land descriptions.

Reasons Supporting Proposal: See Explanation of Rule below.

Name of Agency Personnel Responsible for Drafting: Donnell Fitch, 1102 South Quince, Olympia, 586-6034; Implementation: Mike Kinnaman, 1102 South Quince, Olympia, 586-6047; and Enforcement: Department of Licensing, Board of Registration for Engineers and Land Surveyors.

Name of Proponent: Land Surveyors Association of Washington, private.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These rules amend Order 561, filed May 11, 1989, to alleviate an inadvertent hardship placed on the survey industry by Order 561. Order 561 set minimum performance levels for land subdivision, corner restoration, geodetic control surveys, survey maps, and land boundary surveys. Included in it was a deadline of January 1, 1990, for adopting a specific measurement analysis standard. At present, the industry is clearly not capable of responding to this type of regulation and will experience undue hardship. It is necessary to amend these rules to allow additional time for the development of this minimum standard. Also, there are two sections in Order 561 that are unintentionally causing excessive costs to the industry. These must also be amended to provide relief.

Proposal Changes the Following Existing Rules: WAC 332-130-030, allows greater latitude for the exercise of professional judgment by the land surveyor when circumstances warrant; WAC 332-130-070 and 332-130-080, changes deadlines that are at present unattainable; and WAC 332-130-090, removes an unachievable minimum standard.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The department has considered whether these rule changes are subject to the Regulatory Fairness Act and has determined that they are not, because the changes decrease costs and alleviate regulatory demands.

Hearing Location: Room 101, 1102 South Quince, Olympia, on February 27, 1990, at 9:00 a.m.

Submit Written Comments to: Mike Kinnaman, Survey Manager, Department of Natural Resources, EV-11, 1102 South Quince, Olympia, WA 98504, by February 27, 1990.

Date of Intended Adoption: February 28, 1990.

January 19, 1990
James A. Stearns
Supervisor

AMENDATORY SECTION (Amending Order 561, filed 5/11/89)

WAC 332-130-030 LAND SUBDIVISION AND CORNER RESTORATION STANDARDS-RECORDING. The following requirements apply when a land boundary survey is performed((-):). If, in the professional judgment of the surveyor, the procedures of subsections (1) and (2) of this section are not necessary to perform the survey, departures from these requirements shall be explained and/or shown on the survey map produced.

(1) The reestablishment of lost GLO or BLM corners and the subdividing of sections shall be done according to applicable GLO or BLM plats and field notes and in compliance with the rules as set forth in the appropriate GLO or BLM Manual of Surveying Instructions, manual supplements and circulars. Federal or state court decisions that influence the interpretation of the rules should be considered. Methods (~~and data~~) used for such corner reestablishment or section subdivision shall be (~~stated~~) described on (filed or recorded documents) the survey map produced.

(2) All maps, plats, or plans showing a land boundary survey shall show all the corners found, established, reestablished and calculated, including corresponding directions and distances, which were used to survey and which will be necessary to resurvey the parcel shown. Additionally, all such maps, plats, or plans shall show sufficient section subdivision data, or other such controlling parcel data, necessary to support the position of any section subdivisional corner or controlling parcel corner used to reference the parcel surveyed. Where a portion or all of this information is already shown on a record filed or recorded in the county recording office of the county in which the parcel is located, reference may be made to that record in lieu of providing the required data.

(3) Documentation shall be provided for all GLO or BLM corner(s) or point(s) used to control the location of the parcel surveyed. This requirement shall be met by providing on the document produced:

(a) The information required by both the Survey Recording Act and the history and evidence found sections of the Land Corner Record Form; or

(b) The recording data of a document(s) that provides the required information and is filed or recorded in the county recording office of the county in which the parcel is located.

(4) Every corner originally monumented by the GLO or BLM that is physically reestablished shall be monumented in accordance with the Survey Recording Act. If the reestablished corner is not filed or recorded as part of a record of survey, plat or short plat, at least three references shall be established and filed or recorded on a Land Corner Record Form. If the reestablished corner is filed or recorded as part of a record of survey, plat or short plat, then ties to at least two other monuments shown on the record document may serve in lieu of the required references. A valid set of coordinates on the Washington coordinate system may serve as one of the references. However, to best ensure an accurate relocation, references in close proximity to the corner are recommended. Monuments placed shall be magnetically locatable and include a cap stamped with the appropriate corner designation as defined in the current BLM Manual of Surveying Instructions.

AMENDATORY SECTION (Amending Order 561, filed 5/11/89)

WAC 332-130-070 SURVEY STANDARDS(~~(=TRANSITION PERIOD)~~). (~~Until January 1, 1991,~~) The accuracy or precision of field work may be determined and reported by either relative accuracy procedures or (the current) field traverse standards, provided that the final result shall meet or exceed the (current) standards contained in WAC 332-130-090. ((On or after January 1, 1991, relative accuracy standards shall be the sole applicable standard.))

AMENDATORY SECTION (Amending Order 561, filed 5/11/89)

WAC 332-130-080 RELATIVE ACCURACY-PRINCIPLES. (~~On or before January 1, 1990, specific relative accuracy standards will be adopted by the department of natural resources to take effect on January 1, 1991.~~) The following principles of relative accuracy are provided (~~in the interim~~) to guide those who may be analyzing their work by these procedures.

(1) Relative accuracy means the theoretical uncertainty in the location of any point or corner relative to other points or corners set, found, reestablished, or established. A standard of relative accuracy can be achieved by using appropriate equipment and implementing field and office procedures that will result in a ninety-five percent probability of achieving the accuracy required.

(2) Relative accuracy is not related to uncertainties due to differences between measured values and record values or uncertainties in the geodetic position.

(3) In the application of a relative accuracy standard, the surveyor must consider the established land use patterns, land values of and in the vicinity of the surveyed parcel, and the client's intended use of the property. Higher levels of precision are expected to be used in situations necessitating higher accuracy.

(4) Each land boundary survey should contain a statement identifying the method of mathematical analysis used in achieving a stated relative accuracy.

AMENDATORY SECTION (Amending Order 561, filed 5/11/89)

WAC 332-130-090 FIELD TRAVERSE STANDARDS FOR LAND BOUNDARY SURVEYS. The following standards shall apply to field traverses used in land boundary surveys. Such standards should be considered minimum standards only. Higher levels of precision are expected to be utilized in areas with higher property values or in other situations necessitating higher accuracy.

- (1) Linear closures after azimuth adjustment.
 - (a) City - central and local business and industrial areas 1:10,000
 - (b) City - residential and subdivision lots 1:5,000
 - (c) Section subdivision, new subdivision boundaries for residential lots and interior monument control 1:5,000
 - (d) Suburban - residential and subdivision lots 1:5,000
 - (e) Rural - forest land and cultivated areas 1:5,000
 - (f) Lambert grid traverses 1:10,000
- (2) Angular closure.

(a) Where 1:10,000 minimum linear closure is required, the maximum angular error in seconds shall be determined by the formula of $10 \sqrt{n}$, where "n" equals the number of angles in the closed traverse (~~or three seconds per angle whichever is the least~~).

(b) Where 1:5,000 minimum linear closure is required, the maximum angular error in seconds shall be determined by the formula of $30 \sqrt{n}$ where "n" equals the number of angles in the closed traverse (~~or eight seconds per angle, whichever is the least~~).

WSR 90-03-067

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 90-04—Filed January 19, 1990, 1:34 p.m.]

Date of Adoption: January 18, 1990.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The area has not been opened previously for commercial red sea urchin harvest

and the abundance of red sea urchin stocks in the area justifies a red sea urchin season.

Effective Date of Rule: 12:01 a.m., January 21, 1990.
January 18, 1990
Judith Merchant
Deputy
for Joseph R. Blum
Director

NEW SECTION

WAC 220-52-07300H COMMERCIAL SEA URCHIN SEASON *Notwithstanding the provisions of WAC 220-52-073, effective 12:01 a.m. January 21, 1990 through 11:59 p.m. February 10, 1990, it is lawful to take or possess red sea urchins for commercial purposes from an area defined as being within a two nautical mile radius of the Hein Bank Navigation buoy located at latitude 48°21' 10" North, and longitude 123°02' 40" West.*

*Size limits: Minimum 4.5 inches
Maximum 5.75 inches*

WSR 90-03-068

PERMANENT RULES

DEPARTMENT OF FISHERIES

[Order 90-05—Filed January 19, 1990, 1:35 p.m.]

Date of Adoption: January 2, 1989 [1990].

Purpose: Amend personal use and commercial fishing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-16-410, 220-22-020, 220-55-086, 220-69-220, 220-69-237, 220-69-238, 220-69-260 and 220-69-264; and new sections WAC 220-16-420 and 220-55-150.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to notice filed as WSR 89-23-114 on November 22, 1989.

Effective Date of Rule: Thirty days after filing.

January 2, 1990
Judith Merchant
Deputy
for Joseph R. Blum
Director

AMENDATORY SECTION (Amending Order 89-61, filed 7/14/89)

WAC 220-16-410 DEFINITION—EXTENUATING CIRCUMSTANCES. "Extenuating circumstances" for purposes of this (~~chapter~~) title mean circumstances that lessen the seriousness or magnitude of an act, and which are to be considered in determining if an individual is to be granted extraordinary relief. Such personal characteristics as age, education, fishing experience, and physical capability, as well as other personal characteristics, and such physical circumstances as weather, age of vessel, and vessel propulsion mechanism, as well as other physical circumstances, may be considered when reviewing a set of facts for extenuating circumstances.

NEW SECTION

WAC 220-16-420 EXPLOSIVE SUBSTANCE. The term "explosive substance" includes, but is not limited to, any gaseous discharge that generates pressure waves capable of harming food fish or shellfish.

AMENDATORY SECTION (Amending Order 84-66, filed 7/6/84)

WAC 220-22-020 COAST, WILLAPA HARBOR, GRAYS HARBOR SALMON MANAGEMENT AND CATCH REPORTING AREAS. (1) Area 1 shall include those waters of District 1 and the Oregon coast westerly of a line projected from the in-shore end of the north Columbia River jetty in the state of Washington to the knuckle of the south Columbia River jetty in the state of Oregon, northerly of a line projected true west from Tillamook Head in Oregon and southerly of a line projected true west from Leadbetter Point in Washington.

(2) Area 2 shall include those waters of District 1 northerly of a line projected true west from Leadbetter Point and southerly of a line projected true west from the Queets River mouth.

(3) Area 2A shall include those waters of Grays Harbor and the Chehalis River estuary upstream from the Union Pacific Railroad Bridge at Aberdeen to a line projected from the (~~Standard Oil Dock~~) Lakeside Industries asphalt plant tower at a right angle to the thread of the stream to (~~a fishing boundary marker set on~~) the opposite shore.

(4) Area 2B shall include those waters of Grays Harbor lying easterly of a straight line projected from the Point Chehalis light, located 123 feet above mean high water at Westport, through the Coast Guard look out tower to the shore near Point Brown, southerly of a line projected from a fishing boundary marker at Ocean Shores Marina, to a fishing boundary marker on Sand Island and thence to the tripod station at Brackenridge Bluff, westerly of a line projected from the tripod station at Brackenridge Bluff southward and extending through channel marker 8 in the south channel at the mouth of Johns River to the mainland, and northerly of the Bay City Bridge.

(5) Area 2C shall include those waters of Grays Harbor northerly of a line projected from a fishing boundary marker at Ocean Shores Marina to a fishing boundary marker on Sand Island to the tripod station at Brackenridge Bluff and westerly of a line starting at a monument located at the point of Holman Bluff near the mouth of Grass Creek and projected to a monument set on Point New, exclusive of those waters within 1/4 mile of a monument set on the beach near the mouth of Chenois Creek and those waters northerly of a line starting at a monument located near the beach in front of the Giles Hogan residence located west of the mouth of the Humptulips River, thence projected in a southeasterly direction to a monument set on the most southerly tip of the grass spit at the mouth of the Humptulips River, thence projected in an easterly direction to a point on Chenois Bluff at 47° 0' 32" N latitude, 124° 1' W longitude.

(6) Area 2D shall include those waters of Grays Harbor and the Chehalis River estuary easterly of a line projected from the tripod station at Brackenridge Bluff southward and through channel marker 8 at the mouth of Johns River in the south channel to the mainland and westerly of the Union Pacific Railroad Bridge in Aberdeen and westerly (downstream) of the Highway 105 Bridge on Johns River.

(7) Area 2G shall include those waters of Willapa Harbor northerly of a line projected from Needle Point approximately (~~285°~~) 305° true to the Island Sands light approximately 2 miles south of Riddle Spit light No. 10 and thence true west to the North Beach Peninsula, westerly of a line projected from Needle Point northerly to day beacon No. 14 and thence to Ramsey Point, outside and westerly of a line projected from Stony Point to the Bay Center Channel light (F1 4 seconds, 16 feet) to the northern tip of Goose Point, downstream and westerly of a line projected 235 degrees true from the north shore of the Willapa River through Willapa River light number 33 to the south shore, outside and southerly of a line commencing at a boundary marker on the west shore of the North River projected 82 degrees true through channel marker No. 16 to a boundary marker on the east shore, outside and southerly of a line projected from the Cedar River's meander corner between Section 31, Township 15N, and Section 6, Township 14N, Range 10W, W.M., to the meander corner between Sections 36, Township 15N, and Section 1, Township 14N, Range 11W, W.M., and inside and easterly of a straight line projected from the Cape Shoalwater light through buoy 8A, located between buoy 8 and buoy 10, approximately 1,500 yards from Cape Shoalwater light on a line 171° true, to Leadbetter Point.

(8) Area 2H shall include those waters of Willapa Harbor and the Willapa River estuary easterly of Area 2G and downstream from a line projected true north from the Standard Oil dock in South Bend to the opposite shore of the Willapa River.

(9) Area 2J shall include those waters of Willapa Harbor lying southerly and westerly of a line projected from Diamond Point to the Island Sands light, approximately 2 miles south of Riddle Spit light No. 10, and thence due west to the North Beach Peninsula, and northerly of a line projected true east-west through marker 20 between Long Island and the North Beach Peninsula.

(10) Area 2K shall include those waters of Willapa Harbor easterly of a line projected from the northern tip of Goose Point to the Bay Center Channel light (F1 4 seconds, 16 feet) to Stony Point and westerly of the Palix River Highway 101 Bridge.

(11) Area 2M shall include those waters of Willapa Harbor lying southerly and easterly of a line projected from Needle Point approximately 285° true to the Island Sands light, approximately 2 miles south of Riddle Spit light No. 10, and south to Diamond Point, downstream and westerly of the Highway 101 Bridge over the Naselle River, and northerly and easterly of a line from Stanley Point to Paradise Point.

(12) Area 3 shall include those waters of District 1 northerly of a line projected true west from the Queets River mouth and southerly of a line projected true west from Cape Alava.

(13) Area 4 shall include those waters of District 1 northerly of a line projected true west from Cape Alava, westerly of lines projected from the northern tip of Portage Head to the southern tip of Waatch Point and from the Tatoosh Island light to Bonilla Point and southerly of a line projected true west from the intersection of the Bonilla-Tatoosh line with the U.S.-Canada International Boundary Line.

(14) Area 4A shall include those waters easterly and inside of a line projected from the northern tip of Portage Head to the southern tip of Waatch Point, outside and westerly of the mouth of any river or stream flowing to the sea.

AMENDATORY SECTION (Amending Order 89-05, filed 3/20/89)

WAC 220-55-086 TWO-CONSECUTIVE-DAY COMBINED LICENSE AND CATCH RECORD CARD. A two-consecutive-day combined license and catch record card (also referred to as a punchcard in chapter 75.25 RCW) shall consist of a two-consecutive-day license stamp affixed to a recreational license form and the appropriate catch record card or a two-consecutive-day license stamp affixed to the appropriate catch record card.

NEW SECTION

WAC 220-55-150 DEALERS FEES. Personal use license dealers may retain a recreational license fee of fifty cents for each recreational license sold. No license fee may be charged or retained for free licenses issued under RCW 75.25.110.

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-69-220 DEFINITION OF TERMS. (1) DEPARTMENT OF FISHERIES as referred to in this chapter means:

Department of Fisheries
Data Processing Section
Room 115 General Administration Building
Olympia, Washington 98504
Telephone (206) 753-2540 or (206) 753-6580

(2) DEALER as referred to in this chapter means the original purchaser or receiver of food fish, shellfish, or parts thereof.

(3) BUYER as referred to in this chapter means the person who originally receives food fish, shellfish, or parts thereof on behalf of a dealer whose name appears on the buyer's license.

(4) FISHERMAN as referred to in this chapter means the person who catches or delivers food fish, shellfish, or parts thereof.

(5) ORIGINAL RECEIVER OR RECEIVER as referred to in this chapter means the first person in possession of food

fish or shellfish in the state of Washington who is a licensed wholesale dealer or fish handler or who is acting in that capacity, after the food fish or shellfish have been caught or harvested by a commercial fisherman.

(6) ~~((HPSFC as referred to in this chapter means:~~

~~International Pacific Salmon Fisheries
Commission
P.O. Box 30
New Westminster, British Columbia CANADA~~

~~((7)))~~ TREATY as referred to in this chapter means any person, group, or activity thereof made unique by virtue of descendancy from Indian tribes signatory to treaties made with the United States government in the mid-1850's where such treaties reserved certain rights in what is now the state of Washington or waters bordering that state.

~~((8)))~~ (7) NONTREATY as used in this chapter means all entities not qualified by definition as treaty.

~~((9)))~~ (8) TREATY INDIAN as referred to in this chapter means an individual treaty Indian fisherman.

~~((10)))~~ (9) WORKING DAY as referred to in this chapter means Monday through Friday exclusive of a Washington state or federal holiday.

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-69-260 DISTRIBUTION OF COPIES OF CANNERY AND TROLL FISH RECEIVING TICKET. State of Washington cannery and troll fish receiving tickets shall be made out in quintuplicate (five copies) at the time of landing. Upon completion of the fish receiving ticket the copies shall be distributed as follows:

(1) The dealer copy #1 (white) shall be retained by receiver for their use.

(2) The state ~~((copy))~~ copies #1 and #2 (green and pink) shall be mailed to the department of fisheries. It is required that the state ~~((copy))~~ copies be received by the department no later than the fourth working day after the day the ticket was completed by the original receiver.

~~(3) ((The HPSFC copy (pink) shall be mailed to the HPSFC, P.O. Box 30, New Westminster, B.C.: PROVIDED, That in the event the fish receiving ticket does not contain any pink or sockeye salmon caught in catch Areas 3, 4, 4A, 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7B, 7C, 57, 58 and 59 the fish receiving ticket shall be mailed to the department of fisheries with the state copy.~~

~~((4)))~~ Dealer copy #2 (yellow) shall be retained by receiver for their use.

~~((5)))~~ (4) Fisherman copy (gold) shall be retained by the deliverer for their use.

AMENDATORY SECTION (Amending Order 86-102, filed 9/12/86)

WAC 220-69-264 DISTRIBUTION OF COPIES OF TREATY INDIAN FISH RECEIVING TICKETS. State of Washington treaty Indian fish receiving tickets shall be made out in quintuplicate (five copies) at

the time of landing. Upon completion of the treaty Indian fish receiving ticket, the copies shall be distributed as follows:

(1) The dealer copy #1 (white) shall be retained by receiver for their use.

(2) The state copy (green) and the game copy (pink) shall be mailed to the Northwest Indian Fisheries Commission, P.O. Box 5247, Lacey, Washington 98503. It is required that the state copy and game copy be received by the Northwest Indian Fisheries Commission no later than the fourth working day after the day the ticket was completed by the original receiver.

~~(3) ((The HPSFC copy (pink) shall be mailed to the HPSFC, P.O. Box F 203-2112, Blaine, WA 98230: PROVIDED, That in the event the fish receiving ticket does not contain any pink or sockeye salmon caught in Catch Areas 3, 4, 4A, 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7B, 7C, 57, 58 and 59 the fish receiving ticket shall be mailed to the Northwest Indian Fisheries Commission; P.O. Box 5247, Lacey, Washington 98503 with the state copy.~~

~~((4)))~~ The tribal copy (yellow) shall be mailed with the state ~~((copy))~~ and game copies to the Northwest Indian Fisheries Commission, P.O. Box 5247, Lacey, Washington 98503: PROVIDED, That upon written agreement received by the department of fisheries from a specific tribe and buyer indicating the desire to transmit the tribe's copy directly to the fisherman's tribe, then that one copy may be so disposed.

~~((5)))~~ (4) The fisherman copy (gold) shall be retained by the deliverer for their use.

AMENDATORY SECTION (Amending Order 89-05, filed 3/20/89)

WAC 220-69-237 DESCRIPTION OF SPORT SALMON CATCH RECORD AND REQUIRED INFORMATION. (1) There is hereby created a sport salmon catch record form to be prepared, printed, and distributed on request, by the department of fisheries,

(2) The sport salmon catch record card shall contain space for the following information:

(a) Name of angler.

(b) Home address.

(c) City, state, zip code.

~~(d) ((Angler's driver's license number, or, in the case the angler does not have a driver's license, the first five letters of the anglers last name and the initial for the angler's first and middle name. If the last name is less than five letters, enter the entire last name followed by the first and middle initial. If no middle name, leave blank the initial space.~~

~~((e)))~~ Angler's birthdate, height, and weight.

~~((f)))~~ (e) Date of issue.

~~((g)))~~ (f) Angler's signature.

~~((h)))~~ (g) Month of catch.

~~((i)))~~ (h) Day of catch.

~~((j)))~~ (i) Marine code or stream: Location of catch.

~~((k)))~~ (j) Species: Catch type code.

The information in (a) through ~~((f)))~~ (e) of this subsection must be completed prior to the catch record card being separated from the underlying copy of the catch record card. The angler's signature, ~~((g)))~~ (f) of this

subsection, must be present prior to angling. The information in ~~((h))~~ (g) through ~~((k))~~ (j) of this subsection must be completed immediately upon catching a salmon to be retained.

AMENDATORY SECTION (Amending Order 89-05, filed 3/20/89)

WAC 220-69-238 DESCRIPTION OF STURGEON CATCH RECORD AND REQUIRED INFORMATION. (1) There is hereby created a sturgeon catch record form to be prepared, printed, and distributed on request, by the department of fisheries.

(2) The sturgeon catch record card shall contain space for the following information:

- (a) Name of angler.
- (b) Home address.
- (c) City, state, zip code.
- (d) ~~(Angler's birthdate, height, and weight.~~
- ~~(e) Angler's driver's license number, or, in the case the angler does not have a driver's license, the first five letters of the anglers last name and the initial for the angler's first and middle name. If the last name is less than five letters, enter the entire last name followed by the first and middle initial. If no middle name, leave blank the initial space.~~
- ~~(f))~~ Date of issue.
- ~~((g))~~ (e) Angler's signature.
- ~~((h))~~ (f) Month of catch.
- ~~((i))~~ (g) Day of catch.
- ~~((j))~~ (h) Marine code, river code, or stream: Location of catch.
- ~~((k))~~ (i) Species: Catch type code.
- ~~((l))~~ (j) Length of fish.

(3) The information in subsection (2)(a) through ~~((f))~~ (d) of this section must be completed prior to separating the catch record card from the underlying copy of the catch record card. The angler's signature, ~~((g))~~ (e) of this subsection, must be present prior to angling. The information in subsection (2)~~((h))~~ (f) through ~~((i))~~ (j) of this section must be completed immediately upon catching a sturgeon to be retained.

WSR 90-03-069
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF HEALTH
(Hearing Aid Council)

[Filed January 19, 1990, 1:59 p.m.]

Please withdraw WAC 308-50-295 and 308-50-310 filed on December 18, 1989, for publication in WSR 90-01-025.

Ralph G. Lenhard
 Chair

WSR 90-03-070
NOTICE OF PUBLIC MEETINGS
FIRE PROTECTION POLICY BOARD
 [Memorandum—January 19, 1990]

CALENDAR YEAR 1990	
March 21-22	Tri-Cities
May 16-17	Sea-Tac
July 19	Vancouver
September 19-20	Spokane
November 15	Sea-Tac

WSR 90-03-071
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed January 19, 1990, 2:46 p.m.]

Original Notice.

Title of Rule: Chapter 16-570 WAC, Rapeseed production and establishment of districts.

Purpose: To delete District 7 as an organized rapeseed production district and return district to nonproduction status. Eliminate Production District Board.

Statutory Authority for Adoption: Chapters 15.65 and 15.66 RCW.

Statute Being Implemented: Chapters 15.65 and 15.66 RCW.

Summary: The proposed amendment to existing rule will eliminate District 7 as an organized rapeseed production district and transfer it back into nonorganized status. This will effectively prohibit the production of rapeseed in the District 7 area.

Reasons Supporting Proposal: Area produces significant amounts of vegetable seed. Producer concern about cross pollination and disease has effectively limited rapeseed in the district, to the extent that the board does not contain the mandated number of rapeseed producers required by WAC 16-570-020 (3)(b).

Name of Agency Personnel Responsible for Drafting and Implementation: J. Allen Stine, Olympia, Washington, (206) 753-7005; and Enforcement: Max Long, Yakima, Washington, (509) 575-2750.

Name of Proponent: District 7 Rapeseed Board, by letter of request to Director Pettibone, public.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Recognize vegetable seed producers' concerns and concern of present board regarding legal status. There will be some fiscal impact on the agency due to enforcement of prohibition of production, however, recommend adoption.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Implementation of this rule change will abolish District 7 as a recognized rapeseed production district and reassign the district to nonproduction status. Implementation of the rule will require the director to abolish the current rapeseed production district board created by rule now in effect. This action is at the request of the

current rapeseed production district board for two reasons: Board is not legally constituted as less than half (only one) of its members are rapeseed producers; and rapeseed production in District 7 is nil due to conflicts of cross pollination and disease impacts to existing vegetable seed production in the district.

Proposal Changes the Following Existing Rules: Shifts status of District 7 from that of an organized production area to that of a nonproduction area.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Grant County P.U.D., Public Meeting Room, 312 West 3rd, Moses Lake, WA, on February 27, 1990, at 10 a.m.

Submit Written Comments to: J. Allen Stine, Assistant Director, Washington Department of Agriculture, 406 General Administration Building, AX-41, Olympia, WA 98504, by February 26, 1990.

Date of Intended Adoption: March 13, 1990.

January 19, 1990
J. Allen Stine
Assistant Director

AMENDATORY SECTION (Amending Order 1970, filed 3/18/88)

WAC 16-570-040 RULES OF RAPESEED PRODUCTION DISTRICTS. Dominant type rapeseed. The dominant type of rapeseed for duly established production Districts 3, 4, 5, 6, ((7;)) 8, 9, 10, 11, and 12 shall be canola, low erucic acid rapeseed - low glucosinolates (lear-1g): PROVIDED, That off-type rapeseed production may be allowed if conditions outlined in WAC 16-570-030 (1)(f) are met. Production of rapeseed in Districts 1, 2, and 7 by any person for any purpose is prohibited as per WAC 16-570-020.

WSR 90-03-072
EMERGENCY RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 425—Filed January 19, 1990, 3:40 p.m.]

Date of Adoption: January 19, 1990.

Purpose: The unseasonal rainfall has caused a severe landslide of the hillside on the eastside of Tokul Creek. Department of Wildlife engineers have determined that the hillside is very unstable, thus posing a threat to human safety. The access to this area has recently been closed, however, people are still attempting to enter this area to fish. Closure of game fishing will deter people from entering this very hazardous area.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This emergency regulation is necessary to protect human life in hazardous area.

Effective Date of Rule: Immediately.

January 19, 1990
John McGlenn
Chairman

NEW SECTION

WAC 232-28-61730 1988-90 GAME FISH SEASONS AND CATCH LIMITS - TOKUL CREEK Notwithstanding the provisions of WAC 232-28-617, effective January 19, 1990 (to be effective at the time of filing at Code Reviser's Office) to March 31, 1990, there is an emergency game fishing closure on Tokul Creek from the county road bridge (which is 75 to 100 yards upstream from the mouth of Tokul Creek and located just off of 372nd Avenue S.E.) upstream to the railroad trestle. All other provisions of WAC 232-28-617 remain in effect and unchanged.

WSR 90-03-073
EMERGENCY RULES
CENTRALIA COLLEGE

[Order E-2(90)—Filed January 19, 1990, 4:07 p.m.]

Date of Adoption: January 18, 1990.

Purpose: To comply with section 6, chapter 369, Laws of 1989, SHB 1558.

Statutory Authority for Adoption: RCW B.50.140(13) [28B.50.140(13)] and chapter 369, Laws of 1989, SHB 1558.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal fund requires immediate adoption of a rule.

Reasons for this Finding: These rules are necessary to comply with RCW 69.41.340, which requires the board of trustees to promulgate rules by January 1, 1990.

Effective Date of Rule: Immediately.

January 19, 1990
Jack R. Kalmbach
Dean of Administration

CENTRALIA COLLEGE, DISTRICT 12
CHAPTER 132L-400 WAC
LOSS OF ELIGIBILITY—STUDENT ATHLETIC PARTICIPATION

NEW SECTION

WAC 132L-400-010 IMMEDIATE SUSPENSION. When the college receives information that a student athlete has been convicted of a violation of chapter 69.41 RCW (Legend drugs—Prescription drugs) the student shall be immediately suspended from participation in school-sponsored athletic events by the director of athletics. The period of loss of eligibility to participate will be determined by the director of athletics at the conclusion of a brief adjudicative hearing, to be commenced within twenty days of the suspension.

WSR 90-03-074
EMERGENCY RULES
CENTRALIA COLLEGE

[Order E-1(90)—Filed January 19, 1990, 4:08 p.m.]

Date of Adoption: January 18, 1990.

Purpose: To comply with new Administrative Procedure Act requirements.

Statutory Authority for Adoption: RCW 28B.50.140(13), 34.05.220 and 34.05.250.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: These rules are necessary for compliance with the new Administrative Procedure Act, chapter 34.05 RCW, as amended. The procedure for hearings must be clearly established in order to provide adequate due process.

Effective Date of Rule: Immediately.

January 19, 1990
Jack R. Kalmbach
Dean of Administration

**CENTRALIA COLLEGE, DISTRICT 12
CHAPTER 132L-133
ORGANIZATION**

NEW SECTION

WAC 132L-133-020 ORGANIZATION—OPERATION—INFORMATION. (a) *Organization.* Centralia College is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(b) *Operation.* The administrative office is located at the following address: Administration Building, Corner of Walnut and Rock Streets. The mailing address is 600 West Locust, Centralia, WA 98531.

The office hours are 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Educational operations are also located at the following addresses: 600 West Locust, Centralia; East County Center, Morton; and Tenino.

(c) Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address: Admissions Office, 600 West Locust, Centralia, WA 98531.

**CENTRALIA COLLEGE
CHAPTER 132L-108
PRACTICE AND PROCEDURE**

NEW SECTION

WAC 132L-108-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found at Chapter 10-08 Washington Administrative Code. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by this institution shall govern. Rules adopted at this institution prior to July 1, 1989,

remain in full force and effect unless specifically repealed or amended.

NEW SECTION

WAC 132L-108-020 APPOINTMENT OF PRESIDING OFFICERS. The president or president's designee shall designate a presiding officer for adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132L-108-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132L-108-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: Administrative Services, Administration Building, Corner of Walnut and Rock Streets. The mailing address is 600 West Locust, Centralia, WA 98531.

Written application for an adjudicative proceeding should be submitted to the above address within 20 days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 132L-108-050 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.05.482-494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings;
- (4) Parking violations;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in institution sponsored athletic events, pursuant to Chapter 132L-400 WAC.

NEW SECTION

WAC 132L-108-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery

permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132L-108-070 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within 10 days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefore in writing within 20 days of receiving the request.

NEW SECTION

WAC 132L-108-080 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132L-108-010, except for the method of official recording selected by the institution.

**WSR 90-03-075
RULES COORDINATOR
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
[Filed January 22, 1990, 9:31 a.m.]**

Please accept this letter as formal notification that Kenneth J. Latsch, of the commission staff, has been designated as agency rules coordinator.

Marvin L. Schurke
Executive Director

**WSR 90-03-076
PROPOSED RULES
BELLEVUE COMMUNITY COLLEGE
[Filed January 22, 1990, 2:34 p.m.]**

Original Notice.

Title of Rule: Adopting WAC 132H-200-040 Organization/operation information, general operating policies of Community College District VIII.

Purpose: The adoption of WAC 132H-200-040 insures compliance with chapter 34.05 RCW, the new Administrative Procedure Act regarding organization/operation information of Community College District VIII.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: RCW 28B.50.140.

Summary: The new section to this chapter clearly describes the organization and operation information of Community College District VIII.

Reasons Supporting Proposal: To provide a concise language regarding this subject for Community College District VIII.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Phyllis C. Hudson, A201, 334-2301 scan.

Name of Proponent: Bellevue Community College, Community College District VIII, public.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: States the general course and method of operation of Community College District VIII and the means whereby the public may obtain information and make submission or request.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Bellevue Community College, B201, 3000 Landerholm Circle S.E., Bellevue, WA 98007, on March 13, 1990, at 1:30 p.m.

Submit Written Comments to: Bellevue Community College, President's Office, 3000 Landerholm Circle S.E., Bellevue, WA 98007, by March 6, 1990.

Date of Intended Adoption: March 13, 1990.

January 18, 1990
Phyllis C. Hudson
Secretary

NEW SECTION

WAC 132H-200-040 ORGANIZATION/OPERATION INFORMATION. (1) Organization: Belleue Community College, Community College District VIII is established in Title 28B RCW as a public institution of higher education. The institution is governed by five-member Board of Trustees, appointed by the Governor. The Board employs a President, who acts as the Chief Executive Officer of the institution. The President establishes the structure of the administration.

(2) Operation: The administrative office is located at the following address: 3000 Landerholm Circle, S.E., Bellevue, Washington 98007. Educational operations are also located at the following address: 14844 S.E. 22nd Street, Bellevue, Washington 98007. The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. During the summer months the College operates on an alternate schedule and throughout the year, some evening services are provided. Specific information is available through the College Public Information Office.

(3) Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address: Bookstore, D103, 3000 Landerholm Circle, S.E., Bellevue, Washington 98007.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

**WSR 90-03-077
PROPOSED RULES
BELLEVUE COMMUNITY COLLEGE
[Filed January 22, 1990, 2:35 p.m.]**

Original Notice.

Title of Rule: Repealing WAC 132H-108-108 [132H-108-005] through 132H-108-330, Practice and procedure and formal hearing rules for contested case

hearings; and WAC 132H-108-400 [132H-108-410] through 132H-108-440 [132H-108-480], new sections.

Purpose: The repealing of WAC 132H-108-108 [132H-108-005] through 132H-108-330 and adding new sections 132H-108-400 [132H-108-410] through 132H-108-440 [132H-108-480] insures compliance with chapter 34.05 RCW, the new Administrative Procedure Act regarding practice and procedure and formal hearing rules for contested case hearings.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: RCW 28B.50.140.

Summary: The new sections to this chapter clearly describes the steps for practice and procedure for adjudicative proceedings.

Reasons Supporting Proposal: To provide a concise language regarding this subject for Community College District VIII.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Phyllis C. Hudson, A201, 334-2301 scan.

Name of Proponent: Bellevue Community College, Community College District VIII, public.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: States the process and procedures to be used by Community College District VIII for adjudicative proceedings.

Proposal changes the following rules: Previous rules filed have been repealed.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Bellevue Community College, B201, 3000 Landerholm Circle S.E., Bellevue, WA 98007, on March 13, 1990, at 1:30 p.m.

Submit Written Comments to: Bellevue Community College, President's Office, 3000 Landerholm Circle S.E., Bellevue, WA 98007, by March 6, 1990.

Date of Intended Adoption: March 13, 1990.

January 18, 1990
Phyllis C. Hudson
Secretary

REPEALER

The following sections of the Chapter WAC 132H-108 are repealed:

WAC 132H-108-108	FORMAL HEARING POLICY.
WAC 132H-108-010	
WAC 132H-108-020	DEFINITIONS.
WAC 132H-108-030	APPEARANCE AND PRACTICE BEFORE AGENCY.
WAC 132H-108-040	NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES.
WAC 132H-108-050	SERVICE OF PROCESS—BY WHOM SERVED.
WAC 132H-108-060	UPON WHOM SERVED.
WAC 132H-108-070	SERVICE UPON PARTIES.
WAC 132H-108-080	METHOD OF SERVICE.
WAC 132H-108-090	WHEN SERVICE COMPLETE.
WAC 132H-108-200-100	FILING WITH AGENCY.
WAC 132H-108-110	DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RIGHT TO TAKE.
WAC 132H-108-120	SCOPE.
WAC 132H-108-130	OFFICER BEFORE WHOM TAKEN.

WAC 132H-108-140	AUTHORIZATION.
WAC 132H-108-150	PROTECTION OF PARTIES AND DEPENDENTS.
WAC 132H-108-160	ORAL EXAMINATION AND CROSS-EXAMINATION.
WAC 132H-108-170	RECORDATION.
WAC 132H-108-180	SIGNING ATTESTATION AND RETURN.
WAC 132H-108-190	USE AND EFFECT.
WAC 132H-108-200	FEES OF OFFICERS AND DEPENDENTS.
WAC 132H-108-210	DEPOSITIONS UPON INTERROGATORIES—SUBMISSION OF INTERROGATORIES.
WAC 132H-108-220	INTERROGATION.
WAC 132H-108-230	ATTESTATION AND RETURN.
WAC 132H-108-240	PROVISIONS OF DEPOSITION RULE.
WAC 132H-108-250	HEARING OFFICERS.
WAC 132H-108-260	HEARING PROCEDURES.
WAC 132H-108-270	DUTIES OF HEARING OFFICERS.
WAC 132H-108-280	STIPULATIONS AND ADMISSIONS OF RECORD.
WAC 132H-108-290	DEFINITION OF ISSUES BEFORE HEARING.
WAC 132H-108-300	CONTINUANCES.
WAC 132H-108-310	RULES OF EVIDENCE—ADMISSIBILITY CRITERIA.
WAC 132H-108-320	TENTATIVE ADMISSION—EXCLUSION—DISCONTINUANCE—OBJECTIONS.
WAC 132H-108-330	FORM AND CONTENT OF DECISIONS IN CONTESTED CASES.

Reviser's note: The typographical errors in the above repealers occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The spelling error in the above repealer occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 132H-108-410 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found at Chapter 10-08 Washington Administrative Code. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by this institution shall govern. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

NEW SECTION

WAC 132H-108-420 APPOINTMENT OF PRESIDING OFFICERS. The President or President's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the President or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the President or President's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132H-108-430 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available, pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132H-108-440 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 3000 Landerholm Circle, S.E., Room B202, Bellevue, Washington. (1)

Written application for an adjudicative proceeding should be submitted to the above address within 20 days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 132H-108-450 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.95.482-494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to: (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;

- (2) Disputes concerning educational records;
- (3) Student conduct proceedings. The procedural rules in Chapter WAC 132H-200 apply to these procedures.
- (4) Parking violations. The procedural rules in Chapter WAC 132H-116 apply to these proceedings;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to WAC 132H-400.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 132H-108-460 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132H-108-470 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A Party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within 10 days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within 20 days of receiving the request.

NEW SECTION

WAC 132H-108-480 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132H-108-410, except for the method of official recording selected by the institution.

WSR 90-03-078

PROPOSED RULES

BELLEVUE COMMUNITY COLLEGE

[Filed January 22, 1990, 2:36 p.m.]

Original Notice.

Title of Rule: Adopting WAC 132H-400-005 through 132H-400-040 Student athletic participation.

Purpose: The adoption of WAC 132H-400-040 insures compliance with chapter 34.05 RCW, the new Administrative Procedure Act regarding student athletic participation at Community College District VIII.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: RCW 28B.50.140.

Summary: The sections listed in this new chapter clearly describes Community College District VIII's policy for students participating in athletics.

Reasons Supporting Proposal: To provide a concise language regarding this subject for Community College District VIII.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Phyllis C. Hudson, A201, 334-2301 scan.

Name of Proponent: Bellevue Community College, Community College District VIII, public.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: States the grounds for ineligibility for any student in violation of chapter 69.41 RCW and the procedures for suspension, hearing and decision should there be a violation.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Bellevue Community College, B201, 3000 Landerholm Circle S.E., Bellevue, WA 98007, on March 13, 1990, at 1:30 p.m.

Submit Written Comments to: Bellevue Community College, President's Office, 3000 Landerholm Circle S.E., Bellevue, WA 98007, by March 6, 1990.

Date of Intended Adoption: March 13, 1990.

January 18, 1990
Phyllis C. Hudson
Secretary

NEW SECTION

WAC 132H-400-005 TITLE. WAC Chapter 132H-400 will be known as Student Athletic Participation.

NEW SECTION

WAC 132H-400-010 GROUNDS FOR INELIGIBILITY. Any student found by Bellevue Community College to have violated chapter 69.41 RCW by virtue of a criminal conviction or otherwise insofar as it prohibits the possession, use or sale of legend drugs, including anabolic steroids, will be disqualified from participation in any school-sponsored athletic event or activity.

NEW SECTION

WAC 132H-400-020 SUSPENSION PROCEDURE—RIGHT TO INFORMAL HEARING. Any student notified of a claimed violation of WAC 132H-400-010 shall have the right to a brief adjudicative hearing if a written request for such a hearing is received by the Dean of Students within three days of receipt of a declaration of further athletic ineligibility. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student will be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible from further participation in school-sponsored athletic events for the remainder of the school year.

NEW SECTION

WAC 132H-400-030 HEARING. If a timely written request for a hearing is made, the Dean of Students shall designate a hearing officer who shall be a college officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The hearing officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.482-494.

NEW SECTION

WAC 132H-400-040 DECISION. The college official who acts as hearing officer shall issue a written decision which shall include a

brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered or prepared by the hearing officer shall be maintained as the official record of the brief administrative proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative hearing and in no event later than 20 days after the request for hearing is received by the Dean of Students.

WSR 90-03-079
EMERGENCY RULES
BELLEVUE COMMUNITY COLLEGE
 [Filed January 22, 1990, 2:39 p.m.]

Date of Adoption: January 9, 1990.

Purpose: Repealing WAC 132H-108-108 [132H-108-005] through 132H-108-330, Formal hearing policy; and adopting WAC 132H-108-410 through 132H-108-480, Model rules of procedure.

Citation of Existing Rules Affected by this Order: Repealing WAC 132H-108-330; and Amending chapter 132H-108 WAC.

Statutory Authority for Adoption: RCW 28B.50.140.

Other Authority: Chapter 34.05 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To be in compliance with the Administrative Procedure Act, chapter 34.05 RCW.

Effective Date of Rule: Immediately.

January 16, 1990
 Phyllis C. Hudson
 Secretary

REPEALER

The following sections of the Chapter WAC 132H-108 are repealed:

WAC 132H-108-108 FORMAL HEARING POLICY.

WAC 132H-108-010

WAC 132H-108-020 DEFINITIONS.

WAC 132H-108-030 APPEARANCE AND

PRACTICE BEFORE AGENCY.

WAC 132H-108-040 NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES.

WAC 132H-108-050 SERVICE OF PROCESS—BY WHOM SERVED.

WAC 132H-108-060 UPON WHOM SERVED.

WAC 132H-108-070 SERVICE UPON

PARTIES.

WAC 132H-108-080 METHOD OF SERVICE.

WAC 132H-108-090 WHEN SERVICE

COMPLETE.

WAC 132H-108-200-100 FILING WITH AGENCY.

WAC 132H-108-110 DEPOSITIONS AND INTERROGATORIES IN CONTESTED CASES—RIGHT TO TAKE.

WAC 132H-108-120 SCOPE.
 WAC 132H-108-130 OFFICER BEFORE WHOM TAKEN.
 WAC 132H-108-140 AUTHORIZATION.
 WAC 132H-108-150 PROTECTION OF PARTIES AND DEONENTS.
 WAC 132H-108-160 ORAL EXAMINATION AND CROSS-EXAMINATION.
 WAC 132H-108-170 RECORDATION.
 WAC 132H-108-180 SIGNING ATTESTATION AND RETURN.
 WAC 132H-108-190 USE AND EFFECT.
 WAC 132H-108-200 FEES OF OFFICERS AND DEONENTS.
 WAC 132H-108-210 DEPOSITIONS UPON INTERROGATORIES—SUBMISSION OF INTERROGATORIES.
 WAC 132H-108-220 INTERROGAATION.
 WAC 132H-108-230 ATTESTATION AND RETURN.
 WAC 132H-108-240 PROVISIONS OF DEPOSITION RULE.
 WAC 132H-108-250 HEARING OFFICERS.
 WAC 132H-108-260 HEARING PROCEDURES.
 WAC 132H-108-270 DUTIES OF HEARING OFFICERS.
 WAC 132H-108-280 STIPULATIONS AND ADMISSIONS OF RECORD.
 WAC 132H-108-290 DEFINITION OF ISSUES BEFORE HEARING.
 WAC 132H-108-300 CONTINUANCES.
 WAC 132H-108-310 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA.
 WAC 132H-108-320 TENTATIVE ADMISSION—EXCLUSION—DISCONTINUANCE—OBJECTIONS.
 WAC 132H-108-330 FORM AND CONTENT OF DECISIONS IN CONTESTED CASES.

Reviser's note: The typographical errors in the above repealers occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The spelling error in the above repealer occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 132H-108-410 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found at Chapter 10-08 Washington Administrative Code. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by this institution shall govern. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

NEW SECTION

WAC 132H-108-420 **APPOINTMENT OF PRESIDING OFFICERS.** The President or President's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the President or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the President or President's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132H-108-430 **METHOD OF RECORDING.** Proceedings shall be recorded by a method determined by the presiding officer, among those available, pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132H-108-440 **APPLICATION FOR ADJUDICATIVE PROCEEDING.** An application for adjudicative proceeding shall be in writing. Application forms are available at the following address: 3000 Landerholm Circle, S.E., Room B202, Bellevue, Washington. (1) Written application for an adjudicative proceeding should be submitted to the above address within 20 days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 132H-108-450 **BRIEF ADJUDICATIVE PROCEDURES.** This rule is adopted in accordance with RCW 34.95.482-494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to: (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;

- (2) Disputes concerning educational records;
- (3) Student conduct proceedings. The procedural rules in Chapter WAC 132H-200 apply to these procedures.
- (4) Parking violations. The procedural rules in Chapter WAC 132H-116 apply to these proceedings;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to WAC 132H-400.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 132H-108-460 **DISCOVERY.** Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery

permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132H-108-470 **PROCEDURE FOR CLOSING PARTS OF THE HEARINGS.** A Party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within 10 days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within 20 days of receiving the request.

NEW SECTION

WAC 132H-108-480 **RECORDING DEVICES.** No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132H-108-410, except for the method of official recording selected by the institution.

WSR 90-03-080

EMERGENCY RULES

BELLEVUE COMMUNITY COLLEGE

[Filed January 22, 1990, 2:40 p.m.]

Date of Adoption: January 9, 1990.

Purpose: Adopting new section WAC 132H-200-040
Organization/operation information, general operating policies of Community College District VIII.

Citation of Existing Rules Affected by this Order:
Amending chapter 132H-200 WAC.

Statutory Authority for Adoption: RCW 28B.50.140.

Other Authority: Chapter 34.05 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To be in compliance with the Administrative Procedure Act, chapter 34.05 RCW.

Effective Date of Rule: Immediately.

January 16, 1990

Phyllis C. Hudson

Secretary

NEW SECTION

WAC 132H-200-040 **ORGANIZATION/OPERATION INFORMATION.** (1) Organization: Belleue Community College, Community College District VIII is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member Board of Trustees, appointed by the Governor. The Board employs a President, who acts

as the Chief Executive Officer of the institution. The President establishes the structure of the administration.

(2) Operation: The administrative office is located at the following address: 3000 Landerholm Circle, S.E., Bellevue, Washington 98007. Educational operations are also located at the following address: 14844 S.E. 22nd Street, Bellevue, Washington 98007. The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. During the summer months the College operates on an alternate schedule and throughout the year, some evening services are provided. Specific information is available through the College Public Information Office.

(3) Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address: Bookstore, D103, 3000 Landerholm Circle, S.E., Bellevue, Washington 98007.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 90-03-081

EMERGENCY RULES

BELLEVUE COMMUNITY COLLEGE

[Filed January 22, 1990, 2:41 p.m.]

Date of Adoption: January 9, 1990.

Purpose: Adopting new chapter 132H-400 WAC, Student athletic participation, WAC 132H-400-005 through 132H-400-040.

Statutory Authority for Adoption: RCW 28B.50.140.

Other Authority: Chapter 34.05 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: To be in compliance with the Administrative Procedure Act, chapter 34.05 RCW.

Effective Date of Rule: Immediately.

January 16, 1990

Phyllis C. Hudson
Secretary

NEW SECTION

WAC 132H-400-005 TITLE. WAC Chapter 132H-400 will be known as Student Athletic Participation.

NEW SECTION

WAC 132H-400-010 GROUNDS FOR INELIGIBILITY. Any student found by Bellevue Community College to have violated chapter 69.41 RCW by virtue of a criminal conviction or otherwise insofar as it prohibits the possession, use or sale of legend drugs, including anabolic steroids, will be disqualified from participation in any school-sponsored athletic event or activity.

NEW SECTION

WAC 132H-400-020 SUSPENSION PROCEDURE—RIGHT TO INFORMAL HEARING. Any student notified of a claimed violation of WAC 132H-400-010 shall have the right to a brief adjudicative hearing if a written request for such a hearing is received by the Dean of Students within three days of receipt of a declaration of further athletic ineligibility. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student will be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible from further participation in school-sponsored athletic events for the remainder of the school year.

NEW SECTION

WAC 132H-400-030 HEARING. If a timely written request for a hearing is made, the Dean of Students shall designate a hearing officer who shall be a college officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The hearing officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.482-494.

NEW SECTION

WAC 132H-400-040 DECISION. The college official who acts as hearing officer shall issue a written decision which shall include a brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered or prepared by the hearing officer shall be maintained as the official record of the brief administrative proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative hearing and in no event later than 20 days after the request for hearing is received by the Dean of Students.

WSR 90-03-082

PROPOSED RULES

COLUMBIA BASIN COLLEGE

[Filed January 22, 1990, 2:58 p.m.]

Original Notice.

Title of Rule: Rules coordinator; Organization; Meeting date; Grievance procedure—Handicapped; Scholarships; Financial aid; Practice and procedure; and Loss of eligibility—Student athletic participation.

Purpose: To comply with new Administrative Procedure Act.

Statutory Authority for Adoption: RCW 28B.50.140.

Statute Being Implemented: Chapter 34.05 RCW.

Summary: Rules coordinator, rules coordinator's location; Organization, organization and operation of college; Meetings, regular meetings; Grievance—Handicapped, grievance procedure for handicapped persons;

Scholarships, coordinated through financial aid; Financial aid, eligibility; Practice and procedure, adopt model rules, discovery, brief adjudication proceedings, and closure, recording, petitions for stay; and Loss of eligibility—Student athletic participation, prohibit use of legend drugs by student athletes.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Jean Dunn, Columbia Basin College, 2600 North 20th, Pasco, WA 99301, (509) 547-0511; Implementation and Enforcement: Marvin Weiss, Columbia Basin College, 2600 North 20th, Pasco, WA 99301, (509) 547-0511.

Name of Proponent: Columbia Basin College, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Columbia Basin College, 2600 North 20th, Pasco, WA 99301, on March 5, 1990, at 4 p.m.

Submit Written Comments to: Jean Dunn, Rules Coordinator, by February 27, 1990.

Date of Intended Adoption: March 5, 1990.

January 18, 1990
Marvin W. Weiss
College President
Secretary
Board of Trustees

PRACTICE AND PROCEDURE

NEW SECTION

WAC 132S-01-010 ADOPTION OF MODEL RULES OF PROCEDURE. The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found at Chapter 10-08 Washington Administrative Code. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules adopted in this title, the procedural rules adopted by this institution shall govern. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

NEW SECTION

WAC 132S-01-020 APPOINTMENT OF PRESIDING OFFICERS. The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132S-01-030 METHOD OF RECORDING. Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132S-01-040 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

Columbia Basin College
2600 North 20th Avenue
Pasco, WA 99301

Written application for an adjudicative proceeding should be submitted to the above address within 20 days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 132S-01-050 BRIEF ADJUDICATIVE PROCEDURES. This rule is adopted in accordance with RCW 34.05.482-494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings. The procedural rules in Chapter 132S-40 WAC apply to these proceedings.
- (4) Parking violations. The procedural rules in Chapter 132S-50 WAC apply to these proceedings;
- (5) Outstanding debts owed by students or employees;
- (6) Loss of eligibility for participation in institution sponsored athletic events, pursuant to Chapter 132S-40-130 through 145 WAC.

NEW SECTION

WAC 132S-01-060 DISCOVERY. Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132S-01-070 PROCEDURE FOR CLOSING PARTS OF THE HEARINGS. A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within 10 days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefor in writing within 20 days of receiving the request.

NEW SECTION

WAC 132S-01-080 RECORDING DEVICES. No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132S-108-010, except for the method of official recording selected by the institution.

NEW SECTION

WAC 132S-01-090 PETITIONS FOR STAY OF EFFECTIVENESS. Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers, who entered the final order.

RULES COORDINATOR—LOCATION

NEW SECTION

WAC 132S-05-010 RULES COORDINATOR. The Rules Coordinator for Columbia Basin College as designated by President Marvin Weiss is:

Jean Dunn
Office of the President
Columbia Basin College
2600 North 20th Avenue
Pasco, WA 99301

ORGANIZATION

NEW SECTION

WAC 132S-05-015 ORGANIZATION—OPERATION—INFORMATION. (a) Organization. Columbia Basin College is established in Title 28B RCW as a public institution of higher education. The institution is governed by a 5-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(b) Operation. The administrative office is located at the following address:

Columbia Basin College
2600 North 20th Avenue
Pasco, WA 99301

and is open from 7:30 a.m. to 4:30 p.m., Monday through Friday, except on legal holidays. Educational operations are also located at the following addresses:

Columbia Basin College, Richland Campus
1011 Northgate Drive
Richland, WA 99352

Columbia Basin College, Chase Center
1600 North 20th Avenue
Pasco, WA 99301

(c) Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

Columbia Basin College
2600 North 20th Avenue
Pasco, WA 99301

BOARD OF TRUSTEES REGULAR MEETING DATE

NEW SECTION

WAC 132S-05-020 REGULAR MEETING DATE, BOARD OF TRUSTEES. The board of trustees of Columbia Basin college shall hold at least one regular meeting each month, unless dispensed with by the board of trustees. The regular meeting shall be the first Monday of each month, unless dispensed with or changed by the board of trustees.

All regular board meetings shall be publicly announced at least 24 hours prior to the meeting.

GRIEVANCE PROCEDURE—HANDICAPPED

NEW SECTION

WAC 132S-30-037 GRIEVANCE PROCEDURE – HANDICAPPED. Any applicant for admission, enrolled student, applicant for employment or employee of Columbia Basin College who believes he/she has been discriminated against due to a handicap may lodge a formal institutional grievance by utilizing the steps listed in WAC 132S-30-036. The hearing officer will be the personnel director.

SCHOLARSHIPS

NEW SECTION

WAC 132S-40-130 SCHOLARSHIPS. All scholarships available at Columbia Basin College are coordinated through the Financial Aid Office.

All scholarships awarded by Columbia Basin College are evaluated by an appointed scholarship committee on the merits of pre-established criteria. The established conditions of a scholarship offered to Columbia Basin College students must meet CBC standards and be approved by the Financial Aid office. Scholarships are awarded on the basis of scholarship and/or need without regard to race, sex, age, religion or ethnic origin. Scholarships targeted to minority students are exceptions and are also based on scholarship and/or need.

FINANCIAL AID

NEW SECTION

WAC 132S-40-135 FINANCIAL AID. All students attending Columbia Basin College and receiving federal assistance in meeting direct and/or indirect educational costs through grants, work-study, and/or loans must maintain good academic standing.

Failure to maintain good academic standing will result in the termination of financial aid payments until satisfactory progress can be documented by the student.

For purposes of financial aid, the student is considered to be in good standing unless the student fails to complete a minimum of 12 credit hours with a grade point average of 2.00 for two consecutive quarters. However, a part-time student who fails to complete six credit hours in any quarter will be subject to immediate termination of financial aid.

Loss of Eligibility—Student Athletic Participation

NEW SECTION

WAC 132S-40-140 GROUNDS FOR INELIGIBILITY. Any student found by Columbia Basin College to have violated chapter 69-.41 RCW by virtue of a criminal conviction or otherwise insofar as it prohibits the possession, use or sale of legend drugs, including anabolic steroids, will be disqualified from participation in any Columbia Basin College sponsored athletic even or activity.

NEW SECTION

WAC 132S-40-145 SUSPENSION PROCEDURE—RIGHT TO INFORMAL HEARING. Any student notified of a claimed violation of WAC 132S-40-130 shall have the right to a brief and adjudicative hearing if a written request for such a hearing is received by the dean of students within three days of receipt of a declaration of further athletic ineligibility. If no written request is received within three days after receipt of the declaration of athletic ineligibility, the student will be deemed to have waived any right to a brief adjudicative hearing and will be declared ineligible from further participation in Columbia Basin College sponsored athletic events or activities.

NEW SECTION

WAC 132S-40-150 HEARING. If a timely written request for a hearing is made, the dean of students shall designate a hearing officer who shall be a college officer who is not involved with the athletic program, normally the director of personnel, to conduct the brief adjudicative hearing. The hearing officer shall promptly conduct the hearing and permit affected parties to explain both the college's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedures Act, RCW 34.05.482.494.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 132S-40-155 DECISION. The college official who acts as hearing officer shall issue a written decision which shall include a brief statement of the reasons for the decision and a notice that judicial review may be available. All documents presented, considered or prepared by the hearing officer shall be maintained as the official record of the brief administrative proceeding. A decision must be promptly rendered after the conclusion of the brief adjudicative hearing and in no event later than 20 days after the request for hearing is received by the dean of students.

WSR 90-03-083

PERMANENT RULES

DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 426—Filed January 22, 1990, 4:14 p.m.]

Date of Adoption: January 19, 1990.

Purpose: To establish 1990 Wild turkey seasons and repeal 1989 Turkey seasons.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-28-712.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 89-24-083 on December 6, 1989.

Effective Date of Rule: Thirty-one days after filing.

January 19, 1990

John C. McGlenn
Chairman

NEW SECTION

WAC 232-28-713 1990 WILD TURKEY SEASONS Gobblers and Turkeys with Visible Beards Only.

April 18, 1990 through May 13, 1990 in Asotin, Columbia, Garfield, Kittitas, Klickitat, Skamania, Stevens and Yakima Counties, that part of Chelan County within the following described area: beginning at Kittitas-Chelan County line; then northerly on S.R. 97 to Wenatchee and the Columbia River; then southerly along the Columbia River to the Kittitas County line; and that part of Okanogan County north and west of S.R. 97.

Hunting Hours/Limits:

Bag and Possession Limit: One turkey per calendar year (January 1 to December 31).

Hunting Hours: One-half hour before sunrise to sunset.

Special Regulations:

- 1). Wild turkey season is open for shotgun and bow-and-arrow hunting only.
- 2). A turkey tag is required for hunting wild turkey.
- 3). Each successful hunter must fill out and return a game harvest report card to the Department of Wildlife within 10 days after taking a turkey. Failure to do so is a misdemeanor punishable by a fine of up to \$250 and/or 90 days in jail.
- 4). It is unlawful to use dogs to hunt turkeys.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-712 1989 SPRING TURKEY SEASONS AND INFORMATION ON SPRING BEAR HOT SPOT HUNTS

WSR 90-03-084

NOTICE OF PUBLIC MEETINGS

HUMAN RIGHTS COMMISSION

[Memorandum—January 22, 1990]

The Washington State Human Rights Commission will hold its next regular commission meeting in Olympia on February 21 and 22, 1990. The meeting on February 21, will be held at the Evergreen Plaza Building, Second Floor Conference Room, 711 South Capitol Way, Olympia, beginning at 7:00 p.m. and will be a training,

planning and work session. The regular business meeting will be held at the same location, beginning at 9:30 a.m. on February 22, 1990.

WSR 90-03-085

PROPOSED RULES

CRIMINAL JUSTICE TRAINING COMMISSION

[Filed January 23, 1990, 9:18 a.m.]

Original Notice.

Title of Rule: New section, training requirement for railroad special agents.

Purpose: See Explanation of Rule below.

Statutory Authority for Adoption: RCW 43.101.080(2).

Summary: Establishes standardized basic and in-service training requirements for railroad enforcement personnel commissioned by the governor for that purpose.

Reasons Supporting Proposal: Ensures minimally acceptable level of knowledge and skills by individuals empowered to make arrests and exercise other police powers within the context of railroad operations and related investigations; establishes training requirement necessary for federal approval of access to criminal history record information.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Garry E. Wegner, Assistant Director, Mailstop PW-11, Lacey, 459-6342.

Name of Proponent: Washington State Criminal Justice Training Commission, governmental.

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes a basic training requirement of 240 hours for commissioned railroad personnel and an in-service requirement for such personnel; ensures standardized and minimally acceptable levels of knowledge and skills attendant to exercise of police powers by such personnel; required for approved access to criminal history record information by such personnel; and ensures training effort and recordkeeping by employing entities and maintenance of personnel proficiencies.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Criminal Justice Training Center, 2450 South 142nd Street, Seattle, WA 98168, on March 8, 1990, at 10:00 a.m.

Submit Written Comments to: Garry E. Wegner, Assistant Director, Criminal Justice Training Commission, Mailstop PW-11, Olympia, WA 98504, by March 7, 1990.

Date of Intended Adoption: March 8, 1990.

January 22, 1990

James C. Scott

Executive Director

NEW SECTION

WAC 139-05-925 REQUIREMENT OF TRAINING FOR RAILROAD SPECIAL AGENTS. (1) For the purpose of this regulation, the term "special agent" means any individual appointed by the Governor of the State of Washington under the provisions of RCW 81.60.010 through 81.60.060.

(2) As a precondition of any exercise of police powers to enforce the laws of this state, special agents shall:

(a) possess the Washington State criminal justice training commission's basic certificate, or in the alternative, successfully complete, or have previously completed, a training program of at least two hundred and forty hours which shall include:

(i) Administration	15 hours
(ii) Introduction to Criminal Justice	5 hours
(iii) Law and procedure	40 hours
(iv) Community Relations	8 hours
(v) Patrol Skills and Procedures	34 hours
(vi) Investigative Skills and Procedures	108 hours
(vii) Defensive Tactics	20 hours
(viii) Departmental Policy and procedures	2 hours
(ix) Railroad Operation and procedures	4 hours
(x) Use of Force	4 hours
(xi) Firearms Qualification	<u>as required</u>
Total: 240 hours	

(b) notwithstanding date of hire, successfully complete the following training at least annually, in addition to any other in-service training program otherwise required by the special agent's employing agency.

(i) First Aid	8 hours
(ii) CPR	4 hours
(iii) Firearms Qualification	24 hours
(iv) Legal Update	4 hours
(v) SAC Training	<u>24 hours</u>
Total: 64 hours	

(3) It shall be the responsibility of the special agent's employing agency to effect and ensure personnel compliance herein, and provide necessary records and information upon request of the training commission to which said shall be accountable for purpose of compliance.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 90-03-086
PREPROPOSAL COMMENTS
DEPARTMENT OF ECOLOGY
 [Filed January 23, 1990, 11:27 a.m.]

Subject of Possible Rule Making: The Department of Ecology is drafting rules which would establish wastewater discharge standards and exemptions for upland fin-fish rearing and hatching facilities.

Persons may Comment on this Subject in the Following Ways: Please submit written comments. The department contact person is: Bev Poston, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504, prior to the formal rule proposal date of March 7, 1990.

December 11, 1989
 Fred Olson
 Deputy Director

WSR 90-03-087
PROPOSED RULES
ENERGY FACILITY SITE
EVALUATION COUNCIL
 [Filed January 23, 1990, 11:32 a.m.]

Continuance of WSR 89-24-014.

Title of Rule: Chapter 463-30 WAC, Procedure—Contested case hearings; and chapter 463-34 WAC, Procedure—Rule making and declaratory rulings.

Purpose: To bring Title 463 WAC into conformance with the Administrative Procedure Act.

Statutory Authority for Adoption: RCW 80.50.040.
 Statute Being Implemented: Chapter 34.05 RCW.

Summary: The existing rules need to be updated to conform with the changes to the Administrative Procedure Act, formerly chapter 34.04 RCW, now chapter 34.05 RCW, which governs the process for conducting contested cases, rule making and declaratory changes.

Reasons Supporting Proposal: All state agencies were directed by the legislature to review their rules and bring them into conformance with the changes to the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Rules Review Committee, 4224 6th Avenue, Rowesix, Lacey, 459-6490; Implementation: William L. Fitch, Executive Secretary, 4224 6th Avenue, Rowesix, Lacey, 459-6490; and Enforcement: Curtis Eschels, Chairman, 4224 6th Avenue, Rowesix, Lacey, 459-6490.

Name of Proponent: Energy Facility Site Evaluation Council, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The proposed action has no budget impact except for previously budgeted staff time and cost of printing the council's revised rule books.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: See previous information.

Proposal Changes the Following Existing Rules: [No information supplied by agency.]

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Date of Intended Adoption: February 12, 1990.

January 23, 1990
 Bill Fitch
 Executive Secretary

WSR 90-03-088
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed January 23, 1990, 1:41 p.m.]

Original Notice.

Title of Rule: WAC 314-16-170 Suspension notices, posting of—Other closing notices.

Purpose: To add amendatory language which requires posting of a notice on a licensed premise when a liquor license holder pays a monetary penalty in lieu of a suspension for a liquor violation.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.24.010 and 66.24.120.

Summary: The proposed amendment would require the posting of a notice if the violating liquor licensee paid a monetary penalty in lieu of a license suspension.

Reasons Supporting Proposal: Licensees who are found in violation of liquor laws or rules should be subject to the same notice requirements regardless of

whether they pay a monetary penalty or serve suspension, thereby giving the public notification of a liquor licensee's violation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gary W. Gilbert, 1025 East Union, Olympia, 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The present rule requires a notice of suspension be posted in a conspicuous location on the licensed premises. The proposed change would require a notice be conspicuously posted on the licensed premises when a liquor licensee pays a monetary penalty in lieu of a license suspension. Adoption of the amendatory language will insure uniformity and make the general public, other licensees and law enforcement aware of the liquor infraction.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Liquor Control Board would post and remove the proposed notice.

Hearing Location: Washington State Liquor Control Board, 1025 East Union, Olympia, WA 98504, on March 14, 1990, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, 1025 East Union, Olympia, WA 98504, by March 14, 1990.

Date of Intended Adoption: April 16, 1990.

January 23, 1990
Paula C. O'Connor
Chairman

AMENDATORY SECTION (Amending Rule 33, filed 6/13/63)

WAC 314-16-170 SUSPENSION NOTICES, POSTING OF—OTHER CLOSING NOTICES PROHIBITED. Whenever the board shall suspend the license of any retail licensee, the board shall on the date the suspension becomes effective cause to be posted in a conspicuous place on or about the licensed premises a notice in a form to be prescribed by the board and said notice shall state that the license or licenses have been suspended by order of the board because of a violation or violations of the Washington state liquor act or the regulations.

If the retail licensee is given the option to pay a monetary penalty in lieu of a suspension of the liquor license or licenses and the retail licensee pays the monetary penalty, the board shall, on the date the suspension would have become effective cause to be posted in a conspicuous place on or about the licensed premises a notice in a form to be prescribed by the board and said notice shall state that the retail licensee has paid a monetary penalty in lieu of a license suspension because of a violation or violations of the Washington state liquor act or the regulations.

No person shall, until after the suspension period has expired or in the event that a monetary penalty was paid would have expired, remove, alter or in any way disturb said notice, nor shall any notice of any kind be placed in, or about the premises indicating that the same have been closed for any other reason. The board shall cause to be inspected regularly during the suspension period the premises for the purpose of determining whether the provisions of this regulation are being complied with, and any failure of compliance shall forthwith be reported to the board.

Reviser's note: RCW 34.05.395 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 90-03-089 PROPOSED RULES LIQUOR CONTROL BOARD [Filed January 23, 1990, 1:45 p.m.]

Original Notice.

Title of Rule: WAC 314-20-025 Beer alcohol content—Required for malt beverages of 4% alcohol or more by weight.

Purpose: To provide for public safety and welfare by requiring alcohol content on the label of individual containers of malt beverages which have an alcohol content of 4% or more by weight.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: RCW 66.28.120.

Summary: The rule as proposed will require alcohol content by weight to be on malt beverages containers when the alcohol content equals or is greater than 4% by weight.

Reasons Supporting Proposal: It is in the public interest for consumers to know the alcohol content of the malt beverages they consume. Based on this knowledge, the consumer may decide how much of the product to consume; and eight other states currently require some form of alcohol content labeling on malt beverages. Oregon has the most similar language to what is being proposed here.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Janice Lee Britt, 1025 East Union, Olympia, WA, 753-6273.

Name of Proponent: Washington State Liquor Control Board, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: Knowledge of the amount of alcohol present in malt beverages allows the consumer to be a better judge of the amount of malt beverages they may safely consume without having their judgment and physical capabilities impaired. Amount of alcohol content, or lack thereof, may be a determining factor in the consumers decision to purchase or not purchase a particular product. Prior to 1982, malt beverages containing 4% of alcohol or more by weight were not allowed in Washington. Since they have been allowed, many consumers do not realize that some of the malt beverages they are consuming have a stronger intoxicating affect.

Proposal Changes the Following Existing Rules: The rule as proposed adds the requirement of alcohol content for some beer/malt beverages which do not currently put that information on their label or bottle.

Small Business Economic Impact Statement: In accordance with procedures recommended for completing cost impact statements on new or revised rule making, a survey on the proposed language was sent out in October 1989.

The rule, as proposed by the board would go into effect six months (180 days) after passage. This would allow the manufacturers and importers affected adequate time to apply for and receive new label approvals from the Bureau of Alcohol, Tobacco and Firearms. According to a letter from Joe Deviney dated October 30, 1989, there is no fee for this application. The processing time is two weeks.

Based on labels on file from when alcohol content was tested, it is estimated that approximately 40% of all malt beverages (about 280) would require new labels as a result of this rule change.

Survey: As of October 1989, licenses were held by 87 foreign beer importers, 16 Washington breweries and 30 out-of-state breweries.

Surveys were sent to 16 foreign beer importers, 13 Washington breweries and 10 out-of-state breweries.

Responses were received from eight foreign beer importers, eight in-state breweries and five out-of-state breweries. Fifteen of the surveyed businesses employ less than 50 people in the state with average yearly sales in-state of \$979,400 per year for these fifteen businesses.

There is some controversy as to whether alcohol should be measured as percent volume or percent by weight. Since the statutory definition of malt beverages refers to alcohol by weight (RCW 66.04.010(17)) that standard was used in drafting proposed language. Four percent alcohol by weight is equal to five percent alcohol by volume. Of the surveys returned, seven respondents preferred alcohol to be measured by weight and eight respondents preferred alcohol to be measured by volume. Six abstained from giving an opinion.

The cost impacts range from a low of \$0 (for seven respondents) to an estimated high of \$50,000 a year.

The increase in cost per \$100 sales were reported as follows: 1. Significant, difficult to measure; 2. None - all brands sold in Washington are below 4% by weight; 3. Not applicable; 4. One time charge to change would be primary concern and cost; 5. No impact for 4% by weight beers; 6. No response; 7. \$0.50 to \$1.00; 8. \$4.50; 9. \$0.83; 10. \$1.00 to \$2.00; 11. \$0.50; 12. Negligible; 13. No response; 14. Not applicable; 15. Can't tell; 16. None; 17. No response; 18. \$3.05; 19. \$0.10; 20. Negligible; and 21. It's a brewery problem.

As you can see, these responses vary from no impact to a high cost of \$4.50 per \$100.00 sales.

It is the board's conclusion that the cost impact of the proposed rule change is not appreciably significant and does not outweigh the public health and safety requirement in the public knowing the strength of the malt beverages they consume when that strength is above the amount they normally have expected a malt beverage to be.

Hearing Location: Liquor Control Board, 5th Floor Board Room, 1025 East Union, Olympia, WA 98504, on March 7, 1990, at 9:30 a.m.

Submit Written Comments to: Chairman Paula O'Connor, by March 7, 1990.

Date of Intended Adoption: April 9, 1990.

January 23, 1990

Paula O'Connor

Chairman

NEW SECTION

WAC 314-20-025 BEER ALCOHOL CONTENT—REQUIRED FOR MALT BEVERAGES OF 4% ALCOHOL OR MORE BY WEIGHT. The alcohol content of malt beverages which equal or exceeds 4% of alcohol by weight must be listed on all individual containers offered for sale.

WSR 90-03-090

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed January 23, 1990, 2:52 p.m.]

Original Notice.

Title of Rule: Chapter 16-494 WAC, Rules relating to bean seed quarantine.

Purpose: Addition of one disease to list of quarantined diseases, and inclusion of genus and species *Vigna angularis* to definition of "common bean and beans."

Statutory Authority for Adoption: Chapter 34.04 [34.05] RCW.

Statute Being Implemented: Chapter 34.04 [34.05] RCW.

Summary: This rule will add bean common mosaic virus disease to the list of diseases currently quarantined in the state of Washington.

Reasons Supporting Proposal: Appearance of new virus disease, a strain, NL-8, of bean common mosaic virus, which will attack all varieties of beans currently grown in Washington.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Max Long, 2015 South First Street, Yakima, WA 98903, (509) 575-2750.

Name of Proponent: Department of Agriculture, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: A quarantine will be effective in preventing the introduction of bean common mosaic virus disease, and control of bean common mosaic virus disease will provide the common bean growers of the state of Washington with a source of disease free common beans for planting purposes.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Agricultural Service Center, 2015 South 1st Street, Yakima, WA 98903, on March 6, 1990, at 1:15 p.m.

Submit Written Comments to: Max Long, 2015 South First Street, Yakima, WA 98903, by March 6, 1990.

Date of Intended Adoption: March 22, 1990.

January 23, 1990

William E. Brookreson
Assistant Director

AMENDATORY SECTION (Amending Order 1611, filed 4/30/79)

WAC 16-316-285 INSPECTION REQUIREMENTS. Inspection requirements shall be as follows: (1) When factors affecting certification are most evident. The 2nd inspection, when required, shall be a windrow inspection.

(2) A greenhouse test may be required if the certifying agency deems it necessary.

(3) A test for Bean Common Mosaic Virus disease is required to certify seed.

(4) The combined results of field inspections, laboratory test, and greenhouse test, when required, will determine final certification.

AMENDATORY SECTION (Amending Order 1611, filed 4/30/79)

WAC 16-316-290 SEED STANDARDS. Seed standards shall be as follows:

(1)

Purity	Found- ation	Regis- tered	Blue Tag Certi- fied
Pure seed	(Min.) 98%	98%	98%
Other crops & varieties	(Max.) none	none	2/100 lbs.
Badly damaged seed	(Max.)	2%	2%
Inert matter	(Max.)	2%	2%
Splits & cracks	(Max.)	2%	2%
Weed seed	(Max.)	none	none
<u>Bean Common Mosaic Virus Disease</u>	(Max.) none	0.5%	0.5%

Germination (minimum)		85%	85%

(2) Total inert matter, splits and cracks, and badly damaged seed shall not exceed 2% except for foundation class.

(3) Test reports will show percent of discolored beans for information only.

(4) Rough handling of bean seed in the combine or cleaning plant reduces germination materially. Precautions must be taken against such treatment and the seed safeguarded against high drops.

AMENDATORY SECTION (Amending Order 1846, filed 12/31/84)

WAC 16-494-001 ESTABLISHING QUARANTINE. Bean Common Mosaic Virus, Halo Blight Pseudomonas phaseolicola (Burk.) Dows., Common Bean Blight Xanthomonas phaseoli (E.F.Sm.) Dows., Fuscous Blight Xanthomonas phaseoli var. fuscans (Burk.), Bean anthracnose disease, Colletotrichum lindemuthianum (Sacc. & Magn.) Scrib., Brown spot disease, Pseudomonas syringae (Van Hall) (only strains virulently pathogenic to Phaseolus sp.), Bean Bacterial Wilt Corynebacterium flaccumfaciens (Hedges) Dows., and any new strains or variations of the above bacterial and fungus diseases are hereinafter referred to as diseases. A quarantine will be effective in preventing the introduction of said bacterial and fungus diseases of beans, and control of the said bacterial and fungus, and Bean Common Mosaic Virus diseases of beans will provide the common bean growers of the state of Washington with a source of common beans for planting purposes which are disease free.

AMENDATORY SECTION (Amending Order 1846, filed 12/31/84)

WAC 16-494-010 DEFINITIONS. (1) "Person" means a natural person, individual, firm, partnership, corporation, company, society, and association, and every officer, agent or employee thereof. This term shall import either the singular or the plural as the case may be.

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

(3) "Director" means the director of the department of agriculture or his duly authorized representative.

(4) "Common bean" means Phaseolus vulgaris L., and Vigna Angularis.

(5) "Beans" means Phaseolus sp., and Vigna Angularis.

(6) "Origin" means state where specific seed lot was grown.

(7) "Approved trial grounds" means a specific parcel of land determined by mutual agreement between persons, and approved by the director.

WSR 90-03-091

PROPOSED RULES

FRUIT COMMISSION

[Filed January 23, 1990, 3:27 p.m.]

Original Notice.

Title of Rule: Bartlett pear assessment rate.

Purpose: Amending WAC 224-12-090 Bartlett pears assessment rate to increase the assessment on Bartlett pears shipped fresh up to a maximum of \$14.00 per ton.

Statutory Authority for Adoption: RCW 15.28.180.

Statute Being Implemented: Chapter 15.28 RCW.

Summary: Rule would allow the assessment rate for Bartlett pears shipped fresh to increase from a maximum of \$11.36 per ton to a maximum of \$14.00 per ton.

Reasons Supporting Proposal: To provide additional funds for promotional programs.

Name of Agency Personnel Responsible for Drafting: Roger L. Roberts, WSDA, Olympia, Washington 98504, (206) 753-5028; Implementation and Enforcement: Washington State Fruit Commission, Yakima, Washington, (509) 453-4749.

Name of Proponent: Washington State Fruit Commission, private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Assessment increase subject to approval of Bartlett pear producers in a referendum to be conducted by the commission.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule would allow the commission to set their assessment rate on Bartlett pears shipped fresh up to a maximum of \$14.00 per ton. The present maximum rate is \$11.36 per ton. It is subject to approval of the majority of Bartlett pear growers in a referendum conducted by the commission.

Proposal Changes the Following Existing Rules: Increases the maximum rate figure.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Washington State Fruit Commission Office, 1005 Tieton Drive, Yakima, WA 98902, on February 27, 1990, at 1:00 p.m.

Submit Written Comments to: Washington State Fruit Commission, 1005 Tieton Drive, Yakima, WA 98902, by February 27, 1990.

Date of Intended Adoption: March 21, 1990.

January 18, 1990

Brent Heinemann

Member

AMENDATORY SECTION (Amending Order 4, Resolution 4, filed 7/29/81)

WAC 224-12-090 BARTLETT PEAR ASSESSMENT RATE. As provided for by RCW 15.28.160 and 15.28.180, there is hereby levied on Bartlett pears, an assessment of up to a maximum of ~~((twenty-five cents per standard box equivalent (approximately forty-four pounds)))~~ fourteen dollars per ton of Bartlett pears shipped fresh, and an assessment of six dollars for each two thousand pounds of Bartlett pears delivered to processors.

WSR 90-03-092
PERMANENT RULES
DEPARTMENT OF WILDLIFE
(Wildlife Commission)

[Order 427—Filed January 24, 1990, 9:35 a.m.]

Date of Adoption: January 19, 1990.

Purpose: The amendment is to correct a typographical error.

Citation of Existing Rules Affected by this Order:
 Amending WAC 232-12-054.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 89-24-081 on December 6, 1989.

Effective Date of Rule: Thirty-one days after filing.

January 23, 1990

Ray Ryan

Deputy Director

for John C. McGlenn

Chairman

AMENDATORY SECTION (Amending Order 310,
 filed 6/6/88)

WAC 232-12-054 BOW AND ARROW REQUIREMENTS. (1) It is unlawful for any person to hunt big game animals with a bow that possesses less than 40 pounds of pull measured at twenty-eight inches or less draw length or has a greater than 65% reduction (let off) in holding weight at full draw.

(2) It is unlawful to hunt big game animals with any arrow(~~((f))~~), including broadhead, weighing less than 400 grains (400 gr.) or having sharp broadhead blade or blades less than seven-eighths inches wide. It is unlawful to hunt with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width forming a smooth line toward the feather end of the shaft and such line does not angle toward the point.

(3) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during the bow and arrow season specified for that area.

(4) It is unlawful to shoot at wildlife with an arrow from a vehicle or from, across or along the maintained portion of a public highway.

(5) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position.

(6) It is unlawful to have any electrical equipment or device(~~((s))~~) (s) attached to the bow or arrow while hunting.

Title of Rule: Chapter 296-24 WAC, General safety and health standards; chapter 296-62 WAC, General occupational health standards; chapter 296-54 WAC, Safety standards for logging; chapter 296-155 WAC, Safety standards for construction; and chapter 296-350 WAC, Reassumption of jurisdiction pursuant to RCW 49.17.140.

Purpose: Proposed amendments to WAC 296-24-20700 are state-initiated housekeeping changes to correct a publication error; proposed amendments to WAC 296-24-870, 296-24-87001 and 296-24-87009; new sections WAC 296-24-87011, Powered platform installations—Affected parts of buildings; 296-24-87013, Powered platform installations—Equipment; 296-24-87015, Maintenance; 296-24-87017, Operations; 296-24-87019, Personal fall protection; 296-24-87031, Appendix A—Guidelines (advisory); 296-24-87033, Appendix B—Exhibits (advisory); 296-24-87035, Appendix C—Personal fall arrest system (Part I—Mandatory; Parts II and III—Nonmandatory); 296-24-87037, Appendix D—Existing installations (mandatory); and repealed sections WAC 296-24-87003, 296-24-87005 and 296-24-87007 are federal-initiated changes to be at-least-as-effective-as the federal final rule as published in Federal Register Volume 54, Number 144, dated July 28, 1989; proposed amendment to WAC 296-54-569 is a state-initiated change to delete a subsection that is in direct conflict with RCW 40.37.340 [46.37.340], as amended by HB 1042, passed April 17, 1989, and administered by the Washington State Patrol; WAC 296-62-07007 and 296-62-07517 are state-initiated changes to repeal sections that are no longer required; proposed amendment to WAC 296-62-07107 is a state-initiated change in response to a hazard not covered by a standard (HNC). The amendment requires employees to wear respirators when such equipment is necessary; proposed amendment to WAC 296-62-07531 is a state-initiated change to make administrative housekeeping typographical corrections. These corrections will make the WISHA limits, conditions and equation components identical to those in the comparable federal regulation which was adopted May 15, 1989; proposed amendment to WAC 296-62-3110 is a state-initiated housekeeping change to remove a phrase inadvertently repeated in the section; proposed amendment to WAC 296-155-225 and 296-155-227 are state-initiated changes and add a new section regarding fall protection; proposed amendment to WAC 296-155-480 is a state-initiated change in response to a hazard not covered by a standard (HNC) that specified the wood group to be used for construction wood cleats; and proposed amendment to WAC 296-350-030 is a state-initiated change to correct the address of the Division of Industrial Safety and Health.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Statute Being Implemented: RCW 49.17.040, 49.17.050 and 49.17.060.

Summary: State-initiated housekeeping changes are proposed to WAC 296-24-20700, 296-62-07007, 296-62-07517, 296-62-07531, 296-62-3110 and 296-350-030; federal-initiated changes are proposed to WAC

WSR 90-03-093

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 90-01—Filed January 24, 1990, 9:40 a.m.]

Original Notice.

296-24-870, 296-24-87001 and 296-24-87009. WAC 296-24-87003, 296-24-87005 and 296-24-87007 are being repealed. New sections are WAC 296-24-87011, 296-24-87013, 296-24-87015, 296-24-87017, 296-24-87019, 296-24-87031, 296-24-87033, 296-24-87035 and 296-24-87037; state-initiated changes to WAC 296-54-569 to delete a subsection that is in direct conflict with RCW 40.37.340 [46.37.340], as amended by HB 1042, passed April 17, 1989, and administered by the Washington State Patrol; state-initiated changes responding to hazards not covered by a standard are proposed to WAC 296-62-07107 and 296-155-480; state-initiated changes are being made to remove a conflict with RCW 40.37.340 [46.37.340] in WAC 296-54-569; and new section WAC 296-155-227, relating to fall protection is proposed and proposed change to the title of WAC 296-155-225.

Reasons Supporting Proposal: To ensure a safe and healthful workplace for all employees in Washington state.

Name of Agency Personnel Responsible for Drafting: Ray V. Wax, 805 Plum Street S.E., Olympia, WA, 753-6381; Implementation and Enforcement: Alan S. Paja, 805 Plum Street S.E., Olympia, WA, 753-6500.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, 29 CFR Part 1910.66.

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 296-24-20700 is amended to read "(v) Electrical power supply variations of +15 percent." This is a housekeeping change with no anticipated effects; WAC 296-24-870 through 296-24-87037 are federal-initiated changes. These changes allow the use of alternative stabilization systems; update the existing requirement using performance-oriented language; and include requirements for emergency planning, employee training and personal fall protection; WAC 296-54-569 is amended to delete a subsection that is in direct conflict with RCW 40.37.340 [46.37.340], as amended by HB 1042, passed April 17, 1989, and administered by the Washington State Patrol; WAC 296-62-07107 is amended to specify the employer's responsibility of [to] ensure employees use necessary equipment; WAC 296-62-07531 is amended to make administrative typographical corrections to the standard as it affects Appendix D, sampling and analytical methods for benzene monitoring and measuring procedures. The corrections will make the WISHA limits, conditions and equation components identical to those in the comparable federal regulation which was adopted May 15, 1989. There will not be any impact on employers using the standard resulting from these amendments; WAC 296-62-3110 is amended to remove a phrase stated twice. There is no anticipated effects; WAC 296-155-225 is amended to change the title of the section; WAC 296-155-227 is added to clarify fall protection requirements for employees not involved in initial connecting operations on multistory buildings and bridges who are exposed to a potential fall distance of ten or more feet; WAC 296-155-480 is amended to specify the wood group to be used for construction wood cleats and to eliminate confusion and

ensure that the state standard is at-least-as-effective-as the federal standard; WAC 296-350-030 is amended to correct the address of the Division of Industrial Safety and Health; and WAC 296-62-07007 and 296-62-07517 are no longer required and are being repealed.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The Department has determined that the proposed rules are not subject to the Regulatory Fairness Act for the following reasons: WAC 296-24-20700 is a state-initiated housekeeping change to correct a publication error. This proposed change has no economic impact on stakeholders; WAC 296-24-870, 296-24-87001, 296-24-87009, 296-24-87011, 296-24-87013, 296-24-87015, 296-24-87017, 296-24-87019, 296-24-87031, 296-24-87033, 296-24-87035, 296-24-87037, 296-24-87003, 296-24-87005 and 296-24-87007, are federal-initiated changes to be at-least-as-effective-as the federal final rule as published in Federal Register Volume 54, Number 144, dated July 28, 1989. The proposed amendments reflect some differences in language from the federal regulations and do not allow the use of body lines. These minor variations from the federal regulations will have minimal economic impact on stakeholders; WAC 296-54-569 is a state-initiated change to delete a subsection that is in direct conflict with RCW 40.37.340 [46.37.340], as amended by HB 1042, passed April 17, 1989, and administered by the Washington State Patrol. This change will have no stakeholder impact; WAC 296-62-07007 and 296-62-07517 are state-initiated changes to repeal sections that are no longer required and therefore have no economic impact on small business; WAC 296-62-07107 is a state-initiated change in response to a hazard not covered by a standard (HNC). The amendment requires employees to wear respirators when such equipment is necessary. This requirement will have no economic impact on stakeholders because the regulation already states that the employer shall provide the respirator. This change merely clarifies the employer's responsibility for ensuring that employees wear the respirators when necessary; WAC 296-62-07531 is a state-initiated change to make administrative housekeeping typographical corrections. These corrections will make the WISHA limits, conditions and equation components identical to those in the comparable federal regulation which was adopted May 15, 1989. This change will have no economic impact; WAC 296-62-3110 is a state-initiated housekeeping change to remove a phrase inadvertently repeated in the section. This is a housekeeping change and will have no economic impact; WAC 296-155-225 and 296-155-227 are state-initiated changes and add a new section regarding fall protection. These changes provide options for the construction industry to use regarding fall protection and will have minimal economic stakeholder impact; WAC 296-155-480 is a state-initiated change in response to a hazard not covered by a standard (HNC) that specified the wood group to be used for construction wood cleats. This amendment is for clarification and should have minimal or no economic impact to the

stakeholder; and WAC 296-350-030 is a state-initiated change to correct the address of the Division of Industrial Safety and Health. This is a housekeeping change and will cause no economic impact.

Hearing Location: General Administration Building, Olympia, Washington, on March 8, 1990, at 9:30 a.m.

Submit Written Comments to: Alan S. Paja, Acting Assistant Director, Division of Industrial Safety and Health, by March 8, 1990.

Date of Intended Adoption: April 10, 1990.

January 24, 1990

Joseph A. Dear
Director

AMENDATORY SECTION (Amending Order 88-25, filed 11/14/88)

WAC 296-24-20700 APPENDIX A TO WAC 296-24-195. Mandatory requirements for certification/validation of safety systems for presence sensing device initiation of mechanical power presses.

(1) Purpose. The purpose of the certification/validation of safety systems for presence sensing device initiation (PSDI) of mechanical power presses is to ensure that the safety systems are designed, installed, and maintained in accordance with all applicable requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A.

(2) General.

(a) The certification/validation process shall utilize an independent third-party validation organization recognized by OSHA in accordance with the requirements specified in WAC 296-24-20720 Appendix C.

(b) While the employer is responsible for assuring that the certification/validation requirements in WAC 296-24-19517(11) are fulfilled, the design certification of PSDI safety systems may be initiated by manufacturers, employers, and/or their representatives. The term "manufacturers" refers to the manufacturer of any of the components of the safety system. An employer who assembles a PSDI safety system would be a manufacturer as well as employer for purposes of this standard and Appendix.

(c) The certification/validation process includes two stages. For design certification, in the first stage, the manufacturer (which can be an employer) certifies that the PSDI safety system meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A, based on appropriate design criteria and tests. In the second stage, the OSHA-recognized third-party validation organization validates that the PSDI safety system meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A and the manufacturer's certification by reviewing the manufacturer's design and test data and performing any additional reviews required by this standard or which it believes appropriate.

(d) For installation certification/validation and annual recertification/revalidation, in the first stage the employer certifies or recertifies that the employer is installing or utilizing a PSDI safety system validated as meeting the design requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A by an OSHA-recognized third-party validation organization and that the installation, operation and maintenance meet the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A. In the second stage, the OSHA-recognized third-party validation organization validates or revalidates that the PSDI safety system installation meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A and the employer's certification, by reviewing that the PSDI safety system has been certified; the employer's certification, designs and tests, if any; the installation, operation, maintenance and training; and by performing any additional tests and reviews which the validation organization believes is necessary.

(3) Summary. The certification/validation of safety systems of PSDI shall consider the press, controls, safeguards, operator, and environment as an integrated system which shall comply with all of the requirements in WAC 296-24-19503 through 296-24-19517 and this Appendix A. The certification/validation process shall verify that the safety system complies with the OSHA safety requirements as follows:

(a) Design certification/validation.

(i) The major parts, components, and subsystems used shall be defined by part number or serial number, as appropriate, and by manufacturer to establish the configuration of the system.

(ii) The identified parts, components, and subsystems shall be certified by the manufacturer to be able to withstand the functional and operational environments of the PSDI safety system.

(iii) The total system design shall be certified by the manufacturer as complying with all requirements in WAC 296-24-19503 through 296-24-19517 and this Appendix A.

(iv) The third-party validation organization shall validate the manufacturer's certification under (a)(i) and (ii) of this subsection.

(b) Installation certification/validation.

(i) The employer shall certify that the PSDI safety system has been design certified and validated, that the installation meets the operational and environmental requirements specified by the manufacturer, that the installation drawings are accurate, and that the installation meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A. (The operational and installation requirements of the PSDI safety system may vary for different applications.)

(ii) The third-party validation organization shall validate the employer's certifications that the PSDI safety system is design certified and validated, that the installation meets the installation and environmental requirements specified by the manufacturer, and that the installation meets the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A.

(c) Recertification/revalidation.

(i) The PSDI safety system shall remain under certification/validation for the shorter of one year or until the system hardware is changed, modified or refurbished, or operating conditions are changed (including environmental, application or facility changes), or a failure of a critical component has occurred.

(ii) Annually, or after a change specified in (c)(i) of this subsection, the employer shall inspect and recertify the installation as meeting the requirements set forth under subsection (3)(b) of this section, Installation certification/validation.

(iii) The third-party validation organization, annually or after a change specified in (c)(i) of this subsection, shall validate the employer's certification that the requirements of subsection (b) of this section, Installation certification/validation have been met.

Note: Such changes in operational conditions as die changes of press relocations not involving disassembly or revision to the safety system would not require recertification/revalidation.

(4) Certification/validation requirements.

(a) General design certification/validation requirements.

(i) Certification/validation program requirements. The manufacturer shall certify and the OSHA-recognized third-party validation organization shall validate that:

(A) The design of components, subsystems, software, and assemblies meets OSHA performance requirements and are ready for the intended use; and

(B) The performance of combined subsystems meets OSHA's operational requirements.

(ii) Certification/validation program level of risk evaluation requirements. The manufacturer shall evaluate and certify, and the OSHA-recognized third-party validation organization shall validate, the design and operation of the safety system by determining conformance with the following:

(A) The safety system shall have the ability to sustain a single failure or a single operating error and not cause injury to personnel from point of operation hazards. Acceptable design features shall demonstrate, in the following order or precedence, that:

(I) No single failure points may cause injury; or

(II) Redundancy, and comparison and/or diagnostic checking, exist for the critical items that may cause injury, and the electrical, electronic, electromechanical and mechanical parts and components are selected so that they can withstand operational and external environments. The safety factor and/or derated percentage shall be specifically noted and complied with.

(B) The manufacturer shall design, evaluate, test and certify, and the third-party validation organization shall evaluate and validate, that the PSDI safety system meets appropriate requirements in the following areas.

(I) Environmental limits

- Temperature

- Relative humidity

- Vibration

- Fluid compatibility with other materials

(II) Design limits

- Power requirements

- Power transient tolerances

- Compatibility of materials used
- Material stress tolerances and limits
- Stability to long term power fluctuations
- Sensitivity to signal acquisition
- Repeatability of measured parameter without inadvertent initiation of a press stroke
- Operational life of components in cycles, hours, or both
 - Electromagnetic tolerance to:
 - Specific operational wave lengths; and
 - Externally generated wave lengths
 - New design certification/validation. Design certification/validation for a new safety system, i.e., a new design or new integration of specifically identified components and subsystems, would entail a single certification/validation which would be applicable to all identical safety systems. It would not be necessary to repeat the tests on individual safety systems of the same manufacture or design. Nor would it be necessary to repeat these tests in the case of modifications where determined by the manufacturer and validated by the third-party validation organization to be equivalent by similarity analysis. Minor modifications not affecting the safety of the system may be made by the manufacturer without revalidation.

(III) Substantial modifications would require testing as a new safety system, as deemed necessary by the validation organization.

(b) Additional detailed design certification/validation requirements.

(i) General. The manufacturer or the manufacturer's representative shall certify to and submit to an OSHA-recognized third-party validation organization the documentation necessary to demonstrate that the PSDI safety system design is in full compliance with the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A, as applicable, by means of analysis, tests, or combination of both, establishing that the following additional certification/validation requirements are fulfilled.

(ii) Reaction times. For the purpose of demonstrating compliance with the reaction time required by WAC 296-24-19517, the tests shall use the following definitions and requirements:

(A) "Reaction time" means the time, in seconds, it takes the signal, required to activate/deactivate the system, to travel through the system, measured from the time of signal initiation to the time the function being measured is completed.

(B) "Full stop" or "no movement of the slide or ram" means when the crankshaft rotation has slowed to two or less revolutions per minute, just before stopping completely.

(C) "Function completion" means for, electrical, electromechanical and electronic devices, when the circuit produces a change of state in the output element of the device.

(D) When the change of state is motion, the measurement shall be made at the completion of the motion.

(E) The generation of the test signal introduced into the system for measuring reaction time shall be such that the initiation time can be established with an error of less than 0.5 percent of the reaction time measured.

(F) The instrument used to measure reaction time shall be calibrated to be accurate to within 0.001 second.

(iii) Compliance with WAC 296-24-19517 (2)(b).

(A) For compliance with these requirements, the average value of the stopping time, T_s , shall be the arithmetic mean of at least twenty-five stops for each stop angle initiation measured with the brake and/or clutch unused, fifty percent worn, and ninety percent worn. The recommendations of the brake system manufacturer shall be used to simulate or estimate the brake wear. The manufacturer's recommended minimum lining depth shall be identified and documented, and an evaluation made that the minimum depth will not be exceeded before the next (annual) recertification/revalidation. A correlation of the brake and/or clutch degradation based on the above tests and/or estimates shall be made and documented. The results shall document the conditions under which the brake and/or clutch will and will not comply with the requirement. Based upon this determination, a scale shall be developed to indicate the allowable ten percent of the stopping time at the top of the stroke for slide or ram overtravel due to brake wear. The scale shall be marked to indicate that brake adjustment and/or replacement is required. The explanation and use of the scale shall be documented.

(B) The test specification and procedure shall be submitted to the validation organization for review and validation prior to the test. The validation organization representative shall witness at least one set of tests.

(iv) Compliance with WAC 296-24-19517 (5)(c) and (9)(f). Each reaction time required to calculate the safety distance, including the brake monitor setting, shall be documented in separate reaction time tests. These tests shall specify the acceptable tolerance band sufficient to assure that tolerance build-up will not render the safety distance unsafe.

(I) Integrated test of the press fully equipped to operate in the PSDI mode shall be conducted to establish the total system reaction time.

(II) Brakes which are the adjustable type shall be adjusted properly before the test.

(v) Compliance with WAC 296-24-19517 (2)(c).

(A) Prior to conducting the brake system test required by WAC 296-24-19517 (2)(b), a visual check shall be made of the springs. The visual check shall include a determination that the spring housing or rod does not show damage sufficient to degrade the structural integrity of the unit, and the spring does not show any tendency to interleave.

(B) Any detected broken or unserviceable springs shall be replaced before the test is conducted. The test shall be considered unsuccessful if the stopping time remains within that which is determined by WAC 296-24-19517 (9)(f) for the safety distance setting. If the increase in press stopping time exceeds the brake monitor setting limit defined in WAC 296-24-19517 (5)(c), the test shall be considered unsuccessful, and the cause of the excessive stopping time shall be investigated. It shall be ascertained that the springs have not been broken and that they are functioning properly.

(vi) Compliance with WAC 296-24-19517(7).

(A) Tests which are conducted by the manufacturers of electrical components to establish stress, life, temperature and loading limits must be tests which are in compliance with the provisions of the National Electrical Code.

(B) Electrical and/or electronic cards or boards assembled with discrete components shall be considered a subsystem and shall require separate testing that the subsystems do not degrade in any of the following conditions:

(I) Ambient temperature variation from -20°C to $+50^{\circ}\text{C}$.

(II) Ambient relative humidity of ninety-nine percent.

(III) Vibration of 45G for one millisecond per stroke when the item is to be mounted on the press frame.

(IV) Electromagnetic interference at the same wavelengths used for the radiation sensing field, at the power line frequency fundamental and harmonics, and also from autogenous radiation due to system switching.

(V) Electrical power supply variations of $(\pm 15)\%$.

(C) The manufacturer shall specify the test requirements and procedures from existing consensus tests in compliance with the provisions of the National Electrical Code.

(D) Tests designed by the manufacturer shall be made available upon request to the validation organization. The validation organization representative shall witness at least one set of each of these tests.

(vii) Compliance with WAC 296-24-19517 (9)(d).

(A) The manufacturer shall design a test to demonstrate that the prescribed minimum object sensitivity of the presence sensing device is met.

(B) The test specifications and procedures shall be made available upon request to the validation organization.

(viii) Compliance with WAC 296-24-19517 (9)(k).

(A) The manufacturer shall design a test(s) to establish the hand tool extension diameter allowed for variations in minimum object sensitivity response.

(B) The test(s) shall document the range of object diameter sizes which will produce both single and double break conditions.

(C) The test(s) specifications and procedures shall be made available upon request to the validation organization.

(ix) Integrated tests certification/validation.

(A) The manufacturer shall design a set of integrated tests to demonstrate compliance with the following requirements:

WAC 296-24-19517 (6)(b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), and (o).

(B) The integrated test specifications and procedures shall be made available to the validation organization.

(x) Analysis. The manufacturer shall submit to the validation organization the technical analysis such as hazard analysis, failure mode and effect analysis, stress analysis, component and material selection analysis, fluid compatibility, and/or other analyses which may be necessary to demonstrate compliance with the following requirements:

WAC 296-24-19517 (8)(a) and (b); (2)(b) and (c); (3)(a)(i) and (iv) and (b); (5)(a), (b) and (c); (6)(a), (c), (d), (f), (g), (h), (i), (j),

(k), (l), (m), (n), (o), and (p); (7)(a) and (b); (9)(d), (f), (i), (j) and (k); (10)(a) and (b).

(xi) Types of tests acceptable for certification/validation.

(A) Test results obtained from development testing may be used to certify/validate the design.

(B) The test results shall provide the engineering data necessary to establish confidence that the hardware and software will meet specifications, the manufacturing process has adequate quality control and the data acquired was used to establish processes, procedures, and test levels supporting subsequent hardware design, production, installation and maintenance.

(xii) Validation for design certification/validation. If, after review of all documentation, tests, analyses, manufacturer's certifications, and any additional tests which the third-party validation organization believes are necessary, the third-party validation organization determines that the PSDI safety system is in full compliance with the applicable requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A, it shall validate the manufacturer's certification that it so meets the stated requirements.

(c) Installation certification/validation requirements.

(i) The employer shall evaluate and test the PSDI system installation, shall submit to the OSHA-recognized third-party validation organization the necessary supporting documentation, and shall certify that the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A have been met and that the installation is proper.

(ii) The OSHA-recognized third-party validation organization shall conduct tests, and/or review and evaluate the employer's installation tests, documentation and representations. If it so determines, it shall validate the employer's certification that the PSDI safety system is in full conformance with all requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A.

(d) Recertification/revalidation requirements.

(i) A PSDI safety system which has received installation certification/validation shall undergo recertification/revalidation the earlier of:

(A) Each time the systems hardware is significantly changed, modified, or refurbished;

(B) Each time the operational conditions are significantly changed (including environmental, application or facility changes, but excluding such changes as die changes or press relocations not involving revision to the safety system);

(C) When a failure of a significant component has occurred or a change has been made which may affect safety; or

(D) When one year has elapsed since the installation certification/validation or the last recertification/revalidation.

(ii) Conduct or recertification/revalidation. The employer shall evaluate and test the PSDI safety system installation, shall submit to the OSHA-recognized third-party validation organization the necessary supporting documentation, and shall recertify that the requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A are being met. The documentation shall include, but not be limited to, the following items:

(A) Demonstration of a thorough inspection of the entire press and PSDI safety system to ascertain that the installation, components and safeguarding have not been changed, modified or tampered with since the installation certification/validation or last recertification/revalidation was made.

(B) Demonstrations that such adjustments as may be needed (such as to the brake monitor setting) have been accomplished with proper changes made in the records and on such notices as are located on the press and safety system.

(C) Demonstration that review has been made of the reports covering the design certification/validation, the installation certification/validation, and all recertification/revalidation, in order to detect any degradation to an unsafe condition, and that necessary changes have been made to restore the safety system to previous certification/validation levels.

(iii) The OSHA-recognized third-party validation organization shall conduct tests, and/or review and evaluate the employer's installation, tests, documentation and representations. If it so determines, it shall revalidate the employer's recertification that the PSDI system is in full conformance with all requirements of WAC 296-24-19503 through 296-24-19517 and this Appendix A.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-870 POWER PLATFORMS FOR EXTERIOR BUILDING MAINTENANCE. (1) Scope. This section covers powered platform installations permanently dedicated to interior or exterior building maintenance of a specific structure or group of structures. This section does not apply to suspended scaffolds (swinging scaffolds) used to service buildings on a temporary basis and covered under Part J-1 of this chapter, nor to suspended scaffolds used for construction work and covered under Part J of chapter 296-155 WAC. Building maintenance includes, but is not limited to, such tasks as window cleaning, caulking, metal polishing, and reglazing.

(2) Application.

(a) New installations. This section applies to all permanent installations completed after July 23, 1990. Major modifications to existing installations completed after that date are also considered new installations under this section.

(b) Existing installations.

(i) Permanent installations in existence and/or completed before July 23, 1990, shall comply with WAC 296-24-87009, 296-24-87015, 296-24-87017, 296-24-87019, and 296-24-87035.

(ii) In addition, permanent installations completed after August 27, 1971, and in existence and/or completed before July 23, 1990, shall comply with WAC 296-24-87037.

(3) Assurance.

(a) Building owners of new installations shall inform the employer before each use in writing that the installation meets the requirements of WAC 296-24-87011(1) and 296-24-87013(1) and the additional design criteria contained in other provisions of WAC 296-24-87011 and 296-24-87013 relating to: Required load sustaining capabilities of platforms, building components, hoisting and supporting equipment; stability factors for carriages, platforms and supporting equipment; maximum horizontal force for movement of carriages and davits; design of carriages, hoisting machines, wire rope and stabilization systems; and design criteria for electrical wiring and equipment.

(b) Building owners shall base the information required in (a) of this subsection on the results of a field test of the installation before being placed into service and following any major alteration to an existing installation, as required in WAC 296-24-87009(1). The assurance shall also be based on all other relevant available information, including, but not limited to, test data, equipment specifications and verification by a registered professional engineer.

(c) Building owners of all installations, new and existing, shall inform the employer in writing that the installation has been inspected, tested and maintained in compliance with the requirements of WAC 296-24-87009 and 296-24-87015 and that all protection anchorages meet the requirements of WAC 296-24-87035 (3)(j), Appendix C.

(d) The employer shall not permit employees to use the installation prior to receiving assurance from the building owner that the installation meets the requirements contained in (a) and (c) of this subsection.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-87001 DEFINITIONS. (1) Anemometer. An instrument for measuring wind velocity.

(2) Angulated roping. A system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building during its vertical travel.

((2)) (3) ANSI. American National Standards Institute.

((3)) (4) Babbitted fastenings. The method of providing wire rope attachments in which the ends of the wire strands are bent back and are held in a tapered socket by means of poured molten babbitt metal.

((4)) (5) Brake-disc type. A brake in which the holding effect is obtained by frictional resistance between one or more faces of discs keyed to the rotating member to be held and fixed discs keyed to the stationary or housing member (pressure between the discs being applied axially).

((5)) (6) Brake-self-energizing band type. An essentially unidirectional brake in which the holding effect is obtained by the snubbing action of a flexible band wrapped about a cylindrical wheel or drum affixed to the rotating member to be held, the connections and linkages being so arranged that the motion of the brake wheel or drum will act to increase the tension or holding force of the band.

((6)) (7) Brake-shoe type. A brake in which the holding effect is obtained by applying the direct pressure of two or more segmental

friction elements held to a stationary member against a cylindrical wheel or drum affixed to the rotating member to be held.

((+7)) (8) Building face rollers. A specialized form of guide roller designed to contact a portion of the outer face or wall structure of the building, and to assist in stabilizing the operators' platform during vertical travel.

((+8)) (9) Building maintenance. Operations such as window cleaning, caulking, metal polishing, reglazing, and general maintenance on building surfaces.

(10) Cable. A conductor, or group of conductors, enclosed in a weatherproof sheath, that may be used to supply electrical power and/or control current for equipment or to provide voice communication circuits.

(11) Carriage. A wheeled vehicle used for the horizontal movement and support of other equipment.

(12) Certification. A written, signed, and dated statement confirming the performance of a requirement of this section.

(13) Combination cable. A cable having both steel structural members capable of supporting the platform, and copper or other electrical conductors insulated from each other and the structural members by nonconductive barriers.

(14) Competent person. A person who, because of training and experience, is capable of identifying hazardous or dangerous conditions in powered platform installations and of training employees to identify such conditions.

(15) Continuous pressure. Operation by means of buttons or switches, any one of which may be used to control the movement of the working platform or roof car, only as long as the button or switch is manually maintained in the actuating position.

((+9)) (16) Control. A system governing starting, stopping, direction, acceleration, speed, and retardation of moving members.

((+10)) (17) Controller. A device or group of devices, usually contained in a single enclosure, which serves to control in some predetermined manner the apparatus to which it is connected.

((+11)) (18) Davit. A device, used singly or in pairs, for suspending a powered platform from work, storage and rigging locations on the building being serviced. Unlike outriggers, a davit reacts its operating load into a single roof socket or carriage attachment.

(19) Electrical ground. A conducting connection between an electrical circuit or equipment and the earth, or some conducting body which serves in place of the earth.

((+12)) (20) Equivalent. Alternative designs, materials or methods which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

(21) Ground rigging. A method of suspending a working platform starting from a safe surface to a point of suspension above the safe surface.

(22) Ground rigged davit. A davit which cannot be used to raise a suspended working platform above the building face being serviced.

(23) Guide button. A building face anchor designed to engage a guide track mounted on a platform.

(24) Guide roller. A rotating, bearing-mounted, generally cylindrical member, operating separately or as part of a guide shoe assembly, attached to the platform, and providing rolling contact with building guideways, or other building contact members.

((+13)) (25) Guide shoe. An assembly of rollers, slide members, or the equivalent, attached as a unit to the operators' platform, and designed to engage with the building members provided for the vertical guidance of the operators' platform.

((+14)) (26) Hoisting machine. A device intended to raise and lower a suspended or supported unit.

(27) Hoist rated load. The hoist manufacturer's maximum allowable operating load.

(28) Installation. All the equipment and all affected parts of a building which are associated with the performance of building maintenance using powered platforms.

(29) Interlock. A device actuated by the operation of some other device with which it is directly associated, to govern succeeding operations of the same or allied devices.

((+15)) (30) Intermittent stabilization. A method of platform stabilization in which the angulated suspension wire rope(s) are secured to regularly spaced building anchors.

(31) Lanyard. A flexible line of rope, wire rope or strap which is used to secure the body harness to a deceleration device, lifeline or anchorage.

(32) Lifeline. A component consisting of a flexible line for connection to an anchorage at one end to hang vertically (vertical lifeline), or for connection to anchorages at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall arrest system to the anchorage.

(33) Live load. The total static weight of workers, tools, parts, and supplies that the equipment is designed to support.

(34) Obstruction detector. A control that will stop the suspended or supported unit in the direction of travel if an obstruction is encountered, and will allow the unit to move only in a direction away from the obstruction.

(35) Operating control. A mechanism regulating or guiding the operation of equipment that ensures a specific operating mode.

(36) Operating device. A pushbutton, lever, or other manual device used to actuate a control.

((+16)) (37) Outrigger. A device, used singly or in pairs, for suspending a working platform from work, storage, and rigging locations on the building being serviced. Unlike davits, an outrigger reacts its operating moment load as at least two opposing vertical components acting into two or more distinct roof points and/or attachments.

(38) Platform rated load. The combined weight of workers, tools, equipment and other material which is permitted to be carried by the working platform at the installation, as stated on the load rating plate.

(39) Poured socket. The method of providing wire rope terminations in which the ends of the rope are held in a tapered socket by means of poured spelter or resins.

(40) Powered platform. Equipment to provide access to the exterior of a building for maintenance, consisting of a suspended power-operated working platform, a roof car, or other suspension means, and the requisite operating and control devices.

((+17)) (41) Primary brake. A brake designed to be applied automatically whenever power to the prime mover is interrupted or discontinued.

(42) Prime mover. The source of mechanical power for a machine.

(43) Rated load. The combined weight of employees, tools, equipment, and other material which the working platform is designed and installed to lift.

((+18)) (44) Rated strength. The strength of wire rope, as designated by its manufacturer or vendor, based on standard testing procedures or acceptable engineering design practices.

(45) Rated working load. The combined static weight of men, materials, and suspended or supported equipment.

(46) Registered professional engineer. A person who has been duly and currently registered and licensed by an authority within the United States or its territories to practice the profession of engineering.

(47) Relay, direction. An electrically energized contactor responsive to an initiating control circuit, which in turn causes a moving member to travel in a particular direction.

((+19)) (48) Relay, potential for vertical travel. An electrically energized contactor responsive to initiating control circuit, which in turn controls the operation of a moving member in both directions. This relay usually operates in conjunction with direction relays, as covered under the definition "relay direction."

((+20)) (49) Roof car. A structure for the suspension of a working platform, providing for its horizontal movement to working positions.

((+21)) (50) Roof-powered platform. A powered platform having the raising and lowering mechanism located on a roof car.

((+22)) (51) Roof rigged davit. A davit used to raise the suspended working platform above the building face being serviced. This type of davit can also be used to raise a suspended working platform which has been ground-rigged.

(52) Rope. The equipment used to suspend a component of an equipment installation, i.e., wire rope.

(53) Safe surface. A horizontal surface intended to be occupied by personnel, which is so protected by a fall protection system that it can be reasonably assured that said occupants will be protected against falls.

(54) Secondary brake. A brake designed to arrest the descent of the suspended or supported equipment in the event of an overspeed condition.

(55) Self-powered platform. A powered platform having the raising and lowering mechanism located on the working platform.

((+23)) (56) Speed reducer. A positive type speed reducing machine.

(57) Stability factor. The ratio of the stabilizing moment to the overturning moment.

(58) Stabilizer tie. A flexible line connecting the building anchor and the suspension wire rope supporting the platform.

(59) Supported equipment. Building maintenance equipment that is held or moved to its working position by means of attachment directly to the building or extensions of the building being maintained.

(60) Suspended equipment. Building maintenance equipment that is suspended and raised or lowered to its working position by means of ropes or combination cables attached to some anchorage above the equipment.

(61) Suspended scaffold (swinging scaffold). A scaffold supported on wire or other ropes, used for work on, or for providing access to, vertical sides of structures on a temporary basis. Such scaffold is not designed for use on a specific structure or group of structures.

(62) Tail line. The nonsupporting end of the wire rope used to suspend the platform.

(63) Tie-in guides. The portion of a building that provides continuous positive engagement between the building and a suspended or supported unit during its vertical travel on the face of the building.

(64) Traction hoist. A type of hoisting machine that does not accumulate the suspension wire rope on the hoisting drum or sheave, and is designed to raise and lower a suspended load by the application of friction forces between the suspension wire rope and the drum or sheave.

(65) Transportable outriggers. Outriggers designed to be moved from one work location to another.

(66) Traveling cable. A cable made up of electrical or communication conductors or both, and providing electrical connection between the working platform and the roof car or other fixed point.

((24)) (67) Trolley carriage. A carriage suspended from an overhead track structure.

(68) Verified. Accepted by design, evaluation, or inspection by a registered professional engineer.

(69) Weatherproof. Equipment so constructed or protected that exposure to the weather will not interfere with its proper operation.

((25)) (70) Winding drum hoist. A type of hoisting machine that accumulates the suspension wire rope on the hoisting drum.

(71) Working platform. The suspended structure arranged for vertical travel which provides access to the exterior of the building or structure.

((26)) (72) Wrap. One complete turn of the suspension wire rope around the surface of a hoist drum.

(73) Yield point. The stress at which the material exhibits a permanent set of 0.2 percent.

((27)) (74) Zinced fastenings. The method of providing wire rope attachments in which the splayed or fanned wire ends are held in a tapered socket by means of poured molten zinc.

AMENDATORY SECTION (Amending Order 73-5, filed 5/9/73)

WAC 296-24-87009 INSPECTIONS AND TESTS. (1) ((Inspections and tests of new installations and alterations. All powered platform installations shall, on their completion, and before being placed in service, be subjected to an acceptance test in the field to determine that all parts of the installation conform to applicable requirements of these safety and health standards, and that all safety and operating equipment functions as required. A similar inspection and test shall be made following a major alteration to an existing installation.)) Installations and alterations. All completed building maintenance equipment installations shall be inspected and tested in the field before being placed in initial service to determine that all parts of the installation conform to applicable requirements of this standard, and that all safety and operating equipment is functioning as required. A similar inspection and test shall be made following any major alteration to an existing installation. No hoist in an installation shall be subjected to a load in excess of 125 percent of its rated load.

(2) Periodic inspections and tests. ((Each installation shall undergo a periodic inspection and test at least every 12 months. All parts of the equipment shall be inspected, and where necessary, tested to determine that they are in safe operating condition.))

(a) Related building supporting structures shall undergo periodic inspection by a competent person at intervals not exceeding 12 months.

(b) All parts of the equipment including control systems shall be inspected, and, where necessary, tested by a competent person at intervals specified by the manufacturer/supplier, but not to exceed 12 months, to determine that they are in safe operating condition. Parts subject to wear, such as wire ropes, bearings, gears, and governors shall be inspected and/or tested to determine that they have not worn to such an extent as to affect the safe operation of the installation.

(c) The building owner shall keep a certification record of each inspection and test required under (a) and (b) of this subsection. The certification record shall include the date of the inspection, the signature of the person who performed the inspection, and the number, or other identifier, of the building support structure and equipment which was inspected. This certification record shall be kept readily available for review by the director or an authorized representative and by the employer.

(d) Working platforms and their components shall be inspected by the employer for visible defects before every use and after each occurrence which could affect the platform's structural integrity.

(3) Maintenance, inspections and tests. ((Each installation shall undergo a maintenance inspection and test every 30 days, except where the cleaning cycle is less than 30 days, such inspection and test shall be made prior to each cleaning cycle. The results of these inspections and tests shall be recorded in a log which is available for review by the director or his designated representative. Each log entry shall include the date of the inspection or test and shall be signed by the person making the inspection or test.))

(a) A maintenance inspection and, where necessary, a test shall be made of each platform installation every 30 days, or where the work cycle is less than 30 days such inspection and/or test shall be made prior to each work cycle. This inspection and test shall follow procedures recommended by the manufacturer, and shall be made by a competent person.

(b) The building owner shall keep a certification record of each inspection and test performed under (a) of this subsection. The certification record shall include the date of the inspection and test, the signature of the person who performed the inspection and/or test, and an identifier for the platform installation which was inspected. The certification record shall be kept readily available for review by the director or an authorized representative and by the employer.

(4) Special inspection of governors and secondary brakes.

((ta) Special inspections and tests of the governor and secondary braking system shall be made at intervals not exceeding 1 year.

(b) The inspection and test shall include a verification that the initiating device for the secondary braking operates at the proper overspeed.

(c) If adequate tests cannot be performed in the field, the initiating device may be removed from the powered platform and sent to a shop equipped to make such a test.

(d) The inspection shall include a verification of the proper functioning of the secondary brake. If an adequate test cannot be performed in the field, the hoisting machine may be removed from the building and sent to a shop equipped to make such a test.

(e) If any hoisting machine or initiating device for the secondary brake system is removed from the building for testing, all reinstalled and directly related components shall be reinspected prior to returning the powered platform installation to service.)) (a) Governors and secondary brakes shall be inspected and tested at intervals specified by the manufacturer/supplier but not to exceed every 12 months.

(b) The results of the inspection and test shall confirm that the initiating device for the secondary braking system operates at the proper overspeed.

(c) The results of the inspection and test shall confirm that the secondary brake is functioning properly.

(d) If any hoisting machine or initiating device for the secondary brake system is removed from the equipment for testing, all reinstalled and directly related components shall be reinspected prior to returning the equipment installation to service.

(e) Inspection of governors and secondary brakes shall be performed by a competent person.

(f) The secondary brake governor and actuation device shall be tested before each day's use. Where testing is not feasible, a visual inspection of the brake shall be made instead to ensure that it is free to operate.

(5) Adverse weather. The operation of powered platforms during severe adverse weather conditions is prohibited.

(6) ((Maintenance:

(a) Required maintenance. All parts of equipment on which safe operation depends shall be maintained in proper working order so that they perform the function for which they are intended.

(b) Broken or worn parts, worn switch contacts, brushes, and short flexible conductors of electrical devices, which may interfere with safe operation, shall be replaced promptly. Electrical receptacles and plugs shall be replaced promptly when worn or damaged. All electrical connections shall be kept tight.

~~(c) Components of the electrical service system and traveling cables shall be replaced when damaged or substantially abraded.~~

~~(d) Gears, shafts, bearings, brakes, and hoisting drums shall be maintained in proper alignment. Gears shall be replaced promptly when there is evidence of appreciable wear.~~

~~(7) Cleaning:~~

~~(a) Controller contactors and relays shall be kept clean and free from dirt.~~

~~(b) All other parts shall be kept clean, if their proper functioning would be affected by the presence of dirt or other contaminants.~~

~~(8) Periodic reshackling of hoisting ropes. The hoisting ropes shall be reshackled at the nondrum ends at intervals not exceeding 24 months. In reshackling the ropes, a sufficient length shall be cut from the end of the rope to remove damaged or fatigued portions.~~

~~(9) Making safety devices inoperative. No person shall at any time make any required safety device or electrical protective device inoperative, except when necessary during tests, inspections, and maintenance. Immediately upon completion of such test, inspections, and maintenance, the devices shall be restored to their normal operating condition.~~

~~(10) Damaged rope. Wire ropes shall be replaced whenever there are six or more broken wires in any one lay of the wire rope, or whenever the ropes are damaged or in a deteriorated condition.~~

~~(11) Roof track system. Roof track systems, tie-downs, or similar equipment, if provided, shall be maintained in proper working order so that they perform the function for which they are intended.~~

~~(12) Building face guiding members. T-rails, indented mullions, or equivalent guides located in the face of the building, if provided, shall be maintained in proper working order so that they perform the function for which they are intended. Brackets for cable stabilizers, if provided, shall similarly be maintained in proper working order.) Suspension wire rope maintenance, inspection and replacement.~~

~~(a) Suspension wire rope shall be maintained and used in accordance with procedures recommended by the wire rope manufacturer.~~

~~(b) Suspension wire rope shall be inspected by a competent person for visible defects and gross damage to the rope before every use and after each occurrence which might affect the wire rope's integrity.~~

~~(c) A thorough inspection of suspension wire ropes in service shall be made once a month. Suspension wire ropes that have been inactive for 30 days or longer shall have a thorough inspection before they are placed into service. These thorough inspections of suspension wire ropes shall be performed by a competent person.~~

~~(d) The need for replacement of a suspension wire rope shall be determined by inspection and shall be based on the condition of the wire rope. Any of the following conditions or combination of conditions will be cause for removal of the wire rope:~~

~~(i) Broken wires exceeding three wires in one strand or six wires in one rope lay;~~

~~(ii) Distortion of rope structure such as would result from crushing or kinking;~~

~~(iii) Evidence of heat damage;~~

~~(iv) Evidence of rope deterioration from corrosion;~~

~~(v) A broken wire within 18 inches (460.8 mm) of the end attachments;~~

~~(vi) Noticeable rusting and pitting;~~

~~(vii) Evidence of core failure (a lengthening of rope lay, protrusion of the rope core and a reduction in rope diameter suggests core failure); or~~

~~(viii) More than one valley break (broken wire);~~

~~(ix) Outer wire wear exceeds one-third of the original outer wire diameter;~~

~~(x) Any other condition which the competent person determines has significantly affected the integrity of the rope.~~

~~(e) The building owner shall keep a certification record of each monthly inspection of a suspension wire rope as required in subdivision (c) of this subsection. The record shall include the date of the inspection, the signature of the person who performed the inspection, and a number, or other identifier, of the wire rope which was inspected. This record of inspection shall be made available for review by the director or an authorized representative and by the employer.~~

~~(7) Hoist inspection. Before lowering personnel below the top elevation of the building, the hoist shall be tested each day in the lifting direction with the intended load to make certain it has sufficient capacity to raise the personnel back to the boarding level.~~

NEW SECTION

WAC 296-24-87011 POWERED PLATFORM INSTALLATIONS—AFFECTED PARTS OF BUILDINGS. (1) General requirements. The following requirements apply to affected parts of buildings which utilize working platforms for building maintenance.

(a) Structural supports, tie-downs, tie-in guides, anchoring devices and any affected parts of the building included in the installation shall be designed by or under the direction of a registered professional engineer experienced in such design;

(b) Exterior installations shall be capable of withstanding prevailing climatic conditions;

(c) The building installation shall provide safe access to, and egress from, the equipment and sufficient space to conduct necessary maintenance of the equipment;

(d) The affected parts of the building shall have the capability of sustaining all the loads imposed by the equipment; and

(e) The affected parts of the building shall be designed so as to allow the equipment to be used without exposing employees to a hazardous condition.

(2) Tie-in guides.

(a) The exterior of each building shall be provided with tie-in guides unless the conditions in (b) or (c) of this subsection are met.

Note: See Figure 1 in Appendix B of this section for a description of a typical continuous stabilization system utilizing tie-in guides.

(b) If angulated roping is employed, tie-in guides required in (a) of this subsection may be eliminated for not more than 75 feet (22.9 m) of the uppermost elevation of the building, if infeasible due to exterior building design, provided an angulation force of at least 10 pounds (44.4 n) is maintained under all conditions of loading.

(c) Tie-in guides required in (a) of this subsection may be eliminated if one of the guide systems in items (i), (ii), or (iii) of this subdivision is provided, or an equivalent.

(i) Intermittent stabilization system. The system shall keep the equipment in continuous contact with the building facade, and shall prevent sudden horizontal movement of the platform. The system may be used together with continuous positive building guide systems using tie-in guides on the same building, provided the requirements for each system are met.

(A) The maximum vertical interval between building anchors shall be 3 floors or 50 feet (15.3 m), whichever is less.

(B) Building anchors shall be located vertically so that attachment of the stabilizer ties will not cause the platform suspension ropes to angulate the platform horizontally across the face of the building. The anchors shall be positioned horizontally on the building face so as to be symmetrical about the platform suspension ropes.

(C) Building anchors shall be easily visible to employees and shall allow a stabilizer tie attachment for each of the platform suspension ropes at each vertical interval. If more than two suspension ropes are used on a platform, only the two building-side suspension ropes at the platform ends shall require a stabilizer attachment.

(D) Building anchors which extend beyond the face of the building shall be free of sharp edges or points. Where cables, suspension wire ropes and lifelines may be in contact with the building face, external building anchors shall not interfere with their handling or operation.

(E) The intermittent stabilization system building anchors and components shall be capable of sustaining without failure at least 4 times the maximum anticipated load applied or transmitted to the components and anchors. The minimum design wind load for each anchor shall be 300 (1334 n) pounds, if 2 anchors share the wind load.

(F) The building anchors and stabilizer ties shall be capable of sustaining anticipated horizontal and vertical loads from winds specified for roof storage design which may act on the platform and wire ropes if the platform is stranded on a building face. If the building anchors have different spacing than the suspension wire rope or if the building requires different suspension spacings on one platform, one building anchor and stabilizer tie shall be capable of sustaining the wind loads.

Note: See Figure 2 in Appendix B of this section for a description of a typical intermittent stabilization system.

(ii) Button guide stabilization system.

(A) Guide buttons shall be coordinated with platform mounted equipment of WAC 296-24-87013 (5)(f).

(B) Guide buttons shall be located horizontally on the building face so as to allow engagement of each of the guide tracks mounted on the platform.

(C) Guide buttons shall be located in vertical rows on the building face for proper engagement of the guide tracks mounted on the platform.

(D) Two guide buttons shall engage each guide track at all times except for the initial engagement.

(E) Guide buttons which extend beyond the face of the building shall be free of sharp edges or points. Where cables, ropes and lifelines may be in contact with the building face, guide buttons shall not interfere with their handling or operation.

(F) Guide buttons, connections and seals shall be capable of sustaining without damage at least the weight of the platform, or provision shall be made in the guide tracks or guide track connectors to prevent the platform and its attachments from transmitting the weight of the platform to the guide buttons, connections and seals. In either case, the minimum design load shall be 300 pounds (1334 n) per building anchor.

Note: See WAC 296-24-87013 (5)(f) for relevant equipment provisions.

Note: See Figure 3 in Appendix B of this section for a description of a typical button guide stabilization system.

(iii) System utilizing angulated roping and building face rollers. The system shall keep the equipment in continuous contact with the building facade, and shall prevent sudden horizontal movement of the platform. This system is acceptable only where the suspended portion of the equipment in use does not exceed 130 feet (39.6 m) above a safe surface or ground level, and where the platform maintains no less than 10 pounds (44.4 n) angulation force on the building facade.

(d) Tie-in guides for building interiors (atriums) may be eliminated when a registered professional engineer determines that an alternative stabilization system, including systems in (c)(i), (ii), and (iii) of this subsection, or a platform tie-off at each work station will provide equivalent safety.

(3) Roof guarding.

(a) Employees working on roofs while performing building maintenance shall be protected by a perimeter guarding system which meets the requirements of WAC 296-24-75007(1).

(b) The perimeter guard shall not be more than 6 inches (152 mm) inboard of the inside face of a barrier, i.e. the parapet wall, or roof edge curb of the building being serviced; however, the perimeter guard location shall not exceed an 18 inch (457 mm) setback from the exterior building face.

(4) Equipment stops. Operational areas for trackless type equipment shall be provided with structural stops, such as curbs, to prevent equipment from traveling outside its intended travel areas and to prevent a crushing or shearing hazard.

(5) Maintenance access. Means shall be provided to traverse all carriages and their suspended equipment to a safe area for maintenance and storage.

(6) Elevated track.

(a) An elevated track system which is located 4 feet (1.2 m) or more above a safe surface, and traversed by carriage supported equipment, shall be provided with a walkway and guardrail system; or

(b) The working platform shall be capable of being lowered, as part of its normal operation, to the lower safe surface for access and egress of the personnel and shall be provided with a safe means of access and egress to the lower safe surface.

(7) Tie-down anchors. Imbedded tie-down anchors, fasteners, and affected structures shall be resistant to corrosion.

(8) Cable stabilization.

(a) Hanging lifelines and all cables not in tension shall be stabilized at each 200 foot (61 m) interval of vertical travel of the working platform beyond an initial 200 foot (61 m) distance.

(b) Hanging cables, other than suspended wire ropes, which are in constant tension shall be stabilized when the vertical travel exceeds an initial 600 foot (183 m) distance, and at further intervals of 600 feet (183 m) or less.

(9) Emergency planning. A written emergency action plan shall be developed and implemented for each kind of working platform operation. This plan shall explain the emergency procedures which are to be followed in the event of a power failure, equipment failure or other emergencies which may be encountered. The plan shall also include that employees be informed about the building emergency escape routes, procedures and alarm systems before operating a platform. Upon initial assignment and whenever the plan is changed the employer shall review with each employee those parts of the plan which the employee must know to protect himself or herself in the event of an emergency.

(10) Building maintenance. Repairs or major maintenance of those building portions that provide primary support for the suspended equipment shall not affect the capability of the building to meet the requirements of this standard.

(11) Electrical requirements. The following electrical requirements apply to buildings which utilize working platforms for building maintenance.

(a) General building electrical installations shall comply with WAC 296-24-956 through 296-24-95615, unless otherwise specified in this section;

(b) Building electrical wiring shall be of such capacity that when full load is applied to the equipment power circuit not more than a five percent drop from building service vault voltage shall occur at any power circuit outlet used by equipment regulated by this section;

(c) The equipment power circuit shall be an independent electrical circuit that shall remain separate from all other equipment within or on the building, other than power circuits used for hand tools that will be used in conjunction with the equipment. If the building is provided with an emergency power system, the equipment power circuit may also be connected to this system;

(d) The power circuit shall be provided with a disconnect switch that can be locked in the "OFF" and "ON" positions. The switch shall be conveniently located with respect to the primary operating area of the equipment to allow the operators of the equipment access to the switch;

(e) The disconnect switch for the power circuit shall be locked in the "ON" position when the equipment is in use; and

(f) An effective two-way voice communication system shall be provided between the equipment operators and persons stationed within the building being serviced. The communications facility shall be operable and shall be manned at all times by persons stationed within the building whenever the platform is being used.

NEW SECTION

WAC 296-24-87013 POWERED PLATFORM INSTALLATIONS—EQUIPMENT. (1) General requirements. The following requirements apply to equipment which are part of a powered platform installation, such as platforms, stabilizing components, carriages, outriggers, davits, hoisting machines, wire ropes and electrical components.

(a) Equipment installations shall be designed by or under the direction of a registered professional engineer experienced in such design;

(b) The design shall provide for a minimum live load of 250 pounds (113.6 kg) for each occupant of a suspended or supported platform;

(c) Equipment that is exposed to wind when not in service shall be designed to withstand forces generated by winds of at least 100 miles per hour (44.7 m/s) at 30 feet (9.2 m) above grade; and

(d) Equipment that is exposed to wind when in service shall be designed to withstand forces generated by winds of at least 50 miles per hour (22.4 m/s) for all elevations.

(2) Construction requirements. Bolted connections shall be self-locking or shall otherwise be secured to prevent loss of the connections by vibration.

(3) Suspension methods. Elevated building maintenance equipment shall be suspended by a carriage, outriggers, davits or an equivalent method.

(a) Carriages. Carriages used for suspension of elevated building maintenance equipment shall comply with the following:

(i) The horizontal movement of a carriage shall be controlled so as to ensure its safe movement and allow accurate positioning of the platform for vertical travel or storage;

(ii) Powered carriages shall not exceed a traversing speed of 50 feet per minute (0.3 m/s);

(iii) The initiation of a traversing movement for a manually propelled carriage on a smooth level surface shall not require a person to exert a horizontal force greater than 40 pounds (44.8 n);

(iv) Structural stops and curbs shall be provided to prevent the traversing of the carriage beyond its designed limits of travel;

(v) Traversing controls for a powered carriage shall be of a continuous pressure weatherproof type. Multiple controls when provided shall be arranged to permit operation from only one control station at a time. An emergency stop device shall be provided on each end of a powered carriage for interrupting power to the carriage drive motors;

(vi) The operating control(s) shall be so connected that in the case of suspended equipment, traversing of a carriage is not possible until the suspended portion of the equipment is located at its uppermost designed position for traversing; and is free of contact with the face of

the building or building guides. In addition, all protective devices and interlocks are to be in the proper position to allow traversing of the carriage;

(vii) Stability for underfoot supported carriages shall be obtained by gravity, by an attachment to a structural support, or by a combination of gravity and a structural support. The use of flowing counterweights to achieve stability is prohibited.

(A) The stability factor against overturning shall not be less than 2 for horizontal traversing of the carriage, including the effects of impact and wind.

(B) The carriages and their anchorages shall be capable of resisting accidental over-tensioning of the wire ropes suspending the working platform, and this calculated value shall include the effect of one and one-half times the stall capacity of the hoist motor. All parts of the installation shall be capable of withstanding without damage to any part of the installation the forces resulting from the stall load of the hoist and one-half the wind load.

(C) Roof carriages which rely on having tie-down devices secured to the building to develop the required stability against overturning shall be provided with an interlock which will prevent vertical platform movement unless the tie-down is engaged;

(viii) An automatically applied braking or locking system, or equivalent, shall be provided that will prevent unintentional traversing of power-traversed or power assisted carriages;

(ix) A manual or automatic braking or locking system or equivalent, shall be provided that will prevent unintentional traversing of manually propelled carriages;

(x) A means to lock out the power supply for the carriage shall be provided;

(xi) Safe access to and egress from the carriage shall be provided from a safe surface. If the carriage traverses an elevated area, any operating area on the carriage shall be protected by a guardrail system in compliance with the provisions of subsection (5)(a)(vi) of this section. Any access gate shall be self-closing and self-latching, or provided with an interlock;

(xii) Each carriage work station position shall be identified by location markings and/or position indicators; and

(xiii) The motors shall stall if the load on the hoist motors is at any time in excess of three times that necessary for lifting the working platform with its rated load.

(b) Transportable outriggers.

(i) Transportable outriggers may be used as a method of suspension for ground rigged working platforms where the point of suspension does not exceed 300 feet (91.5 m) above a safe surface. Tie-in guide system(s) shall be provided which meet the requirements of WAC 296-24-87011(2).

(ii) Transportable outriggers shall be used only with self-powered, ground rigged working platforms.

(iii) Each transportable outrigger shall be secured with a tie-down to a verified anchorage on the building during the entire period of its use. The anchorage shall be designed to have a stability factor of not less than 4 against overturning or upsetting of the outrigger.

(iv) Access to and egress from the working platform shall be from and to a safe surface below the point of suspension.

(v) Each transportable outrigger shall be designed for lateral stability to prevent roll-over in the event an accidental lateral load is applied to the outrigger. The accidental lateral load to be considered in this design shall be not less than 70 percent of the rated load of the hoist.

(vi) Each transportable outrigger shall be designed to support an ultimate load of not less than 4 times the rated load of the hoist.

(vii) Each transportable outrigger shall be so located that the suspension wire ropes for two point suspended working platforms are hung parallel.

(viii) A transportable outrigger shall be tied-back to a verified anchorage on the building with a rope equivalent in strength to the suspension rope.

(ix) The tie-back rope shall be installed parallel to the centerline of the outrigger.

(c) Davits.

(i) Every davit installation, fixed or transportable, rotatable or nonrotatable shall be designed and installed to insure that it has a stability factor against overturning of not less than 4.

(ii) The following requirements apply to roof rigged davit systems:

(A) Access to and egress from the working platform shall be from a safe surface. Access or egress shall not require persons to climb over a building's parapet or guard railing; and

(B) The working platform shall be provided with wheels, casters or a carriage for traversing horizontally.

(iii) The following requirements apply to ground rigged davit systems:

(A) The point of suspension shall not exceed 300 feet (91.5 m) above a safe surface. Guide system(s) shall be provided which meet the requirements of WAC 296-24-87011(2);

(B) Access and egress to and from the working platform shall only be from a safe surface below the point of suspension.

(iv) A rotating davit shall not require a horizontal force in excess of 40 pounds (177.9 n) per person to initiate a rotating movement.

(v) The following requirements shall apply to transportable davits:

(A) A davit or part of a davit weighing more than 80 pounds (36 kg) shall be provided with a means for its transport, which shall keep the center of gravity of the davit at or below 36 inches (914 mm) above the safe surface during transport;

(B) A davit shall be provided with a pivoting socket or with a base that will allow the insertion or removal of a davit at a position of not more than 35 degrees above the horizontal, with the complete davit in-board of the building face being serviced; and

(C) Means shall be provided to lock the davit to its socket or base before it is used to suspend the platform.

(4) Hoisting machines.

(a) Raising and lowering of suspended or supported equipment shall be performed only by a hoisting machine.

(b) Each hoisting machine shall be capable of arresting any over-speed descent of the load.

(c) Each hoisting machine shall be powered only by air, electric or hydraulic sources.

(d) Flammable liquids shall not be carried on the working platform.

(e) Each hoisting machine shall be capable of raising or lowering 125 percent of the rated load of the hoist.

(f) Moving parts of a hoisting machine shall be enclosed or guarded in compliance with Part C of chapter 296-24 WAC.

(g) Winding drums, traction drums and sheaves and directional sheaves used in conjunction with hoisting machines shall be compatible with, and sized for, the wire rope used.

(h) Each winding drum shall be provided with a positive means of attaching the wire rope to the drum. The attachment shall be capable of developing at least 4 times the rated load of the hoist.

(i) Each hoisting machine shall be provided with a primary brake and at least one independent secondary brake, each capable of stopping and holding not less than 125 percent of the lifting capacity of the hoist.

(i) The primary brake shall be directly connected to the drive train of the hoisting machine, and shall not be connected through belts, chains, clutches, or set screw type devices. The brake shall automatically set when power to the prime mover is interrupted.

(ii) The secondary brake shall be an automatic emergency type of brake that, if actuated during each stopping cycle, shall not engage before the hoist is stopped by the primary brake.

(iii) When a secondary brake is actuated, it shall stop and hold the platform within a vertical distance of 24 inches (609.6 mm).

(j) Any component of a hoisting machine which requires lubrication for its protection and proper functioning shall be provided with a means for that lubrication to be applied.

(5) Suspended equipment.

(a) General requirements.

(i) Each suspended unit component, except suspension ropes and guardrail systems, shall be capable of supporting, without failure, at least 4 times the maximum intended live load applied or transmitted to that component.

(ii) Each suspended unit component shall be constructed of materials that will withstand anticipated weather conditions.

(iii) Each suspended unit shall be provided with a load rating plate, conspicuously located, stating the unit weight and rated load of the suspended unit.

(iv) When the suspension points on a suspended unit are not at the unit ends, the unit shall be capable of remaining continuously stable under all conditions of use and position of the live load, and shall maintain at least a 1.5 to 1 stability factor against unit upset.

(v) Guide rollers, guide shoes or building face rollers shall be provided, and shall compensate for variations in building dimensions and for minor horizontal out-of-level variations of each suspended unit.

(vi) Each working platform of a suspended unit shall be secured to the building facade by one or more of the following methods, or by an equivalent method:

(A) Continuous engagement to building anchors as provided in WAC 296-24-87011 (2)(a);

(B) Intermittent engagement to building anchors as provided in WAC 296-24-87011 (2)(c)(i);

(C) Button guide engagement as provided in WAC 296-24-87011 (2)(c)(ii);

(D) Angulated roping and building face rollers as provided in WAC 296-24-87011 (2)(c)(iii).

(vii) Each working platform of a suspended unit shall be provided with a guardrail system on all sides which shall meet the following requirements:

(A) The system shall consist of a top guardrail, midrail, and a toeboard;

(B) The top guardrail shall not be less than 36 inches (914 mm) high and shall be able to withstand at least a 200-pound (444 n) force in any downward or outward direction;

(C) The midrail shall be able to withstand at least a 75-pound (333 n) force in any downward or outward direction; and

(D) The areas between the guardrail and toeboard on the ends and outboard side, and the area between the midrail and toeboard on the inboard side, shall be closed with a material that is capable of withstanding a load of 100 pounds (45.4 KG.) applied horizontally over any area of one square foot (.09 m²). The material shall have all openings small enough to reject passage of life lines and potential falling objects which may be hazardous to persons below.

(E) Toeboards shall be capable of withstanding, without failure, a force of at least 50 pounds (222 n) applied in any downward or horizontal direction at any point along the toeboard.

(F) Toeboards shall be 4 inches (9 cm) minimum in length from their top edge to the level of the platform floor.

(G) Toeboards shall be securely fastened in place at the outermost edge of the platform and have no more than one-half inch (1.3 cm) clearance above the platform floor.

(H) Toeboards shall be solid or with an opening not over one inch (2.5 cm) in the greatest dimension.

(b) Two and four-point suspended working platforms.

(i) The working platform shall be not less than 24 inches (610 mm) wide and shall be provided with a minimum of a 12 inch (305 mm) wide passage at or past any obstruction on the platform.

(ii) The flooring shall be of a slip-resistant type and shall contain no opening that would allow the passage of life lines, cables and other potential falling objects. If a larger opening is provided, it shall be protected by placing a material under the opening which shall prevent the passage of life lines, cables and potential falling objects.

(iii) The working platform shall be provided with a means of suspension that will restrict the platform's inboard to outboard roll about its longitudinal axis to a maximum of 15 degrees from a horizontal plane when moving the live load from the inboard to the outboard side of the platform.

(iv) Any cable suspended from above the platform shall be provided with a means for storage to prevent accumulation of the cable on the floor of the platform.

(v) All operating controls for the vertical travel of the platform shall be of the continuous-pressure type, and shall be located on the platform.

(vi) Each operating station of every working platform shall be provided with a means of interrupting the power supply to all hoist motors to stop any further powered ascent or descent of the platform.

(vii) The maximum rated speed of the platform shall not exceed 50 feet per minute (0.3 ms) with single speed hoists, nor 75 feet per minute (0.4 ms) with multispeed hoists.

(viii) Provisions shall be made for securing all tools, water tanks, and other accessories to prevent their movement or accumulation on the floor of the platform.

(ix) Portable fire extinguishers conforming to the provisions of WAC 296-24-585 and 296-24-592 shall be provided and securely attached on all working platforms.

(x) Access to and egress from a working platform, except for those that land directly on a safe surface, shall be provided by stairs, ladders, platforms and runways conforming to the provisions of Part J-1 of chapter 296-24 WAC. Access gates shall be self-closing and self-latching.

(xi) Means of access to or egress from a working platform which is 48 inches (1.2 m) or more above a safe surface shall be provided with a guardrail system or ladder handrails that conform to the provisions of Part J-1 of chapter 296-24 WAC.

(xii) The platform shall be provided with a secondary wire rope suspension system if the platform contains overhead structures which restrict the emergency egress of employees. A horizontal lifeline or a direct connection anchorage shall be provided, as part of a fall arrest system which meets the requirements of Appendix C, for each employee on such a platform.

(xiii) A vertical lifeline shall be provided as part of a fall arrest system which meets the requirements of Appendix C, for each employee on a working platform suspended by 2 or more wire ropes, if the failure of one wire rope or suspension attachment will cause the platform to upset. If a secondary wire rope suspension is used, vertical lifelines are not required for the fall arrest system, provided that each employee is attached to a horizontal lifeline anchored to the platform.

(xiv) An emergency electric operating device shall be provided on roof powered platforms near the hoisting machine for use in the event of failure of the normal operating device located on the working platform, or failure of the cable connected to the platform. The emergency electric operating device shall be mounted in a secured compartment, and the compartment shall be labeled with instructions for use. A means for opening the compartment shall be mounted in a break-glass receptacle located near the emergency electric operating device or in an equipment secure and accessible location.

(c) Single point suspended working platforms.

(i) The requirements of (b)(i) through (xi) of this subsection shall also apply to a single point working platform.

(ii) Each single point suspended working platform shall be provided with a secondary wire rope suspension system, which will prevent the working platform from falling should there be a failure of the primary means of support, or if the platform contains overhead structures which restrict the egress of the employees. A horizontal life line or a direct connection anchorage shall be provided, as part of a fall arrest system which meets the requirements of Appendix C, for each employee on the platform.

(d) Ground-rigged working platforms.

(i) Ground-rigged working platforms shall comply with all the requirements of (b)(i) through (xiii) of this subsection.

(ii) After each day's use, the power supply within the building shall be disconnected from a ground-rigged working platform, and the platform shall be either disengaged from its suspension points or secured and stored at grade.

(e) Intermittently stabilized platforms.

(i) The platform shall comply with (b)(i) through (xiii) of this subsection.

(ii) Each stabilizer tie shall be equipped with a "quick connect-quick disconnect" device which cannot be accidentally disengaged, for attachment to the building anchor, and shall be resistant to adverse environmental conditions.

(iii) The platform shall be provided with a stopping device that will interrupt the hoist power supply in the event the platform contacts a stabilizer tie during its ascent.

(iv) Building face rollers shall not be placed at the anchor setting if exterior anchors are used on the building face.

(v) Stabilizer ties used on intermittently stabilized platforms shall allow for the specific attachment length needed to effect the predetermined angulation of the suspended wire rope. The specific attachment length shall be maintained at all building anchor locations.

(vi) The platform shall be in continuous contact with the face of the building during ascent and descent.

(vii) The attachment and removal of stabilizer ties shall not require the horizontal movement of the platform.

(viii) The platform-mounted equipment and its suspension wire ropes shall not be physically damaged by the loads from the stabilizer tie or its building anchor. The platform, platform-mounted equipment and wire ropes shall be able to withstand a load that is at least twice the ultimate strength of the stabilizer tie.

Note: See Figure 2 in Appendix B of this section for a description of a typical intermittent stabilization system.

(f) Button-guide stabilized platforms.

(i) The platform shall comply with (b)(i) through (xiii) of this subsection.

(ii) Each guide track on the platform shall engage a minimum of two guide buttons during any vertical travel of the platform following the initial button engagement.

(iii) Each guide track on a platform that is part of a roof rigged system shall be provided with a storage position on the platform.

(iv) Each guide track on the platform shall be sufficiently maneuverable by platform occupants to permit easy engagement of the

guide buttons, and easy movement into and out of its storage position on the platform.

(v) Two guide tracks shall be mounted on the platform and shall provide continuous contact with the building face.

(vi) The load carrying components of the button guide stabilization system which transmit the load into the platform shall be capable of supporting the weight of the platform, or provision shall be made in the guide track connectors or platform attachments to prevent the weight of the platform from being transmitted to the platform attachments.

Note: See Figure 3 in Appendix B of this section for a description of a typical button guide stabilization system.

(6) Supported equipment.

(a) Supported equipment shall maintain a vertical position in respect to the face of the building by means other than friction.

(b) Cog wheels or equivalent means shall be incorporated to provide climbing traction between the supported equipment and the building guides. Additional guide wheels or shoes shall be incorporated as may be necessary to ensure that the drive wheels are continuously held in positive engagement with the building guides.

(c) Launch guide mullions indexed to the building guides and retained in alignment with the building guides shall be used to align drive wheels entering the building guides.

(d) Manned platforms used on supported equipment shall comply with the requirements of (b)(i), (ii), and (iv) through (xi) of this subsection, covering suspended equipment.

(7) Suspension wire ropes and rope connections.

(a) Each specific installation shall use suspension wire ropes or combination cable and connections meeting the specification recommended by the manufacturer of the hoisting machine used. Connections shall be capable of developing at least 80 percent of the rated breaking strength of the wire rope.

(b) Each suspension rope shall have a "Design Factor" of at least 10. The "Design Factor" is the ratio of the rated strength of the suspension wire rope to the rated working load, and shall be calculated using the following formula:

$$F = \frac{S(N)}{W}$$

Where:

F = Design factor

S = Manufacturer's rated strength of one suspension rope

N = Number of suspension ropes under load

W = Rated working load on all ropes at any point of travel

(c) Suspension wire rope grade shall be at least improved plow steel or equivalent.

(d) Suspension wire ropes shall be sized to conform with the required design factor, but shall not be less than 5/16 inch (7.94 mm) in diameter.

(e) No more than one reverse bend in 6 wire rope lays shall be permitted.

(f) A corrosion-resistant tag shall be securely attached to one of the wire rope fastenings when a suspension wire rope is to be used at a specific location and will remain in that location. This tag shall bear the following wire rope data:

- (i) The diameter (inches and/or mm);
 - (ii) Construction classification;
 - (iii) Whether nonpreformed or preformed;
 - (iv) The grade of material;
 - (v) The manufacturer's rated strength;
 - (vi) The manufacturer's name;
 - (vii) The month and year the ropes were installed; and
 - (viii) The name of the person or company which installed the ropes.
- (g) A new tag shall be installed at each rope renewal.

(h) The original tag shall be stamped with the date of the resocketing, or the original tag shall be retained and a supplemental tag shall be provided when ropes are resocketed. The supplemental tag shall show the date of resocketing and the name of the person or company that resocketed the rope.

(i) Winding drum type hoists shall contain at least 3 wraps of the suspension wire rope on the drum when the suspended unit has reached the lowest possible point of its vertical travel.

(j) Traction drum and sheave type hoists shall be provided with a wire rope of sufficient length to reach the lowest possible point of vertical travel of the suspended unit, and an additional length of the wire rope of at least 4 feet (1.2 m).

(k) The lengthening or repairing of suspension wire ropes is prohibited.

(l) Babbitted fastenings for suspension wire rope are prohibited.

(8) Control circuits, power circuits and their components.

(a) Electrical wiring and equipment shall comply with Part L of chapter 296-24 WAC, except as otherwise required by this section.

(b) Electrical runway conductor systems shall be of a type designed for use in exterior locations, and shall be located so that they do not come into contact with accumulated snow or water.

(c) Cables shall be protected against damage resulting from over-tensioning or from other causes.

(d) Devices shall be included in the control system for the equipment which will provide protection against electrical overloads, three phase reversal and phase failure. The control system shall have a separate method, independent of the direction control circuit, for breaking the power circuit in case of an emergency or malfunction.

(e) Suspended or supported equipment shall have a control system which will require the operator of the equipment to follow predetermined procedures.

(f) The following requirements shall apply to electrical protection devices:

(i) On installations where the carriage does not have a stability factor of at least 4 against overturning, electrical contract(s) shall be provided and so connected that the operating devices for the suspended or supported equipment shall be operative only when the carriage is located and mechanically retained at an established operating point.

(ii) Overload protection shall be provided in the hoisting or suspension system to protect against the equipment operating in the "up" direction with a load in excess of 125 percent of the rated load of the platform; and

(iii) An automatic detector shall be provided for each suspension point that will interrupt power to all hoisting motors for travel in the "down" direction, and apply the primary brakes if any suspension wire rope becomes slack. A continuous-pressure rigging-bypass switch designed for use during rigging is permitted. This switch shall only be used during rigging.

(g) Upper and lower directional switches designed to prevent the travel of suspended units beyond safe upward and downward levels shall be provided.

(h) Emergency stop switches shall be provided on remote controlled, roof-powered manned platforms adjacent to each control station on the platform.

(i) Cables which are in constant tension shall have overload devices which will prevent the tension in the cable from interfering with the load limiting device required in (f)(ii) of this subsection, or with the platform roll limiting device required in subsection (5)(b)(iii) of this section. The setting of these devices shall be coordinated with other overload settings at the time of design of the system, and shall be clearly indicated on or near the device. The device shall interrupt the equipment travel in the "down" direction.

NEW SECTION

WAC 296-24-87015 MAINTENANCE. (1) General maintenance. All parts of the equipment affecting safe operation shall be maintained in proper working order so that they may perform the functions for which they were intended. The equipment shall be taken out of service when it is not in proper working order.

(2) Cleaning.

(a) Control or power contactors and relays shall be kept clean.

(b) All other parts shall be kept clean if their proper functioning would be affected by the presence of dirt or other contaminants.

(3) Periodic resocketing of wire rope fastenings.

(a) Hoisting ropes utilizing poured socket fastenings shall be resocketed at the nondrum ends at intervals not exceeding 24 months. In resocketing the ropes, a sufficient length shall be cut from the end of the rope to remove damaged or fatigued portions.

(b) Resocketed ropes shall conform to the requirements of WAC 296-24-87013(7).

(c) Limit switches affected by the resocketed ropes shall be reset, if necessary.

(4) Periodic reshackling of suspension wire ropes. The hoisting ropes shall be reshackled at the nondrum ends at intervals not exceeding 24 months. When reshackling the ropes, a sufficient length shall be cut from the end of the rope to remove damaged or fatigued portions.

(5) Roof systems. Roof track systems, tie-downs, or similar equipment shall be maintained in proper working order so that they perform the function for which they were intended.

(6) Building face guiding members. T-rails, indented mullions, or equivalent guides located in the face of a building shall be maintained in proper working order so that they perform the functions for which they were intended. Brackets for cable stabilizers shall similarly be maintained in proper working order.

(7) Inoperative safety devices. No person shall render a required safety device or electrical protective device inoperative, except as necessary for tests, inspections, and maintenance. Immediately upon completion of such tests, inspections, and maintenance, the device shall be restored to its normal operating condition.

(8) Damaged rope. Wire ropes shall be replaced whenever there are six or more broken wires in any one lay of the wire rope, or whenever the ropes are damaged or in a deteriorated condition.

NEW SECTION

WAC 296-24-87017 OPERATIONS. (1) Training.

(a) Working platforms shall be operated only by persons who are proficient in the operation, safe use and inspection of the particular working platform to be operated.

(b) All employees who operate working platforms shall be trained in the following:

(i) Recognition of, and preventive measures for, the safety hazards associated with their individual work tasks.

(ii) General recognition and prevention of safety hazards associated with the use of working platforms, including the provisions in the section relating to the particular working platform to be operated.

(iii) Emergency action plan procedures required in WAC 296-24-87011(9).

(iv) Work procedures required in (d) of this subsection.

(v) Personal fall arrest system inspection, care, use and system performance.

(c) Training of employees in the operation and inspection of working platforms shall be done by a competent person.

(d) Written work procedures for the operation, safe use and inspection of working platforms shall be provided for employee training. Pictorial methods of instruction, may be used, in lieu of written work procedures, if employee communication is improved using this method. The operating manuals supplied by manufacturers for platform system components can serve as the basis for these procedures.

(e) The employer shall certify that employees have been trained in operating and inspecting a working platform by preparing a certification record which includes the identity of the person trained, the signature of the employer or the person who conducted the training and the date that training was completed. The certification record shall be prepared at the completion of the training required in (b) of this subsection, and shall be maintained in a file for the duration of the employee's employment. The certification record shall be kept readily available for review by the director or an authorized representative.

(2) Use.

(a) Working platforms shall not be loaded in excess of the rated load, as stated on the platform load rating plate.

(b) Employees shall be prohibited from working on snow, ice, or other slippery material covering platforms, except for the removal of such materials.

(c) Adequate precautions shall be taken to protect the platform, wire ropes and life lines from damage due to acids or other corrosive substances, in accordance with the recommendations of the corrosive substance producer, supplier, platform manufacturer or other equivalent information sources. Platform members which have been exposed to acids or other corrosive substances shall be washed down with a neutralizing solution, at a frequency recommended by the corrosive substance producer or supplier.

(d) Platform members, wire ropes and life lines shall be protected when using a heat producing process. Wire ropes and life lines which have been contacted by the heat producing process shall be considered to be permanently damaged and shall not be used.

(e) The platform shall not be operated in winds in excess of 25 miles per hour (40.2 km/hr) except to move it from an operating to a storage position. Wind speed shall be determined based on the best available information, which includes on-site anemometer readings and local weather forecasts which predict wind velocities for the area.

(f) On exterior installations, an anemometer shall be mounted on the platform to provide information of on-site wind velocities prior to and during the use of the platform. The anemometer may be a portable (hand held) unit which is temporarily mounted during platform use.

(g) Tools, materials and debris not related to the work in progress shall not be allowed to accumulate on platforms. Stabilizer ties shall be located so as to allow unencumbered passage along the full length of the platform and shall be of such length so as not to become entangled in rollers, hoists or other machinery.

NEW SECTION

WAC 296-24-87019 PERSONAL FALL PROTECTION. Employees on working platforms shall be protected by a personal fall arrest system meeting the requirements of Appendix C, Part I, WAC 296-24-87035 of this standard, and as otherwise provided by this standard.

NEW SECTION

WAC 296-24-87031 APPENDIX A—GUIDELINES (ADVISORY). (1) Use of the appendix. Appendix A provides examples of equipment and methods to assist the employer in meeting the requirements of the indicated provision of the standard. Employers may use other equipment or procedures which conform to the requirements of the standard. This appendix neither adds to nor detracts from the mandatory requirements set forth in WAC 296-24-870 through 296-24-87037.

(2) Assurance. WAC 296-24-870(3) requires the building owner to inform the employer in writing that the powered platform installation complies with certain requirements of the standard, since the employer may not have the necessary information to make these determinations. The employer, however, remains responsible for meeting these requirements which have not been set off in WAC 296-24-870 (3)(a).

(3) Design requirements. The design requirements for each installation should be based on the limitations (stresses, deflections, etc.), established by nationally recognized standards as promulgated by the following organizations, or to equivalent standards:

AA—The Aluminum Association, 818 Connecticut Avenue N.W., Washington, D.C. 20006

Aluminum Construction Manual
Specifications for Aluminum Structures
Aluminum Standards and Data

AGMA—American Gear Manufacturers Association, 101 North Fort Meyer Dr., Suite 1000, Arlington, VA 22209

AISC—American Institute of Steel Construction, 400 North Michigan Avenue, Chicago, IL 60611

ANSI—American National Standards Institute, Inc., 1430 Broadway, New York, NY 10018

ASCE—American Society of Civil Engineers, 345 East 47th Street, New York, NY 10017

ASME—American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017

ASTM—American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103

AWS—American Welding Society, Inc., Box 351040, 550 N.W. LeJeune Road, Miami, FL 33126

JIC—Joint Industrial Council, 2139 Wisconsin Avenue N.W., Washington, D.C. 20007

NEMA—National Electric Manufacturers Association, 2101 L Street N.W., Washington, D.C. 20037

(4) Tie-in guides. Indented mullions, T-rails or other equivalent guides are acceptable as tie-in guides in a building face for a continuous stabilization system. Internal guides are embedded in other building members with only the opening exposed (see Figure 1 of Appendix B). External guides, however, are installed external to the other building members and so are fully exposed. The minimum opening for tie-in guides is three-quarters of an inch (19 mm), and the minimum inside dimensions are one-inch (25 mm) deep and two inches (50 mm) wide.

Employers should be aware of the hazards associated with tie-in guides in a continuous stabilization system which was not designed properly. For example, joints in these track systems may become extended or discontinuous due to installation or building settlement. If this alignment problem is not corrected, the system could jam when a

guide roller or guide shoe strikes a joint and this would cause a hazardous situation for employees. In another instance, faulty design will result in guide rollers being mounted in a line so they will jam in the track at the slightest misalignment.

(5) Building anchors (intermittent stabilization system). In the selection of the vertical distance between building anchors, certain factors should be given consideration. These factors include building height and architectural design, platform length and weight, wire rope angulation, and the wind velocities in the building area. Another factor to consider is the material of the building face, since this material may be adversely affected by the building rollers.

External or indented type building anchors are acceptable. Receptacles in the building facade used for the indented type should be kept clear of extraneous materials which will hinder their use. During the inspection of the platform installation, evidence of a failure or abuse of the anchors should be brought to the attention of the employer.

(6) Stabilizer tie length. A stabilizer tie should be long enough to provide for the planned angulation of the suspension cables. However, the length of the tie should not be excessive and become a problem by possibly becoming entangled in the building face rollers or parts of the platform machinery.

The attachment length may vary due to material elongation and this should be considered when selecting the material to be used. Consideration should also be given to the use of ties which are easily installed by employees, since this will encourage their use.

(7) Intermittent stabilization system. Intermittent stabilization systems may use different equipment, tie-in devices and methods to restrict the horizontal movement of a powered platform with respect to the face of the building. One acceptable method employs corrosion-resistant building anchors secured in the face of the building in vertical rows every third floor or 50 feet (15.3 m), whichever is less. The anchors are spaced horizontally to allow a stabilization attachment (stabilizer tie) for each of the two platform suspension wire ropes. The stabilizer tie consists of two parts. One part is a quick connect-quick disconnect device which utilizes a corrosion-resistant yoke and retainer spring that is designed to fit over the building anchors. The second part of the stabilizer tie is a lanyard which is used to maintain a fixed distance between the suspension wire rope and the face of the building.

In this method, as the suspended powered platform descends past the elevation of each anchor, the descent is halted and each of the platform occupants secures a stabilizer tie between a suspension wire rope and a building anchor. The procedure is repeated as each elevation of a building anchor is reached during the descent of the powered platform.

As the platform ascends, the procedure is reversed; that is, the stabilizer ties are removed as each elevation of a building anchor is reached. The removal of each stabilizer tie is assured since the platform is provided with stopping devices which will interrupt power to its hoist(s) in the event either stopping device contacts a stabilizer during the ascent of the platform.

Figure 2 of Appendix B illustrates another type of acceptable intermittent stabilization system which utilizes retaining pins as the quick connect-quick disconnect device in the stabilizer tie.

(8) Wire rope inspection. The inspection of the suspension wire rope is important since the rope gradually loses strength during its useful life. The purpose of the inspection is to determine whether the wire rope has sufficient integrity to support a platform with the required design factor.

If there is any doubt concerning the condition of a wire rope or its ability to perform the required work, the rope should be replaced. The cost of wire rope replacement is quite small if compared to the cost in terms of human injuries, equipment down time and replacement.

No listing of critical inspection factors, which serve as a basis for wire rope replacement in the standard, can be a substitute for an experienced inspector of wire rope. The listing serves as a user's guide to the accepted standards by which ropes must be judged.

Rope life can be prolonged if preventive maintenance is performed regularly. Cutting off an appropriate length of rope at the end termination before the core degrades and valley brakes appear minimizes degradation at these sections.

(9) General maintenance. In meeting the general maintenance requirement in WAC 296-24-87015(1), the employer should undertake the prompt replacement of broken, worn and damaged parts, switch contacts, brushes, and short flexible conductors of electrical devices. The components of the electrical service system and traveling cables

should be replaced when damaged or significantly abraded. In addition, gears, shafts, bearings, brakes and hoisting drums should be kept in proper alignment.

(10) Training. In meeting the training requirement of WAC 296-24-87017(1), employers should use both on the job training and formal classroom training. The written work procedures used for this training should be obtained from the manufacturer, if possible, or prepared as necessary for the employee's information and use.

Employees who will operate powered platforms with intermittent stabilization systems should receive instruction in the specific ascent and descent procedures involving the assembly and disassembly of the stabilizer ties.

An acceptable training program should also include employee instruction in basic inspection procedures for the purpose of determining the need for repair and replacement of platform equipment. In addition, the program should cover the inspection, care and use of the personal fall protection equipment required in Appendix C, Part I, subsections (5) and (6).

In addition, the training program should also include emergency action plan elements. OSHA brochure #3088 (Rev.) 1985, "How to Prepare for Workplace Emergencies," details the basic steps needed to prepare to handle emergencies in the workplace.

Following the completion of a training program, the employee should be required to demonstrate competency in operating the equipment safely. Supplemental training of the employee should be provided by the employer, as necessary, if the equipment used or other working conditions should change.

An employee who is required to work with chemical products on a platform should receive training in proper cleaning procedures, and in the hazards, care and handling of these products. In addition, the employee should be supplied with the appropriate personal protective equipment, such as gloves and eye and face protection.

(11) Suspension and securing of powered platforms (equivalency). One acceptable method of demonstrating the equivalency of a method of suspending or securing a powered platform, as required in WAC 296-24-87011 (2)(c), 296-24-87013(3), and (5)(a)(vi), is to provide an engineering analysis by a registered professional engineer. The analysis should demonstrate that the proposed method will provide an equal or greater degree of safety for employees than any one of the methods specified in the standard.

NEW SECTION

WAC 296-24-87033 APPENDIX B—EXHIBITS (ADVISORY). The three drawings in Appendix B illustrate typical platform stabilization systems which are addressed in the standard. The drawings are to be used for reference purposes only, and do not illustrate all the mandatory requirements for each system.

Figure 1. Typical Self-Powered Platform—Continuous External or Indented Mullion Guide System

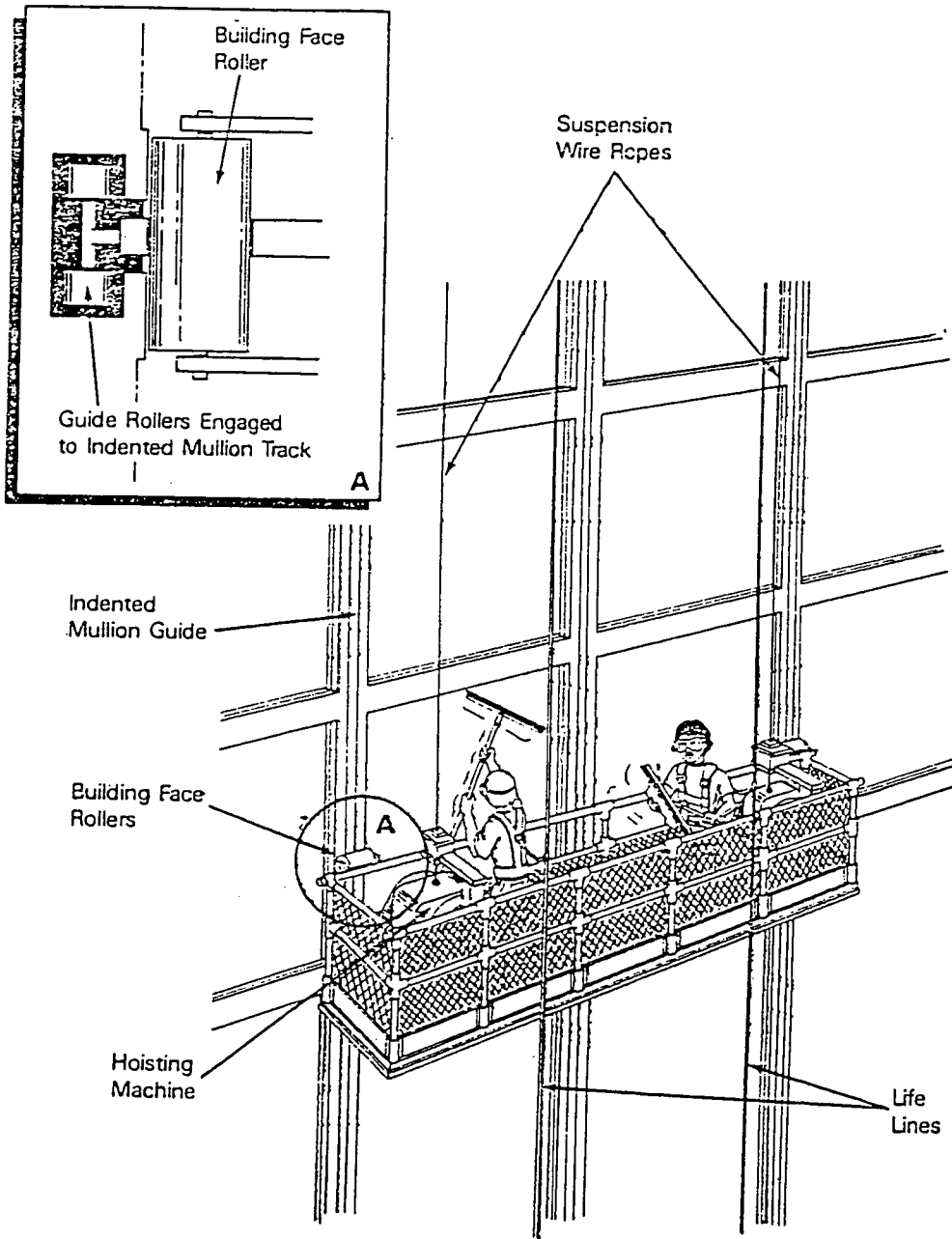


Figure 2. Typical Self-Powered Platform--
Intermittent Tie-In System

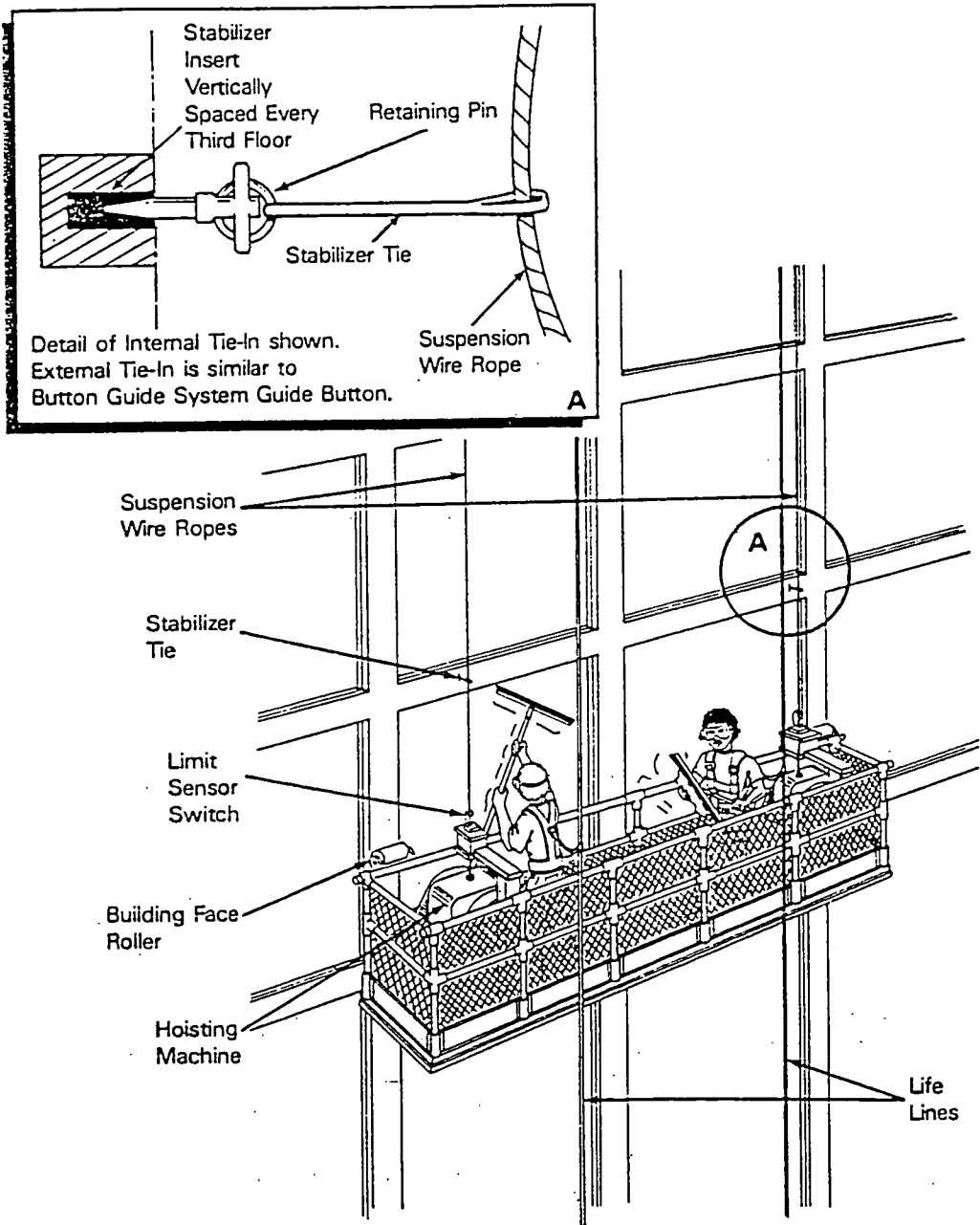
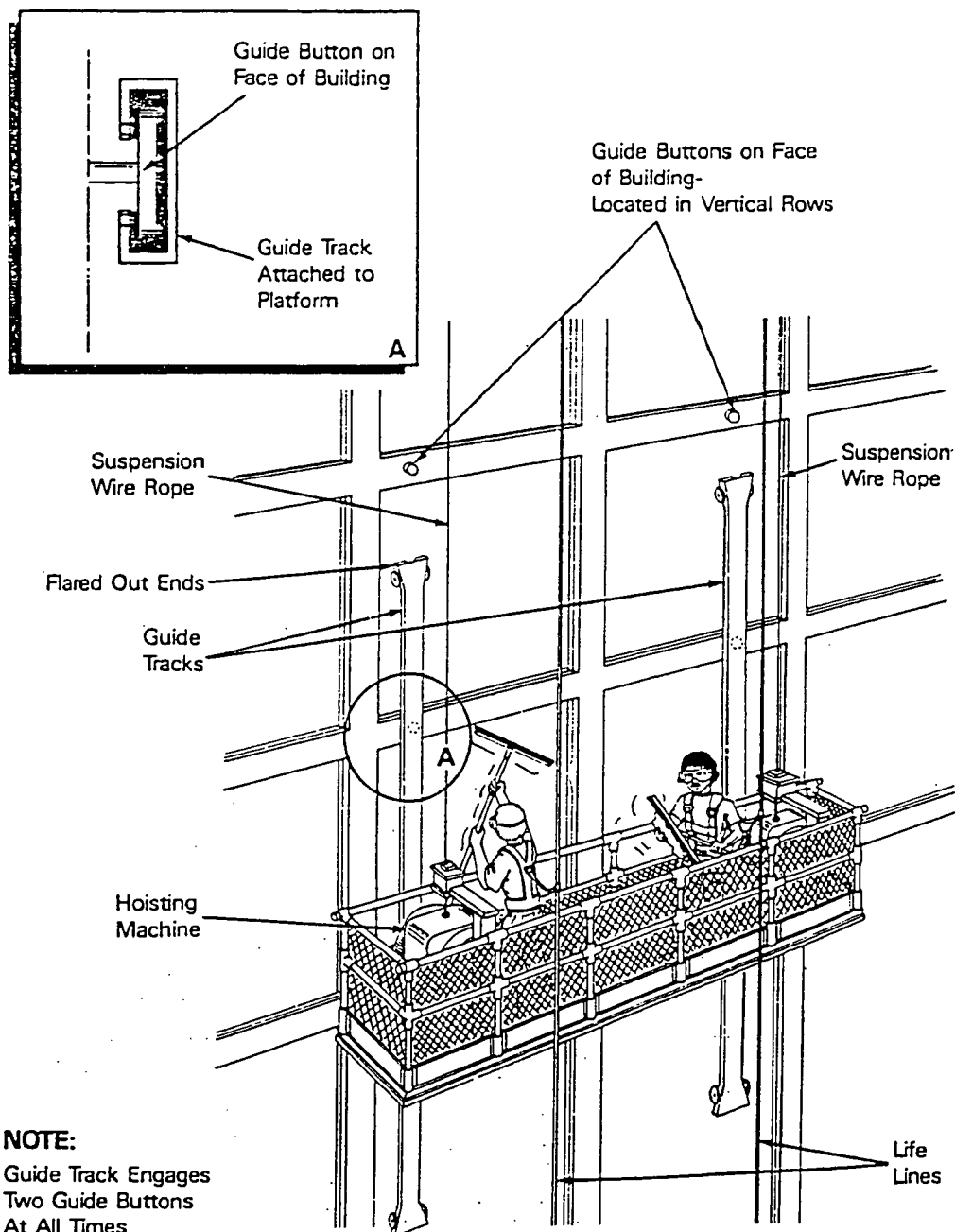


Figure 3. Typical Self-Powered Platform--
Button Guide System



BILLING CODE 4510-26-C

NEW SECTION

WAC 296-24-87035 APPENDIX C—PERSONAL FALL ARREST SYSTEM (PART I—MANDATORY; PARTS II AND III—NONMANDATORY). (1) Use of the appendix.

Part I of Appendix C sets out the mandatory criteria for personal fall arrest systems used by all employees using powered platforms. Part II sets out nonmandatory test procedures which may be used to determine compliance with applicable requirements contained in Part I of this appendix. Part III provides nonmandatory guidelines which are intended to assist employers in complying with these provisions.

Part I

Personal fall arrest systems (mandatory)—(1) Scope and application. This section establishes the application of and performance criteria for personal fall arrest systems which are required for use by all employees using powered platforms under WAC 296-24-87019.

(2) Definitions.

(a) Anchorage. A secure point of attachment for lifelines, lanyards or deceleration devices, and which is independent of the means of supporting or suspending the employee.

(b) Body harness. A design of straps which may be secured about the employee in a manner to distribute the fall arrest forces over at least the thighs, pelvis, waist, chest and shoulders with means for attaching it to other components of a personal fall arrest system.

(c) Buckle. Any device for holding the body harness closed around the employee's body.

(d) Competent person. A person who is capable of identifying hazardous or dangerous conditions in the personal fall arrest system or any component thereof, as well as in their application and use with related equipment.

(e) Connector. A device which is used to couple (connect) parts of the system together. It may be an independent component of the system (such as a carabiner), or an integral component of part of the system (such as a buckle or dee-ring sewn into a body belt or body harness, or a snap-hook spliced or sewn to a lanyard or self-retracting lanyard).

(f) Deceleration device. Any mechanism, such as a rope grab, ripstitch lanyard, specially woven lanyard, tearing or deforming lanyard, or automatic self retracting-lifeline/lanyard, which serves to dissipate a substantial amount of energy during a fall arrest, or otherwise limits the energy imposed on an employee during fall arrest.

(g) Deceleration distance. The additional vertical distance a falling employee travels, excluding lifeline elongation and free fall distance, before stopping, from the point at which the deceleration device begins to operate. It is measured as the distance between the location of an employee's body belt or body harness attachment point at the moment of activation (at the onset of fall arrest forces) of the deceleration device during a fall, and the location of that attachment point after the employee comes to a full stop.

(h) Equivalent. Alternative designs, materials or methods which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

(i) Free fall. The act of falling before the personal fall arrest system begins to apply force to arrest the fall.

(j) Free fall distance. The vertical displacement of the fall arrest attachment point on the employee's body harness between onset of the fall and just before the system begins to apply force to arrest the fall. This distance excludes deceleration distance, lifeline and lanyard elongation but includes any deceleration device slide distance or self-retracting lifeline/lanyard extension before they operate and fall arrest forces occur.

(k) Lanyard. A flexible line of rope, wire rope, or strap which is used to secure the body harness to a deceleration device, lifeline, or anchorage.

(l) Lifeline. A component consisting of a flexible line for connection to an anchorage at one end to hang vertically (vertical lifeline), or for connection to anchorages at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall arrest system to the anchorage.

(m) Personal fall arrest system. A system used to arrest an employee in a fall from a working level. It consists of an anchorage, connectors, body harness and may include a lanyard, deceleration device, lifeline, or suitable combinations of these.

(n) Qualified person. A person with a recognized degree or professional certificate and extensive knowledge and experience in the subject

field who is capable of design, analysis, evaluation and specifications in the subject work, project, or product.

(o) Rope grab. A deceleration device which travels on a lifeline and automatically frictionally engages the lifeline and locks so as to arrest the fall of an employee. A rope grab usually employs the principle of inertial locking, cam/lever locking, or both.

(p) Self-retracting lifeline/lanyard. A deceleration device which contains a drum-wound line which may be slowly extracted from, or retracted onto, the drum under slight tension during normal employee movement, and which, after onset of a fall, automatically locks the drum and arrests the fall.

(q) Snap-hook. A connector comprised of a hookshaped member with a normally closed keeper, or similar arrangement, which may be opened to permit the hook to receive an object and, when released, automatically closes to retain the object. Snap-hooks are generally one of two types:

(i) The locking type with a self-closing, self-locking keeper which remains closed and locked until unlocked and pressed open for connection or disconnection, or

(ii) The nonlocking type with a self-closing keeper which remains closed until pressed open for connection or disconnection.

(r) Tie-off. The act of an employee, wearing personal fall protection equipment, connecting directly or indirectly to an anchorage. It also means the condition of an employee being connected to an anchorage.

(3) Design for system components.

(a) Connectors shall be drop forged, pressed or formed steel, or made of equivalent materials.

(b) Connectors shall have a corrosion-resistant finish, and all surfaces and edges shall be smooth to prevent damage to interfacing parts of the system.

(c) Lanyards and vertical lifelines which tie-off one employee shall have a minimum breaking strength of 5,400 pounds (23.9 kN).

(d) Self-retracting lifelines and lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less shall have components capable of sustaining a minimum static tensile load of 5,400 pounds (23.9 kN) applied to the device with the lifeline or lanyard in the fully extended position.

(e) Self-retracting lifelines and lanyards which do not limit free fall distance to 2 feet (0.61 m) or less, ripstitch lanyards, and tearing and deforming lanyards shall be capable of sustaining a minimum tensile load of 5,400 pounds (23.9 kN) applied to the device with the lifeline or lanyard in the fully extended position.

(f) Dee-rings and snap-hooks shall be capable of sustaining a minimum tensile load of 5000 pounds (22.2 kN).

(g) Dee-rings and snap-hooks shall be 100 percent proof-tested to a minimum tensile load of 5000 pounds (22.2 kN) without cracking, breaking, or taking permanent deformation.

(h) Snap-hooks shall be sized to be compatible with the member to which they are connected so as to prevent unintentional disengagement of the snap-hook by depression of the snap-hook keeper by the connected member, or shall be a locking type snap-hook designed and used to prevent disengagement of the snap-hook by the contact of the snap-hook keeper by the connected member.

(i) Horizontal lifelines, where used, shall be designed, and installed as part of a complete personal fall arrest system, which maintains a safety factor of at least 2, under the supervision of a qualified person.

(j) Anchorages to which personal fall arrest equipment is attached shall be capable of supporting at least 5,400 pounds (23.9 kN) per employee attached, or shall be designed, installed, and used as part of a complete personal fall arrest system which maintains a safety factor of at least 2, under the supervision of a qualified person.

(k) Ropes and straps (webbing) used in lanyards, lifelines, and strength components of body harnesses, shall be made from synthetic fibers or wire rope.

(4) System performance criteria.

(a) Personal fall arrest systems shall, when stopping a fall:

(i) Limit maximum arresting force on an employee to 1,800 pounds (8 kN) when used with a body harness;

(ii) Bring an employee to a complete stop and limit maximum deceleration distance an employee travels to 3.5 feet (1.07 m); and

(iii) Shall have sufficient strength to withstand twice the potential impact energy of an employee free falling a distance of 6 feet (1.8 m), or the free fall distance permitted by the system, whichever is less.

(b) (i) When used by employees having a combined person and tool weight of less than 310 pounds (140 kg), personal fall arrest systems which meet the criteria and protocols contained in subsections (2), (3),

and (4) in Part II of this appendix shall be considered as complying with the provisions of (a) of this subsection.

(ii) When used by employees having a combined tool and body weight of 310 pounds (140 kg) or more, personal fall arrest systems which meet the criteria and protocols contained in subsections (2), (3), and (4) of Part II may be considered as complying with the provisions of (a) of this subsection provided that the criteria and protocols are modified appropriately to provide proper protection for such heavier weights.

(5) Care and use.

(a) Snap-hooks, unless of a locking type designed and used to prevent disengagement from the following connections, shall not be engaged:

- (i) Directly to webbing, rope or wire rope;
- (ii) To each other;
- (iii) To a dee-ring to which another snap-hook or other connector is attached;
- (iv) To a horizontal lifeline; or
- (v) To any object which is incompatibly shaped or dimensioned in relation to the snap-hook such that the connected object could depress the snap-hook keeper a sufficient amount to release itself.

(b) Devices used to connect to a horizontal lifeline which may become a vertical lifeline shall be capable of locking in either direction on the lifeline.

(c) Personal fall arrest systems shall be rigged such that an employee can neither free fall more than 6 feet (1.8 m), nor contact any lower level.

(d) The attachment point of the body harness shall be located in the center of the wearer's back near shoulder level, or above the wearer's head.

(e) When vertical lifelines are used, each employee shall be provided with a separate lifeline.

(f) Personal fall arrest systems or components shall be used only for employee fall protection.

(g) Personal fall arrest systems or components subjected to impact loading shall be immediately removed from service and shall not be used again.

(h) The employer shall provide for prompt rescue of employees in the event of a fall or shall assure the self-rescue capability of employees.

(i) Before using a personal fall arrest system, and after any component or system is changed, employees shall be trained in accordance with the requirements of WAC 296-24-87017(1), in the safe use of the system.

(6) Inspections. Personal fall arrest systems shall be inspected prior to each use for mildew, wear, damage and other deterioration, and defective components shall be removed from service if their strength or function may be adversely affected.

PART II

Test methods for personal fall arrest systems (nonmandatory)

(1) General. Subsections (2), (3), (4) and (5) of this Part II set forth test procedures which may be used to determine compliance with the requirements in subsection (4) of Part I of this appendix.

(2) General conditions for all tests in Part II.

(a) Lifelines, lanyards and deceleration devices should be attached to an anchorage and connected to the body harness in the same manner as they would be when used to protect employees.

(b) The anchorage should be rigid, and should not have a deflection greater than .04 inches (1 mm) when a force of 2,250 pounds (10 kN) is applied.

(c) The frequency response of the load measuring instrumentation should be 120 Hz.

(d) The test weight used in the strength and force tests should be a rigid, metal, cylindrical or torso-shaped object with a girth of 38 inches plus or minus 4 inches (96 cm plus or minus 10 cm).

(e) The lanyard or lifeline used to create the free fall distance should be supplied with the system, or in its absence, the least elastic lanyard or lifeline available to be used with the system.

(f) The test weight for each test should be hoisted to the required level and should be quickly released without having any appreciable motion imparted to it.

(g) The system's performance should be evaluated taking into account the range of environmental conditions for which it is designed to be used.

(h) Following the test, the system need not be capable of further operation.

(3) Strength test.

(a) During the testing of all systems, a test weight of 300 pounds plus or minus 5 pounds (135 kg plus or minus 2.5 kg) should be used. (See subsection (2)(d) of this part.)

(b) The test consists of dropping the test weight once. A new unused system should be used for each test.

(c) For lanyard systems, the lanyard length should be 6 feet plus or minus 2 inches (1.83 m plus or minus 5 cm) as measured from the fixed anchorage to the attachment on the body belt or body harness.

(d) For rope-grab-type deceleration systems, the length of the lifeline above the centerline of the grabbing mechanism to the lifeline's anchorage point should not exceed 2 feet (0.61 m).

(e) For lanyard systems, for systems with deceleration devices which do not automatically limit free fall distance to 2 feet (0.61 m) or less, and for systems with deceleration devices which have a connection distance in excess of one foot (0.3 m) (measured between the centerline of the lifeline and the attachment point to the body harness), the test weight should be rigged to free fall a distance of 7.5 feet (2.3 m) from a point that is 1.5 feet (46 cm) above the anchorage point, to its hanging location (6 feet below the anchorage). The test weight should fall without interference, obstruction, or hitting the floor or ground during the test. In some cases a nonelastic wire lanyard of sufficient length may need to be added to the system (for test purposes) to create the necessary free fall distance.

(f) For deceleration device systems with integral lifelines or lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less, the test weight should be rigged to free fall a distance of 4 feet (1.22 m).

(g) Any weight which detaches from the harness should constitute failure for the strength test.

(4) Force test.

(a) General. The test consists of dropping the respective test weight specified in (b)(i) or (c)(i) of this subsection once. A new, unused system should be used for each test.

(b) For lanyard systems.

(i) A test weight of 220 pounds plus or minus three pounds (100 kg plus or minus 1.6 kg) should be used. (See subsection (2)(d) above.)

(ii) Lanyard length should be 6 feet plus or minus 2 inches (1.83 m plus or minus 5 cm) as measured from the fixed anchorage to the attachment on the body harness.

(iii) The test weight should fall free from the anchorage level to its hanging location (a total of 6 feet (1.83 m) free fall distance) without interference, obstruction, or hitting the floor or ground during the test.

(c) For all other systems.

(i) A test weight of 220 pounds plus or minus 3 pounds (100 kg plus or minus 1.6 kg) should be used. (See subsection (2)(d) above.)

(ii) The free fall distance to be used in the test should be the maximum fall distance physically permitted by the system during normal use conditions, up to a maximum free fall distance for the test weight of 6 feet (1.83 m), except as follows:

(A) For deceleration systems which have a connection link or lanyard, the test weight should free fall a distance equal to the connection distance (measured between the centerline of the lifeline and the attachment point to the body harness).

(B) For deceleration device systems with integral lifelines or lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less, the test weight should free fall a distance equal to that permitted by the system in normal use. (For example, to test a system with a self-retracting lifeline or lanyard, the test weight should be supported and the system allowed to retract the lifeline or lanyard as it would in normal use. The test weight would then be released and the force and deceleration distance measured).

(d) A system fails the force test if the recorded maximum arresting force exceeds 2,520 pounds (11.2 kN) when using a body harness.

(e) The maximum elongation and deceleration distance should be recorded during the force test.

(5) Deceleration device tests.

(a) General. The device should be evaluated or tested under the environmental conditions, (such as rain, ice, grease, dirt, type of lifeline, etc.), for which the device is designed.

(b) Rope-grab-type deceleration devices.

(i) Devices should be moved on a lifeline 1,000 times over the same length of line a distance of not less than one foot (30.5 cm), and the mechanism should lock each time.

(ii) Unless the device is permanently marked to indicate the type(s) of lifeline which must be used, several types (different diameters and different materials), of lifelines should be used to test the device.

(c) Other self-activating-type deceleration devices. The locking mechanisms of other self-activating-type deceleration devices designed for more than one arrest should lock each of 1,000 times as they would in normal service.

Part III

Additional nonmandatory guidelines for personal fall arrest systems. The following information constitutes additional guidelines for use in complying with requirements for a personal fall arrest system.

(1) Selection and use considerations. The kind of personal fall arrest system selected should match the particular work situation, and any possible free fall distance should be kept to a minimum. Consideration should be given to the particular work environment. For example, the presence of acids, dirt, moisture, oil, grease, etc., and their effect on the system, should be evaluated. Hot or cold environments may also have an adverse effect on the system. Wire rope should not be used where an electrical hazard is anticipated. As required by the standard, the employer must plan to have means available to promptly rescue an employee should a fall occur, since the suspended employee may not be able to reach a work level independently.

Where lanyards, connectors, and lifelines are subject to damage by work operations such as welding, chemical cleaning, and sandblasting, the component should be protected, or other securing systems should be used. The employer should fully evaluate the work conditions and environment (including seasonal weather changes) before selecting the appropriate personal fall protection system. Once in use, the system's effectiveness should be monitored. In some cases, a program for cleaning and maintenance of the system may be necessary.

(2) Testing considerations. Before purchasing or putting into use a personal fall arrest system, an employer should obtain from the supplier information about the system based on its performance during testing so that the employer can know if the system meets this standard. Testing should be done using recognized test methods. Part II of this Appendix C contains test methods recognized for evaluating the performance of fall arrest systems. Not all systems may need to be individually tested; the performance of some systems may be based on data and calculations derived from testing of similar systems, provided that enough information is available to demonstrate similarity of function and design.

(3) Component compatibility considerations. Ideally, a personal fall arrest system is designed, tested, and supplied as a complete system. However, it is common practice for lanyards, connectors, lifelines, deceleration devices, and body harnesses to be interchanged since some components wear out before others. The employer and employee should realize that not all components are interchangeable. For instance, a lanyard should not be connected between a body harness and a deceleration device of the self-retracting type since this can result in additional free fall for which the system was not designed. Any substitution or change to a personal fall arrest system should be fully evaluated or tested by a competent person to determine that it meets the standard, before the modified system is put in use.

(4) Employee training considerations. Thorough employee training in the selection and use of personal fall arrest systems is imperative. As stated in the standard, before the equipment is used, employees must be trained in the safe use of the system. This should include the following: Application limits; proper anchoring and tie-off techniques; estimation of free fall distance, including determination of deceleration distance, and total fall distance to prevent striking a lower level; methods of use; and inspection and storage of the system. Careless or improper use of the equipment can result in serious injury or death. Employers and employees should become familiar with the material in this Appendix, as well as manufacturer's recommendations, before a system is used. Of uppermost importance is the reduction in strength caused by certain tie-offs (such as using knots, tying around sharp edges, etc.) and maximum permitted free fall distance. Also, to be stressed are the importance of inspections prior to use, the limitations of the equipment, and unique conditions at the worksite which may be important in determining the type of system to use.

(5) Instruction considerations. Employers should obtain comprehensive instructions from the supplier as to the system's proper use and application, including, where applicable:

- (a) The force measured during the sample force test;
- (b) The maximum elongation measured for lanyards during the force test;
- (c) The deceleration distance measured for deceleration devices during the force test;
- (d) Caution statements on critical use limitations;

(e) Application limits;

(f) Proper hook-up, anchoring and tie-off techniques, including the proper dee-ring or other attachment point to use on the body harness for fall arrest;

(g) Proper climbing techniques;

(h) Methods of inspection, use, cleaning, and storage; and

(i) Specific lifelines which may be used. This information should be provided to employees during training.

(6) Inspection considerations. As stated in WAC 296-24-87035(6), personal fall arrest systems must be regularly inspected. Any component with any significant defect, such as cuts, tears, abrasions, mold, or undue stretching; alterations or additions which might affect its efficiency; damage due to deterioration; contact with fire, acids, or other corrosives; distorted hooks or faulty hook springs; tongues unfitted to the shoulder of buckles; loose or damaged mountings; nonfunctioning parts; or wearing or internal deterioration in the ropes must be withdrawn from service immediately, and should be tagged or marked as unusable, or destroyed.

(7) Rescue considerations. As required by WAC 296-24-87035(5)(h) when personal fall arrest systems are used, the employer must assure that employees can be promptly rescued or can rescue themselves should a fall occur. The availability of rescue personnel, ladders or other rescue equipment should be evaluated. In some situations, equipment which allows employees to rescue themselves after the fall has been arrested may be desirable, such as devices which have descent capability.

(8) Tie-off considerations.

(a) One of the most important aspects of personal fall protection systems is fully planning the system before it is put into use. Probably the most overlooked component is planning for suitable anchorage points. Such planning should ideally be done before the structure or building is constructed so that anchorage points can be incorporated during construction for use later for window cleaning or other building maintenance. If properly planned, these anchorage points may be used during construction, as well as afterwards.

(b) Employers and employees should at all times be aware that the strength of a personal fall arrest system is based on its being attached to an anchoring system which does not significantly reduce the strength of the system (such as a properly dimensioned eye-bolt/snap-hook anchorage). Therefore, if a means of attachment is used that will reduce the strength of the system, that component should be replaced by a stronger one, but one that will also maintain the appropriate maximum arrest force characteristics.

(c) Tie-off using a knot in a rope lanyard or lifeline (at any location) can reduce the lifeline or lanyard strength by 50 percent or more. Therefore, a stronger lanyard or lifeline should be used to compensate for the weakening effect of the knot, or the lanyard length should be reduced (or the tie-off location raised) to minimize free fall distance, or the lanyard or lifeline should be replaced by one which has an appropriately incorporated connector to eliminate the need for a knot.

(d) Tie-off of a rope lanyard or lifeline around an "H" or "I" beam or similar support can reduce its strength as much as 70 percent due to the cutting action of the beam edges. Therefore, use should be made of a webbing lanyard or wire core lifeline around the beam; or the lanyard or lifeline should be protected from the edge; or free fall distance should be greatly minimized.

(e) Tie-off where the line passes over or around rough or sharp surfaces reduces strength drastically. Such a tie-off should be avoided or an alternative tie-off rigging should be used. Such alternatives may include use of a snap-hook/dee-ring connection, wire rope tie-off, an effective padding of the surfaces, or an abrasion-resistance strap around or over the problem surface.

(f) Horizontal lifelines may, depending on their geometry and angle of sag, be subjected to greater loads than the impact load imposed by an attached component. When the angle of horizontal lifeline sag is less than 30 degrees, the impact force imparted to the lifeline by an attached lanyard is greatly amplified. For example, with a sag angle of 15 degrees, the force amplification is about 2:1 and at 5 degrees sag, it is about 6:1. Depending on the angle of sag, and the line's elasticity, the strength of the horizontal lifeline and the anchorages to which it is attached should be increased a number of times over that of the lanyard. Extreme care should be taken in considering a horizontal lifeline for multiple tie-offs. The reason for this is that in multiple tie-offs to a horizontal lifeline, if one employee falls, the movement of the falling employee and the horizontal lifeline during arrest of the fall may cause other employees to also fall. Horizontal lifeline and anchorage strength should be increased for each additional employee to be tied-off. For

these and other reasons, the design of systems using horizontal lifelines must only be done by qualified persons. Testing of installed lifelines and anchors prior to use is recommended.

(g) The strength of an eye-bolt is rated along the axis of the bolt and its strength is greatly reduced if the force is applied at an angle to this axis (in the direction of shear). Also, care should be exercised in selecting the proper diameter of the eye to avoid accidental disengagement of snap-hooks not designed to be compatible for the connection.

(h) Due to the significant reduction in the strength of the lifeline/lanyard (in some cases, as much as a 70 percent reduction), the sliding hitch knot should not be used for lifeline/lanyard connections except in emergency situations where no other available system is practical. The "one-and-one" sliding hitch knot should never be used because it is unreliable in stopping a fall. The "two-and-two," or "three-and-three" knot (preferable), may be used in emergency situations; however, care should be taken to limit free fall distance to a minimum because of reduced lifeline/lanyard strength.

(9) Vertical lifeline considerations. As required by the standard, each employee must have a separate lifeline when the lifeline is vertical. The reason for this is that in multiple tie-offs to a single lifeline, if one employee falls, the movement of the lifeline during the arrest of the fall may pull other employees' lanyards, causing them to fall as well.

(10) Snap-hook considerations.

(a) Although not required by this standard for all connections, locking snap-hooks designed for connection to suitable objects (of sufficient strength) are highly recommended in lieu of the nonlocking type. Locking snap-hooks incorporate a positive locking mechanism in addition to the spring loaded keeper, which will not allow the keeper to open under moderate pressure without someone first releasing the mechanism. Such a feature, properly designed, effectively prevents roll-out from occurring.

(b) As required by the standard WAC 296-24-87035 (5)(a) the following connections must be avoided (unless properly designed locking snap-hooks are used) because they are conditions which can result in roll-out when a nonlocking snap-hook is used:

- Direct connection of a snap-hook to a horizontal lifeline.
- Two (or more) snap-hooks connected to one dee-ring.
- Two snap-hooks connected to each other.
- A snap-hook connected back on its integral lanyard.
- A snap-hook connected to a webbing loop or webbing lanyard.
- Improper dimensions of the dee-ring, rebar, or other connection point in relation to the snap-hook dimensions which would allow the snap-hook keeper to be depressed by a turning motion of the snap-hook.

(11) Free fall considerations. The employer and employee should at all times be aware that a system's maximum arresting force is evaluated under normal use conditions established by the manufacturer, and in no case using a free fall distance in excess of 6 feet (1.8 m). A few extra feet of free fall can significantly increase the arresting force on the employee, possibly to the point of causing injury. Because of this, the free fall distance should be kept at a minimum, and, as required by the standard, in no case greater than 6 feet (1.8 m). To help assure this, the tie-off attachment point to the lifeline or anchor should be located at or above the connection point of the fall arrest equipment to harness. (Since otherwise additional free fall distance is added to the length of the connecting means (i.e. lanyard)). Attaching to the working surface will often result in a free fall greater than 6 feet (1.8 m). For instance, if a 6 foot (1.8 m) lanyard is used, the total free fall distance will be the distance from the working level to the body harness attachment point plus the 6 feet (1.8 m) of lanyard length. Another important consideration is that the arresting force which the fall system must withstand also goes up with greater distances of free fall, possibly exceeding the strength of the system.

(12) Elongation and deceleration distance considerations. Other factors involved in a proper tie-off are elongation and deceleration distance. During the arresting of a fall, a lanyard will experience a length of stretching or elongation, whereas activation of a deceleration device will result in a certain stopping distance. These distances should be available with the lanyard or device's instructions and must be added to the free fall distance to arrive at the total fall distance before an employee is fully stopped. The additional stopping distance may be very significant if the lanyard or deceleration device is attached near or at the end of a long lifeline, which may itself add considerable distance due to its own elongation. As required by the standard, sufficient distance to allow for all of these factors must also be maintained between

the employee and obstructions below, to prevent an injury due to impact before the system fully arrests the fall. In addition, a minimum of 12 feet (3.7 m) of lifeline should be allowed below the securing point of a rope grab type deceleration device, and the end terminated to prevent the device from sliding off the lifeline. Alternatively, the lifeline should extend to the ground or the next working level below. These measures are suggested to prevent the worker from inadvertently moving past the end of the lifeline and having the rope grab become disengaged from the lifeline.

(13) Obstruction considerations. The location of the tie-off should also consider the hazard of obstructions in the potential fall path of the employee. Tie-offs which minimize the possibilities of exaggerated swinging should be considered.

(14) Other considerations. Because of the design of some personal fall arrest systems, additional considerations may be required for proper tie-off. For example, heavy deceleration devices of the self-retracting type should be secured overhead in order to avoid the weight of the device having to be supported by the employee. Also, if self-retracting equipment is connected to a horizontal lifeline, the sag in the lifeline should be minimized to prevent the device from sliding down the lifeline to a position which creates a swing hazard during fall arrest. In all cases, manufacturer's instructions should be followed.

NEW SECTION

WAC 296-24-87037 APPENDIX D—EXISTING INSTALLATIONS (MANDATORY). (1) Use of the appendix.

Appendix D sets out the mandatory building and equipment requirements for applicable permanent installations completed after August 27, 1971, and no later than July 23, 1990 which are exempt from WAC 296-24-870 through 296-24-87013.

Note: All existing installations subject to this Appendix shall also comply with WAC 296-24-87009, 296-24-87015, 296-24-87017, 296-24-87019, and Appendix C.

(2) Definitions applicable to this appendix.

(a) Angulated roping. A system of platform suspension in which the upper wire rope sheaves or suspension points are closer to the plane of the building face than the corresponding attachment points on the platform, thus causing the platform to press against the face of the building during its vertical travel.

(b) ANSI. American National Standards Institute.

(c) Babbitted fastenings. The method of providing wire rope attachments in which the ends of the wire strands are bent back and are held in a tapered socket by means of poured molten babbitt metal.

(d) Brake—disc type. A brake in which the holding effect is obtained by frictional resistance between one or more faces of discs keyed to the rotating member to be held and fixed discs keyed to the stationary or housing member (pressure between the discs being applied axially).

(e) Brake—self-energizing band type. An essentially unidirectional brake in which the holding effect is obtained by the snubbing action of a flexible band wrapped about a cylindrical wheel or drum affixed to the rotating member to be held, the connections and linkages being so arranged that the motion of the brake wheel or drum will act to increase the tension or holding force of the band.

(f) Brake—shoe type. A brake in which the holding effect is obtained by applying the direct pressure of two or more segmental friction elements held to a stationary member against a cylindrical wheel or drum affixed to the rotating member to be held.

(g) Building face rollers. A specialized form of guide roller designed to contact a portion of the outer face or wall structure of the building, and to assist in stabilizing the operators' platform during vertical travel.

(h) Continuous pressure. Operation by means of buttons or switches, any one of which may be used to control the movement of the working platform or roof car, only as long as the button or switch is manually maintained in the actuating position.

(i) Control. A system governing starting, stopping, direction, acceleration, speed, and retardation of moving members.

(j) Controller. A device or group of devices, usually contained in a single enclosure, which serves to control in some predetermined manner the apparatus to which it is connected.

(k) Electrical ground. A conducting connection between an electrical circuit or equipment and the earth, or some conducting body which serves in place of the earth.

(l) Guide roller. A rotating, bearing-mounted, generally cylindrical member, operating separately or as part of a guide shoe assembly, attached to the platform, and providing rolling contact with building guideways, or other building contact members.

(m) Guide shoe. An assembly of rollers, slide members, or the equivalent, attached as a unit to the operators' platform, and designed to engage with the building members provided for the vertical guidance of the operators' platform.

(n) Interlock. A device actuated by the operation of some other device with which it is directly associated, to govern succeeding operations of the same or allied devices.

(o) Operating device. A pushbutton, lever, or other manual device used to actuate a control.

(p) Powered platform. Equipment to provide access to the exterior of a building for maintenance, consisting of a suspended power-operated working platform, a roof car, or other suspension means, and the requisite operating and control devices.

(q) Rated load. The combined weight of employees, tools, equipment, and other material which the working platform is designed and installed to lift.

(r) Relay, direction. An electrically energized contactor responsive to an initiating control circuit, which in turn causes a moving member to travel in a particular direction.

(s) Relay, potential for vertical travel. An electrically energized contactor responsive to initiating control circuit, which in turn controls the operation of a moving member in both directions. This relay usually operates in conjunction with direction relays, as covered under the definition, "relay, direction."

(t) Roof car. A structure for the suspension of a working platform, providing for its horizontal movement to working positions.

(u) Roof-powered platform. A powered platform having the raising and lowering mechanism located on a roof car.

(v) Self-powered platform. A powered platform having the raising and lowering mechanism located on the working platform.

(w) Traveling cable. A cable made up of electrical or communication conductors or both, and providing electrical connection between the working platform and the roof car or other fixed point.

(x) Weatherproof. Equipment so constructed or protected that exposure to the weather will not interfere with its proper operation.

(y) Working platform. The suspended structure arranged for vertical travel which provides access to the exterior of the building or structure.

(z) Yield point. The stress at which the material exhibits a permanent set of 0.2 percent.

(aa) Zinced fastenings. The method of providing wire rope attachments in which the splayed or fanned wire ends are held in a tapered socket by means of poured molten zinc.

(3) General requirements.

(a) Design requirements. All powered platform installations for exterior building maintenance completed as of August 27, 1971, but no later than January 25, 1990, shall meet all of the design, construction and installation requirements of Part II and III of the "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance ANSI A120.1-1970" and of this appendix. References shall be made to appropriate parts of ANSI A120.1-1970 for detail specifications for equipment and special installations.

(b) Limitation. The requirements of this appendix apply only to electric-powered platforms. It is not the intent of this appendix to prohibit the use of other types of power. Installation of powered platforms using other types of power is permitted, provided such platforms have adequate protective devices for the type of power used, and otherwise provide for reasonable safety of life and limb to users of equipment and to others who may be exposed.

(c) Types of powered platforms.

(i) For the purpose of applying this appendix, powered platforms are divided into two basic types, Type F and Type T.

(ii) Powered platforms designated as Type F shall meet all the requirements in Part II of ANSI A120.1-1970, American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance. A basic requirement of Type F equipment is that the work platform is suspended by at least 4 wire ropes and designed so that failure of any one wire rope will not substantially alter the normal position of the working platform. Another basic requirement of Type F equipment is that only one layer of hoisting rope is permitted on winding drums. Type F powered platforms may be either roof-powered or self-powered.

(iii) Powered platforms designated as Type T shall meet all the requirements in Part III of ANSI A120.1-1970 American National

Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance, except for section 28, Safety Belts and Life Lines. A basic requirement of Type T equipment is that the working platform is suspended by at least 2 wire ropes. Failure of one wire rope would not permit the working platform to fall to the ground, but would upset its normal position. Type T powered platforms may be either roof-powered or self-powered.

(iv) The requirements of this section apply to powered platforms with winding drum type hoisting machines. It is not the intent of this section to prohibit powered platforms using other types of hoisting machines such as, but not limited to, traction drum hoisting machines, air powered machines, hydraulic powered machines, and internal combustion machines. Installation of powered platforms with other types of hoisting machines is permitted, provided adequate protective devices are used, and provided reasonable safety of life and limb to users of the equipment and to others who may be exposed is assured.

(v) Both Type F and Type T powered platforms shall comply with the requirements of Appendix C of this standard.

(4) Type F powered platforms.

(a) Roof car, general.

(i) A roof car shall be provided whenever it is necessary to move the working platform horizontally to working or storage positions.

(ii) The maximum rated speed at which a power traversed roof car may be moved in a horizontal direction shall be 50 feet per minute.

(b) Movement and positioning of roof car.

(i) Provision shall be made to protect against having the roof car leave the roof or enter roof areas not designed for travel.

(ii) The horizontal motion of the roof cars shall be positively controlled so as to insure proper movement and positioning of the roof car.

(iii) Roof car positioning devices shall be provided to insure that the working platform is placed and retained in proper position for vertical travel and during storage.

(iv) Mechanical stops shall be provided to prevent the traversing of the roof car beyond its normal limits of travel. Such stops shall be capable of withstanding a force equal to 100 percent of the inertial effect of the roof car in motion with traversing power applied.

(v) The operating device of a power-operated roof car for traversing shall be located on the roof car, the working platform, or both, and shall be of the continuous pressure weather-proof electric type. If more than one operating device is provided, they shall be so arranged that traversing is possible only from one operating device at a time.

(vi) The operating device shall be so connected that it is not operable until:

(A) The working platform is located at its uppermost position of travel and is not in contact with the building face or fixed vertical guides in the face of the building; and

(B) All protective devices and interlocks are in a position for traversing.

(c) Roof car stability. Roof car stability shall be determined by either items (i) or (ii), whichever is greater.

(i) The roof car shall be continuously stable, considering overturning moment as determined by 125 percent rated load, plus maximum dead load and the prescribed wind loading.

(ii) The roof car and its anchorages shall be capable of resisting accidental over-tensioning of the wire ropes suspending the working platform and this calculated value shall include the effect of one and one-half times the value. For this calculation, the simultaneous effect of one-half wind load shall be included, and the design stresses shall not exceed those referred to in subsection (3)(a) of this Appendix.

(iii) If the load on the motors is at any time in excess of three times that required for lifting the working platform with its rated load the motor shall stall.

(d) Access to the roof car. Safe access to the roof car and from the roof car to the working platform shall be provided. If the access to the roof car at any point of its travel is not over the roof area or where otherwise necessary for safety, self-closing, self-locking gates shall be provided. Applicable provisions WAC 296-24-735 through 296-24-810 shall apply.

(e) Means for maintenance, repair, and storage. Means shall be provided to run the roof car away from the roof perimeter, where necessary, and to provide a safe area for maintenance, repairs, and storage. Provisions shall be made to secure the machine in the stored position. For stored machines subject to wind forces, see special design and anchorage requirements for "wind forces" in Part II, section 10.5.1.1 of ANSI A120.1-1970 American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance.

(f) General requirements for working platforms. The working platform shall be of girder or truss construction and shall be adequate to support its rated load under any position of loading, and comply with the provisions set forth in section 10 of ANSI A120.1-1970, American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance.

(g) Load rating plate. Each working platform shall bear a manufacturer's load rating plate, conspicuously posted; stating the maximum permissible rated load. Load rating plates shall be made of noncorrosive material and shall have letters and figures stamped, etched, or cast on the surface. The minimum height of the letters and figures shall be one-fourth inch.

(h) Minimum size. The working platform shall have a minimum net width of 24 inches.

(i) Guardrails. Working platforms shall be furnished with permanent guard rails not less than 36 inches high, and not more than 42 inches high at the front (building side). At the rear, and on the sides, the rail shall not be less than 42 inches high. An intermediate guardrail shall be provided around the entire platform between the top guardrail and the toeboard. The top rail shall withstand a minimum of 200 pounds pressure.

(j) Toeboards. A four-inch toeboard shall be provided along all sides of the working platform.

(k) Open spaces between guardrails and toeboards. The spaces between the intermediate guardrail and platform toeboard on the building side of the working platform, and between the top guardrail and the toeboard on other sides of the platform, shall be filled with metallic mesh or similar material that will reject a ball one inch in diameter. The installed mesh shall be capable of withstanding a load of 100 pounds applied horizontally over any area of 144 square inches. If the space between the platform and the building face does not exceed eight inches, and the platform is restrained by guides, the mesh may be omitted on the front side.

(l) Flooring. The platform flooring shall be of the nonskid type, and if of open construction, shall reject a 9/16-inch diameter ball, or be provided with a screen below the floor to reject a 9/16-inch diameter ball.

(m) Access gates. Where access gates are provided, they shall be self-closing and self-locking.

(n) Operating device for vertical movement of the working platform.

(i) The normal operating device for the working platform shall be located on the working platform and shall be of the continuous pressure weatherproof electric type.

(ii) The operating device shall be operable only when all electrical protective devices and interlocks on the working platform are in position for normal service and, the roof car, if provided, is at an established operating point.

(o) Emergency electric operative device.

(i) In addition, on roof-powered platforms, an emergency electric operating device shall be provided near the hoisting machine for use in the event of failure of the normal operating device for the working platform, or failure of the traveling cable system. The emergency operating device shall be mounted in a locked compartment and shall have a legend mounted thereon reading: "For Emergency Operation Only. Establish Communication With Personnel on Working Platform Before Use."

(ii) A key for unlocking the compartment housing the emergency operating device shall be mounted in a break-glass receptacle located near the emergency operating device.

(p) Manual cranking for emergency operation. Emergency operation of the main drive machine may be provided to allow manual cranking. This provision for manual operation shall be designed so that not more than two persons will be required to perform this operation. The access to this provision shall include a means to automatically make the machine inoperative electrically while under the emergency manual operation. The design shall be such that the emergency brake is operative at or below governor tripping speed during manual operation.

(q) Arrangement and guarding of hoisting equipment.

(i) Hoisting equipment shall consist of a power-driven drum or drum contained in the roof car (roof-powered platforms) or contained on the working platform (self-powered platform).

(ii) The hoisting equipment shall be power-operated in both up and down directions.

(iii) Guard or other protective devices shall be installed wherever rotating shafts or other mechanisms or gears may expose personnel to a hazard.

(iv) Friction devices or clutches shall not be used for connecting the main driving mechanism to the drum or drums. Belt or chain-driven machines are prohibited.

(r) Hoisting motors.

(i) Hoisting motors shall be electric and of weather-proof construction.

(ii) Hoisting motors shall be in conformance with applicable provisions of subdivision (v) of this subsection, Electric Wiring and Equipment.

(iii) Hoisting motors shall be directly connected to the hoisting machinery. Motor couplings, if used, shall be of steel construction.

(s) Brakes. The hoisting machine(s) shall have two independent braking means, each designed to stop and hold the working platform with 125 percent of rated load.

(t) Hoisting ropes and rope connections.

(i) Working platforms shall be suspended by wire ropes of either 6 x 19 or 6 x 37 classification, preformed or nonpreformed.

(ii) (Reserved)

(iii) The minimum factor of safety shall be 10, and shall be calculated by the following formula:

$$F = S \times N / W$$

Where

S = Manufacturer's rated breaking strength of one rope.

N = Number of ropes under load.

W = Maximum static load on all ropes with the platform and its rated load at any point of its travel.

(iv) Hoisting ropes shall be sized to conform with the required factor of safety, but in no case shall the size be less than 5/16 inch diameter.

(v) Winding drums shall have at least three turns of rope remaining when the platform has landed at the lowest possible point of its travel.

(vi) The lengthening or repairing of wire rope by the joining of two or more lengths is prohibited.

(vii) The nondrum ends of the hoisting ropes shall be provided with individual shackle rods which will permit individual adjustment of rope lengths, if required.

(viii) More than two reverse bends in each rope is prohibited.

(u) Rope tag data. A metal data tag shall be securely attached to one of the wire rope fastenings. This data tag shall bear the following wire rope data:

(i) The diameter in inches.

(ii) Construction classification.

(iii) Whether nonpreformed or preformed.

(iv) The grade of material used.

(v) The manufacturer's rated breaking strength.

(vi) Name of the manufacturer of the rope.

(vii) The month and year the ropes were installed.

(v) Electrical wiring and equipment.

(i) All electrical equipment and wiring shall conform to the requirements of the National Electrical Code, NFPA 70-1987; ANSI C1-1987, except as modified by ANSI A120.1-1970 "American National Standard Safety Requirements for Powered Platforms for Exterior Building Maintenance." For detail design specifications for electrical equipment, see Part 2, ANSI A120.1-1970.

(ii) All motors and operation and control equipment shall be supplied from a single power source.

(iii) The power supply for the powered platform shall be an independent circuit supplied through a fused disconnect switch.

(iv) Electrical conductor parts of the power supply system shall be protected against accidental contact.

(v) Electrical grounding shall be provided.

(A) Provisions for electrical grounding shall be included with the power-supply system.

(B) Controller cabinets, motor frames, hoisting machines, the working platform, roof car and roof car track system, and noncurrent carrying parts of electrical equipment, where provided, shall be grounded.

(C) The controller, where used, shall be so designed and installed that a single ground or short circuit will not prevent both the normal and final stopping device from stopping the working platform.

(D) Means shall be provided on the roof car and working platform for grounding portable electric tools.

(E) The working platform shall be grounded through a grounding connection in a traveling cable. Electrically powered tools utilized on the working platform shall be grounded.

(vi) Electrical receptacles located on the roof or other exterior location shall be of a weatherproof type and shall be located so as not to be subject to contact with water or accumulated snow. The receptacles

shall be grounded and the electric cable shall include a grounding conductor. The receptacle and plug shall be a type designed to avoid hazard to persons inserting or withdrawing the plug. Provision shall be made to prevent application of cable strain directly to the plug and receptacle.

(vii) Electric runway conductor systems shall be of the type designed for use in exterior locations and shall be located so as not to be subject to contact with water or accumulated snow. The conductors, collectors, and disconnecting means shall conform to the same requirements as those for cranes and hoists in Article 610 of the National Electrical Code, NFPA 70-1987; ANSI C1-1987. A grounded conductor shall parallel the power conductors and be so connected that it cannot be opened by the disconnecting means. The system shall be designed to avoid hazard to persons in the area.

(viii) Electrical protective devices and interlocks of the weatherproof type shall be provided.

(ix) Where the installation includes a roof car, electric contact(s) shall be provided and so connected that the operating devices for the working platform shall be operative only when the roof car is located and mechanically retained at an established operating point.

(x) Where the powered platform includes a power-operated roof car, the operating device for the roof car shall be inoperative when the roof car is mechanically retained at an established operating point.

(xi) An electric contact shall be provided and so connected that it will cause the down direction relay for vertical travel to open if the tension in the traveling cable exceeds safe limits.

(xii) An automatic overload device shall be provided to cut off the electrical power to the circuit in all hoisting motors for travel in the up direction, should the load applied to the hoisting ropes at either end of the working platform exceed 125 percent of its normal tension with rated load, as shown on the manufacturer's data plate on the working platform.

(xiii) An automatic device shall be provided for each hoisting rope which will cut off the electrical power to the hoisting motor or motors in the down direction and apply the brakes if any hoisting rope becomes slack.

(xiv) Upper and lower directional limit devices shall be provided to prevent the travel of the working platform beyond the normal upper and lower limits of travel.

(xv) Operation of a directional limit device shall prevent further motion in the appropriate direction, if the normal limit of travel has been reached.

(xvi) Directional limit devices, if driven from the hoisting machine by chains, tapes, or cables, shall incorporate a device to disconnect the electric power from the hoisting machine and apply both the primary and secondary brakes in the event of failure of the driving means.

(xvii) Final terminal stopping devices of the working platform:

(A) Final terminal stopping devices for the working platform shall be provided as a secondary means of preventing the working platform from over-traveling at the terminals.

(B) The device shall be set to function as close to each terminal landing as practical, but in such a way that under normal operating conditions it will not function when the working platform is stopped by the normal terminal stopping device.

(C) Operation of the final terminal stopping device shall open the potential relay for vertical travel, thereby disconnecting the electric power from the hoisting machine, and applying both the primary and secondary brakes.

(D) The final terminal stopping device for the upper limit of travel shall be mounted so that it is operated directly by the motion of the working platform itself.

(xviii) Emergency stop switches shall be provided in or adjacent to each operating device.

(xix) Emergency stop switches shall:

(A) Have red operating buttons or handles.

(B) Be conspicuously and permanently marked "Stop."

(C) Be the manually opened and manually closed type.

(D) Be positively opened with the opening not solely dependent on springs.

(xx) The manual operation of an emergency stop switch associated with an operating device for the working platform shall open the potential relay for vertical travel, thereby disconnecting the electric power from the hoisting machine and applying both the primary and secondary brakes.

(xxi) The manual operation of the emergency stop switch associated with the operating device for a power-driven roof car shall cause the

electrical power to the traverse machine to be interrupted, and the traverse machine brake to apply.

(w) Requirements for emergency communications.

(i) Communication equipment shall be provided for each powered platform for use in an emergency.

(ii) Two-way communication shall be established between personnel on the roof and personnel on the stalled working platform before any emergency operation of the working platform is undertaken by personnel on the roof.

(iii) The equipment shall permit two-way voice communication between the working platform; and

(A) Designated personnel continuously available while the powered platform is in use; and

(B) Designated personnel on roof-powered platforms, undertaking emergency operation of the working platform by means of the emergency operating device located near the hoisting machine.

(iv) The emergency communication equipment shall be one of the following types:

(A) Telephone connected to the central telephone exchange system; or

(B) Telephones on a limited system or an approved two-way radio system, provided designated personnel are available to receive a message during the time the powered platform is in use.

(5) Type T powered platforms.

(a) Roof car. The requirements of subsection (4)(a) through (4)(e) of this Appendix shall apply to Type T powered platforms.

(b) Working platform. The requirements of subsection (4)(f) through (4)(p) of this Appendix apply to Type T powered platforms.

(i) The working platform shall be suspended by at least two wire ropes.

(ii) The maximum rated speed at which the working platform of self-powered platforms may be moved in a vertical direction shall not exceed 35 feet per minute.

(c) Hoisting equipment. The requirements of subsection (4)(q) and (r) of this Appendix shall apply to Type T powered platforms.

(d) Brakes. Brakes requirements of subsection (4)(s) of this Appendix shall apply.

(e) Hoisting ropes and rope connections.

(i) Subsection (4)(t)(i) through (vi) and (viii) of this Appendix shall apply to Type T powered platforms.

(ii) Adjustable shackle rods in subsection (4)(t)(vii) of this Appendix shall apply to Type T powered platforms, if the working platform is suspended by more than two wire ropes.

(f) Electrical wiring and equipment.

(i) The requirements of subsection (4)(v)(i) through (vi) of this Appendix shall apply to Type T powered platforms. "Circuit protection limitation," "powered platform electrical service system," all operating services and control equipment shall comply with the specifications contained in Part 2, section 26, ANSI A120.1-1970.

(ii) For electrical protective devices the requirements of subsection (4)(v)(i) through (viii) of this Appendix shall apply to Type T powered platforms. Requirements for the "circuit potential limitation" shall be in accordance with specifications contained in Part 2, section 26, of ANSI A120.1-1970.

(g) Emergency communications. All the requirements of subsection (4)(w) of this Appendix shall apply to Type T powered platforms.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-24-87003 GENERAL REQUIREMENTS.
WAC 296-24-87005 TYPE F POWERED PLATFORMS.
WAC 296-24-87007 TYPE T POWERED PLATFORMS.

AMENDATORY SECTION (Amending Order 79-14, filed 9/21/79)

WAC 296-54-569 MOTOR TRUCK LOG TRANSPORTATION—BRAKE REQUIREMENTS. (1) Motor logging trucks and trailers shall be equipped with brakes or other control methods which will safely stop and hold the maximum load on the maximum grade. When unattended trucks are parked on a grade, in addition to setting the brakes, the wheels shall be chocked or blocked.

(2) ~~((Logging truck tractors having more than two axles need not have brakes on the steering axle wheels.~~

~~(3))~~ All trucks equipped with air brakes shall be also equipped with a readily visual or audible low air pressure warning device in good working order.

~~((4))~~ (3) Engine-type brakes shall be considered as auxiliary controls, not a substitute for the requirement for a service brake system.

~~((5))~~ (4) Brake drums shall be maintained free of cracks, breaks or defects. Defective brake drums, cans, shoes or air lines shall be immediately repaired or replaced.

AMENDATORY SECTION (Amending Order 82-1, filed 1/15/82)

WAC 296-62-07107 PERMISSIBLE PRACTICE. (1) In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fumes, sprays, mists, fogs, smokes, vapors, gases, or other airborne contaminants, the primary objective shall be to prevent atmospheric contamination. When effective administrative or engineering controls are not feasible, or while they are being instituted or evaluated, appropriate respirators shall be used pursuant to the following requirements.

(2) Employer responsibility.

(a) Respirators shall be provided at no cost to an employee by the employer and the employer shall ensure the use of such equipment when such equipment is necessary to protect the health of the employee.

(b) The employer shall provide respirators which are applicable and suitable for the purpose intended.

(c) The employer shall be responsible for the establishment and maintenance of a respiratory protection program which shall minimally include the general requirements outlined in WAC 296-62-07109.

(3) Employee responsibility. The employee shall use the provided respiratory protection in accordance with instructions and training received. The employee shall notify a responsible person of any defect.

AMENDATORY SECTION (Amending Order 87-24, filed 11/30/87)

WAC 296-62-07517 ((ASBESTOS)) RESERVED.

~~((This standard applies whenever all or part of the revised standards are rendered unenforceable because of a stay or judicial action. In such a case, to preclude a gap in coverage, parallel provisions of this standard will take effect. The department will publish an appropriate notice announcing each such application of this standard. This standard also applies pursuant to the requirements of WAC 296-62-07701.~~

(1) Definitions. For the purpose of this section;

(a) "Asbestos" means chrysotile, amosite, crocidolite, tremolite asbestos, anthophyllite asbestos, actinolite asbestos and any of these materials that have been chemically treated and/or altered.

(b) "Asbestos fibers" means asbestos fibers five micrometers or longer.

(2) Permissible exposure to airborne concentrations of asbestos fibers:

(a) The eight-hour time-weighted average airborne concentrations of asbestos fibers to which any employee may be exposed shall not exceed two fibers, longer than five micrometers, per cubic centimeter of air, as determined by the method prescribed in subsection (5) of this section.

(b) Ceiling concentration. No employee shall be exposed at any time to airborne concentrations of asbestos fibers in excess of ten fibers, longer than five micrometers, per cubic centimeter of air, as determined by the method prescribed in subsection (5) of this section.

(3) Methods of compliance.

(a) Engineering methods.

(i) Engineering controls. Engineering controls, such as, but not limited to, isolation, enclosure, exhaust ventilation, and dust collection, shall be used to meet the exposure limits prescribed in subsection (2) of this section.

(ii) Local exhaust ventilation. Local exhaust ventilation and dust collection systems shall be designed, constructed, installed, and maintained in accordance with the American National Standard Fundamentals Governing the Design and Operation of Local Exhaust Systems, ANSI Z9.2-1971, which is incorporated by reference herein.

(iii) Particular tools. All hand-operated and power-operated tools which may produce or release asbestos fibers in excess of the exposure limits prescribed in subsection (2) of this section, such as, but not limited to, saws, scorers, abrasive wheels, and drills, shall be provided with local exhaust ventilation systems in accordance with (a)(ii) of this subsection.

(b) Work practices:

(i) Wet methods. Insofar as practicable, asbestos shall be handled, mixed, applied, removed, cut, scored, or otherwise worked in a wet state sufficient to prevent the emission of airborne fibers in excess of the exposure limits prescribed in subsection (2) of this section, unless the usefulness of the product would be diminished thereby.

(ii) Particular products and operations. No asbestos cement, mortar, coating, grout, plaster, or similar material containing asbestos shall be removed from bags, cartons, or other containers in which they are shipped, without being either wetted, or enclosed, or ventilated so as to prevent effectively the release of airborne asbestos fibers in excess of the limits prescribed in subsection (2) of this section.

(iii) Spraying, demolition, or removal. Employees engaged in the spraying of asbestos, the removal, or demolition of pipes, structures, or equipment covered or insulated with asbestos, and in the removal or demolition of asbestos insulation or coverings shall be provided with respiratory equipment in accordance with subsection (4)(b)(iii) of this section and with special clothing in accordance with subsection (4)(c) of this section.

(4) Personal protective equipment:

(a) Compliance with the exposure limits prescribed by subsection (2) of this section may not be achieved by the use of respirators or shift rotation of employees except:

(i) During the time period necessary to install the engineering controls and to institute the work practices required by subsection (3) of this section.

(ii) In work situations in which the methods prescribed in subsection (3) of this section are either technically not feasible or feasible to an extent insufficient to reduce the airborne concentrations of asbestos fibers below the limits prescribed by subsection (2) of this section; or

(iii) In emergencies.

(iv) Where both respirators and personnel rotation are allowed by (a)(i); (ii); or (iii) of this subsection, and both are practicable, personnel rotation shall be preferred and used.

(b) Where a respirator is permitted by (a)(i), (ii), or (iii) of this subsection, it shall comply with the applicable provisions of WAC 296-62-0771.

(i) Air purifying respirators. A reusable or single use air purifying respirator, or a respirator described in (b)(ii) or (iii) of this subsection shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in subsection (2)(a) of this section, when the eight-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed no more than ten times those limits.

(ii) Powered air purifying respirators. A full facepiece powered air purifying respirator, or a powered air purifying respirator, or a respirator described in (b)(iii) of this subsection, shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in subsection (2)(a) of this section, when the eight-hour time-weighted average concentrations of asbestos fibers are reasonably expected to exceed ten times, but not one hundred times, those limits.

(iii) Type "C" supplied-air respirators, continuous flow or pressure-demand class. A type "C" continuous flow or pressure-demand, supplied-air respirator shall be used to reduce the concentrations of airborne asbestos fibers in the respirator below the exposure limits prescribed in subsection (2)(a) of this section, when the eight-hour time-weighted average airborne concentrations of asbestos fibers are reasonably expected to exceed one hundred times those limits.

(iv) Establishment of a respirator program:

(A) The employer shall establish a respirator program in accordance with the requirements of chapter 296-62 WAC and shall include the respirator protection factors listed in Table 1 of this section:

(B) No employee shall be assigned to tasks requiring the use of respirators if, based upon his most recent examination, an examining physician determines that the employee will be unable to function normally wearing a respirator, or that the safety or health of the employee or other employees will be impaired by his use of a respirator. Such employee shall be rotated to another job or given the opportunity to transfer to a different position whose duties he is able to perform with the same employer, in the same geographical area and with the same seniority, status, and rate of pay he had just prior to such transfer, if such a different position is available.

(c) Special clothing. The employer shall provide, and require the use of, special clothing, such as coveralls or similar whole body clothing, head coverings, gloves, and foot coverings for any employee exposed to airborne concentrations of asbestos fibers, which exceed eight-hour

~~time-weighted average airborne concentrations of asbestos fibers prescribed in subsection (2)(a) of this section.~~

~~(d) Change rooms:~~

~~(i) At any fixed place of employment exposed to airborne concentrations of asbestos fibers in excess of the exposure limits prescribed in subsection (2) of this section, the employer shall provide change rooms for employees working regularly at the place.~~

~~(ii) Clothes lockers: The employer shall provide two separate lockers or containers for each employee, so separated or isolated as to prevent contamination of the employee's street clothes from his work clothes.~~

~~(iii) Laundering:~~

~~(A) Laundering of asbestos contaminated clothing shall be done so as to prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in subsection (2) of this section.~~

~~(B) Any employer who gives asbestos-contaminated clothing to another person for laundering shall inform such person of the requirement in (d) of this subsection to effectively prevent the release of airborne asbestos fibers in excess of the exposure limits prescribed in subsection (2) of this section.~~

~~(C) Contaminated clothing shall be transported in sealed impermeable bags, or other closed, impermeable containers, and labeled in accordance with subsection (7)(b) of this section.~~

~~(5) Method of measurement. All determinations of airborne concentrations of asbestos fibers shall be made by the membrane filter method at 400-450 X (magnification) four-millimeter objective) with phase contrast illumination.~~

~~(6) Monitoring:~~

~~(a) Initial determinations. Every employer shall cause every place of employment where asbestos fibers are released to be monitored in such a way as to determine whether every employee's exposure to asbestos fibers is below the limits prescribed in subsection (2) of this section. If the limits are exceeded, the employer shall immediately undertake a compliance program in accordance with subsection (3) of this section.~~

~~(b) Personal monitoring:~~

~~(i) Samples shall be collected from within the breathing zone of the employees, on membrane filters of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the eight-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.~~

~~(ii) Sampling frequency and patterns. After the initial determinations required by (a) of this subsection, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of employees. In no case shall the sampling be done at intervals greater than six months for employees whose exposure to asbestos may reasonably be foreseen to exceed the limits prescribed by subsection (2) of this section.~~

~~(c) Environmental monitoring:~~

~~(i) Samples shall be collected from areas of a work environment which are representative of the airborne concentrations of asbestos fibers which may reach the breathing zone of employees. Samples shall be collected on a membrane filter of 0.8 micrometer porosity mounted in an open-face filter holder. Samples shall be taken for the determination of the eight-hour time-weighted average airborne concentrations and of the ceiling concentrations of asbestos fibers.~~

~~(ii) Sampling frequency and patterns. After the initial determinations required by (a) of this subsection, samples shall be of such frequency and pattern as to represent with reasonable accuracy the levels of exposure of the employees. In no case shall sampling be at intervals greater than six months for employees whose exposures to asbestos may reasonably be foreseen to exceed the exposure limits prescribed in subsection (2) of this section.~~

~~(d) Employee observation of monitoring. Affected employees, or their representatives, shall be given a reasonable opportunity to observe any monitoring required by this subsection and shall have access to the records thereof.~~

~~(7) Caution signs and labels:~~

~~(a) Caution signs:~~

~~(i) Posting. Caution signs shall be provided and displayed at each location where airborne concentrations of asbestos fibers are reasonably expected to be released or where airborne concentrations of asbestos fibers may be in excess of the exposure limits prescribed in subsection (2) of this section. Signs shall be posted at such a distance from such a location so that an employee may read the signs and take necessary protective steps before entering the area marked by the signs. Signs shall be posted at all approaches to areas containing airborne asbestos fibers.~~

~~(ii) Sign specifications. The warning signs required by (a)(i) of this subsection shall conform to the requirements of 20" X 14" vertical format signs specified in WAC 296-24-14007(4) and to this subsection. The signs shall display the following legend in the lower panel, with letter sizes and styles of a visibility at least equal to that specified in this subdivision:~~

Legend	Notation
Asbestos	1" Sans Serif, Gothic or Block.
Dust hazard	3/4" Sans Serif, Gothic or Block.
Avoid breathing dust	1/4" Gothic.
Wear assigned protective equipment	1/4" Gothic.
Do not remain in area unless your work requires it	1/4" Gothic.
Breathing asbestos dust may be hazardous to your health	14 point Gothic.

~~Spacing between lines shall be at least equal to the height of the upper of any two lines.~~

~~(b) Caution labels:~~

~~(i) Labeling. Caution labels shall be affixed to all raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, or to their containers, except that no label is required where asbestos fibers have been modified by a bonding agent, coating, binder, or other material so that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of asbestos fibers will be released.~~

~~(ii) Label specifications. The caution labels required by (b)(i) of this subsection shall be printed in letters of sufficient size and contrast as to be readily visible and legible. The label shall state:~~

~~CAUTION
Contains Asbestos Fibers
Avoid Creating Dust
Breathing Asbestos Dust May Cause
Serious Bodily Harm~~

~~(8) Housekeeping:~~

~~(a) Cleaning. All external surfaces in any place of employment shall be maintained free of accumulations of asbestos fibers.~~

~~(b) Waste disposal. Asbestos waste, scrap, debris, bags, containers, equipment, and asbestos-contaminated clothing, consigned for disposal, shall be collected and disposed of in sealed impermeable bags, or other closed, impermeable containers.~~

~~(c) Deterioration. Friable asbestos or friable asbestos containing material which has become damaged or deteriorated shall be contained, treated, or replaced.~~

~~(9) Recordkeeping:~~

~~(a) Exposure records. Every employer shall maintain records of any personal or environmental monitoring required by subsection (6) of this section. Records shall be maintained for a period of at least twenty years and shall be made available upon request to the director of the department of labor and industries.~~

~~(b) Access. Employee exposure records required by this subsection shall be provided upon request to employees, designated representatives, and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and 296-62-05213 through 296-62-05217.~~

~~(c) Employee notification. Any employee found to have been exposed at any time to airborne concentrations of asbestos fibers in excess of the limits prescribed in subsection (2) of this section shall be notified in writing of the exposure as soon as practicable but not later than five days of the finding. The employee shall also be timely notified of the corrective action being taken.~~

~~(10) Medical examinations:~~

~~(a) General. The employer shall provide or make available at his cost, medical examinations relative to exposure to asbestos required by this section:~~

~~(b) Preplacement. The employer shall provide or make available to each of his employees, within thirty calendar days following his first employment in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination, which shall include, as a minimum, a chest roentgenogram (posterior-anterior fourteen by seventeen inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV_{1.0}).~~

(c) Annual examinations. Every employer shall provide or make available, within thirty calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior fourteen by seventeen inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV_{1.0}).

(d) Termination of employment. The employer shall provide, or make available, within thirty calendar days before or after the termination of employment of any employee engaged in an occupation exposed to airborne concentrations of asbestos fibers, a comprehensive medical examination which shall include, as a minimum, a chest roentgenogram (posterior-anterior fourteen by seventeen inches), a history to elicit symptomatology of respiratory disease, and pulmonary function tests to include forced vital capacity (FVC) and forced expiratory volume at one second (FEV_{1.0}).

(e) Recent examinations. No medical examination is required of any employee, if adequate records show that the employee has been examined in accordance with this subsection within the past one-year period.

(f) Medical records.

(i) Maintenance. Employers of employees examined pursuant to this subsection shall cause to be maintained complete and accurate records of all such medical examinations. Records shall be retained by employers for at least twenty years.

(ii) Access. Records of the medical examinations required by this subsection shall be provided upon request to employees, designated representative and the assistant director in accordance with WAC 296-62-05201 through 296-62-05209 and WAC 296-62-05213 through 296-62-05217. These records shall also be provided upon request to the director of the department of labor and industries. Any physician who conducts a medical examination required by this subsection shall furnish to the employer of the examined employee all the information specifically required by this subsection, and any other medical information related to occupational exposure to asbestos fibers.

TABLE 1
RESPIRATOR PROTECTION FOR AIRBORNE CONCENTRATIONS OF ASBESTOS

Airborne concentration of asbestos	Required respirator ¹
Not in excess of 20 f/cc	Reusable or single use air purifying respirator.
Not in excess of 100 f/cc	Full facepiece air purifying respirator.
Not in excess of 200 f/cc	Powered air purifying respirator.
Greater than 200 f/cc	A type "C" continuous flow or pressure demand, supplied air respirator.

¹Respirators specified for high concentrations may be used at lower concentrations of asbestos.)

AMENDATORY SECTION (Amending Order 89-03, filed 5/15/89, effective 6/30/89)

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)) 0.04 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) 30 mL/min (60 psig) helium carrier gas flow.
- (II) 30 mL/min (40 psig) hydrogen gas flow to detector.
- (III) 240 mL/min (40 psig) air flow to detector.
- (IV) ((250°C)) 150°C injector temperature.
- (V) 250°C detector temperature.
- (VI) 100°C column temperature ((variable)).
- (D) Injection size. 1 µL.

((~~Ⓢ~~)) (E) 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)) A=µg/mL benzene, obtained from the calibration curve

B=desorption volume (l mL)

C=Liters of air sampled

D=desorption efficiency

The concentration in mg/m³ can be converted to ppm (at 25° C 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)) 1.28 mg with a coefficient of variation of 0.023 at this level. This would be equivalent to an air concentration of ((0-25)) 0.04 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 ((±)) µL injections of a ((2-2 mg/mL)) 1.283 µg/mL standard.

Injection	Area Count	
1	655.4	
2	617.5	
3	662.0	
4	641.1	
5	636.4	
6	629.2	
		$\bar{x} = 640.2$
		SD = 14.9
		CV = 0.023

(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
$\bar{CV} = 0.008$			

(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	98.9
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 (d)(i) of this subsection.

SAMPLE	ug Benzene/mL	ppm equivalent (for 10 L air sample)
Aldrich Lot 83017.....	4.20	0.13
Baker Lot 720364.....	1.0†	0.03
Baker Lot 822351.....	1.0†	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.

Injection	Area Count	
1	635.4	
2	617.5	
3	662.0	
4	641.1	\bar{x} = 640.2
5	636.4	SD = 14.9
6	629.2	CV = 0.023

(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	Area Counts		
	0.5 ppm	1.0 ppm	2.0 ppm
1	3995.5	8130.2	16481
2	4039.4	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.....			

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-62-07007 LABELING OF CHEMICAL AGENTS.

AMENDATORY SECTION (Amending Order 89-10, filed 10/10/89, effective 11/24/89)

WAC 296-62-3110 EMERGENCY RESPONSE BY EMPLOYEES AT UNCONTROLLED HAZARDOUS WASTE SITES. (1) Emergency response plan.

(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, WISHA personnel, and other governmental agencies with relevant responsibilities.

(b) Employers who will evacuate their employees from the workplace when an emergency occurs, and who do not permit any of their employees to (~~assist in handling the emergency~~) 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).

(2) Elements of an emergency response plan. The employer shall develop an emergency response plan for emergencies which shall address as a minimum, the following:

- (a) Preemergency planning.
- (b) Personnel roles, lines of authority, and communication.
- (c) Emergency recognition and prevention.
- (d) Safe distances and places of refuge.
- (e) Site security and control.
- (f) Evacuation routes and procedures.
- (g) Decontamination procedures which are not covered by the site safety and health plan.

- (h) Emergency medical treatment and first aid.
- (i) Emergency alerting and response procedures.
- (j) Critique of response and follow-up.
- (k) PPE and emergency equipment.

(3) Procedures for handling emergency incidents.

(a) In addition to the elements for the emergency response plan required in subsection (2) of this section, the following elements shall be included for emergency response plans:

- (i) Site topography, layout, and prevailing weather conditions.
- (ii) Procedures for reporting incidents to local, state, and federal governmental agencies.

(b) The emergency response plan shall be a separate section of the site safety and health plan.

(c) The emergency response plan shall be compatible and integrated with the disaster, fire and/or emergency response plans of local, state, and federal agencies.

(d) The emergency response plan shall be rehearsed regularly as part of the overall training program for site operations.

(e) 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.

(f) 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.

(g) 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.

(4) Training program.

(a) New employees. The employer shall 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 employees 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 24 hours and refresher training shall be for eight hours annually. Employees who have received the initial training required by this section shall be given a written certificate attesting that they have successfully completed the necessary training.

(b) Current employees. 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 requirements of this section as to that employee. Equivalent training includes the training that existing employees might have already received from actual site work experience. Current employees shall receive eight hours of refresher training annually.

(c) Trainers. Trainers who teach initial training shall have satisfactorily completed a training course for teaching the subjects they are expected to teach or they shall have the academic credentials and instruction experience necessary to demonstrate a good command of the subject matter of the courses and competent instructional skills.

(5) Emergency response program.

(a) Emergency response plan. An emergency response plan shall be developed and implemented by all employers. Such plans need not duplicate any of the subjects fully addressed in the employer's contingency planning required by permits, such as those issued by the United States Environmental Protection Agency, provided that the contingency plan is made part of the emergency response plan. The emergency response plan shall be a written portion of the employer's safety and health program required in this section. Employers who will evacuate

their employees from the worksite location when an emergency occurs and who do not permit any of their employees to assist in handling the emergency are exempt from the requirements of WAC 296-62-3140(1) if they provide an emergency action plan complying with WAC 296-24-567.

(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 areas to the extent that they are not addressed in any specific program required in this section:

- (i) Preemergency planning and coordination with outside parties.
- (ii) Personnel roles, lines of authority, 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 procedures.
- (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.

(c) Training.

(i) Training for emergency response employees shall be completed before they are called upon to perform in real emergencies. Such training shall include the elements of the emergency response plan, standard operating procedures the employer has established for the job, the personal protective equipment to be worn, and procedures for handling emergency incidents.

Exception #1: An employer need not train all employees to the degree specified if the employer divides the workforce in a manner such that a sufficient number of employees who have responsibility to control emergencies have the training specified, and all other employees, who may first respond to an emergency incident, have sufficient awareness training to recognize that an emergency response situation exists and that they are instructed in that case to summon the fully trained employees and not attempt to control activities for which they are not trained.

Exception #2: An employer need not train all employees to the degree specified if arrangements have been made in advance for an outside fully trained emergency response team to respond in a reasonable period and all employees, who may come to the incident first, have sufficient awareness training to recognize that an emergency response situation exists and they have been instructed to call the designated outside fully trained emergency response team for assistance.

(ii) Employee members of TSD facility emergency response organizations shall be trained to a level of competence in the recognition of health and safety hazards to protect themselves and other employees. This would include training in the methods used to minimize the risk from safety and health hazards; in the safe use of control equipment; in the selection and use of appropriate personal protective equipment; in the safe operating procedures to be used at the incident scene; in the techniques of coordination with other employees to minimize risks; in the appropriate response to over exposure from health hazards or injury to themselves and other employees; and in the recognition of subsequent symptoms which may result from over exposures.

(iii) The employer shall certify that each covered employee has attended and successfully completed the training required in this subsection, or shall certify the employee's competency at least yearly. The method used to demonstrate competency for certification of training shall be recorded and maintained by the employer.

(d) Procedures for handling emergency incidents.

(i) In addition to the elements for the emergency response plan required in (b) of this subsection, the following elements shall be included for emergency response plans to the extent that they do not repeat any information already contained in the emergency response plan:

- (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 compatible and integrated with the disaster, fire, and/or emergency response plans of local, state, and federal agencies.

(iii) The emergency response plan shall be rehearsed regularly as part of the overall training program for site operations.

(iv) 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.

(v) An employee alarm system shall be installed in accordance with WAC 296-24-631 to notify employees of an emergency situation; to

stop work activities if necessary; to lower background noise in order to speed communication; and to begin emergency procedures.

(vi) Based upon the information available at time of the emergency, the employer shall evaluate the incident and the site response capabilities and proceed with the appropriate steps to implement the site emergency response plan.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-225 ((SAFETY BELTS, DROPLINES, LIFELINES, AND LANYARDS)) FALL PROTECTION. (1) GENERAL.

(a) When work is to be performed from locations 10 feet or more in height guardrails or wire rope railings shall be installed.

(b) Safety belts shall be used when workers are exposed to the hazard of falling from buildings, bridges, structures, or construction members such as trusses, beams, purlins, or plates at elevations exceeding 10 feet above ground, water surface, or continuous floor level below.

(c) When requirements in (a) and (b) of this subsection are impractical, approved-type safety nets shall be used. WAC 296-155-230

(d) When the work is of limited duration and limited exposure, and the hazards involved in rigging and installing the safety devices required by this section equal or exceed the hazards involved in the actual construction, these provisions may be temporarily suspended for connectors only, provided adequate risk control is exercised under immediate competent supervision.

(2)(a) Safety belts and lanyards shall be worn by any worker exposed to a fall of ten feet or more from an elevated work area not otherwise protected by the provisions of this section. The anchor end of the lanyard shall be secured at a level not lower than the workman's waist, and at a horizontal distance not to exceed 6 feet. Where the waist level connection is not possible, connections at foot level may be permitted, provided that adequate risk control procedures are followed. Lanyards shall be secured to a substantial member of the structure or to securely rigged lines.

(b) If worker's duties require horizontal movement, rigging shall be provided so that the attached lanyard will slide along with him. Such rigging shall be provided for all suspended staging, outdoor advertising sign platforms, floats, and all other catwalks, or walkways 10 feet or more above the ground or level beneath.

(3) Lifelines, droplines, safety belts and lanyards shall be used only for employee safeguarding. Any lifeline, safety belt or lanyard actually subjected to in-service loading, as distinguished from static load testing, shall be immediately removed from service and shall not be used again for employee safeguarding.

(4) Droplines shall be secured to an anchorage or structural member capable of supporting a minimum dead weight of 5,400 pounds, and shall extend below the operation a sufficient distance to permit a safe landing but shall not touch the ground, walking surface, or safe landing area.

(5) Droplines or lifelines used on rock-scaling operations, or in areas where the lifeline may be subjected to cutting or abrasion, shall be a minimum of 7/8-inch wire core manila rope. For all other lifeline applications, a minimum of 3/4-inch manila or equivalent, with a minimum breaking strength of 5,400 pounds, shall be used.

(6) Safety belt lanyard shall be a minimum of 1/2-inch nylon, or equivalent, with a maximum length to provide for a fall of no greater than 6 feet. The rope shall have a nominal breaking strength of 5,400 pounds.

(7) All safety belt, harness, and lanyard hardware shall be drop forged or pressed steel, cadmium plated in accordance with type 1, Class B plating specified in Federal Specification QQ-P-416. Surface shall be smooth and free of sharp edges.

(8) All safety belt and lanyard hardware assemblies shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation and shall conform to the requirements of ANSI A10.14-1975.

(9) No employee shall enter a gas main, sewer, sewer flue, duct, tunnel, or other similar place without first notifying the supervisor of his intention to do so. Employees entering such places shall wear a safety harness with attached retriever line. A watchman capable of maintaining communications at all times shall be stationed at the opening through which the worker entered. See WAC 296-62-145 through 296-62-14529.

(10) Safety belts, harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used while performing the following types of work when other equivalent type protection is not provided:

(a) Work in hoppers, bins, silos, tanks, or other confined spaces.

(b) Work on hazardous slopes, structural steel (except as provided in subsection (1)(d) of this section), erecting or dismantling safety nets, tying reinforcing bars, working on poles or from boatswains chairs at elevations greater than six feet (1.83 m), swinging scaffolds or other unguarded locations.

(c) Work on skips and platforms used in shafts by crews when the skip or cage does not occlude the opening to within one foot (30.5 cm) of the sides of the shaft, unless cages are provided.

NEW SECTION

WAC 296-155-227 FALL PROTECTION FOR MULTISTORY BUILDINGS AND BRIDGES. (1) Employers shall ensure that all employees who are not involved in initial connecting operation on multistory buildings and bridges and who are exposed to a potential fall distance of ten feet or more are protected by at least one of the following:

- (a) Guardrails;
- (b) Safety belt, lanyard and catenary line (for fall restraint);
- (c) Safety harness, lanyard and catenary line (for fall arrest);
- (d) Climbing safety devices; or
- (e) Safety nets.

(2) Connecting: Employees who are making initial connection of a structural member, unhooking a structural member immediately after initial connections are made; or who are traveling unencumbered to a location to make an initial connection on a structural member of multistory buildings and bridges where the potential fall distance does not exceed two stories or 26 feet are not required to be protected as required in subsection (1) of this section provided that initial connection is the positioning and placing of the first fastener at each end of a structural member which is suspended by a crane, derrick, or other powered hoisting device, and:

(a) The employer has determined that the employee has completed a training course and has received supervised on-the-job training on the erection of structural members, and;

(b) The employee is working under direct competent supervision at all times during the operation.

Note: Fastening may be done by the use of bolts, pins, welds, or other quick fastening devices. The structural member may be of steel, wood, concrete, or like material.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-480 LADDERS. (1) General requirements.

All rules for design, construction, maintenance, operation, testing, and use of ladders contained in WAC 296-24-780 through 296-24-81013 of the general safety and health standards shall be complied with.

(a) Only Type I stepladders shall be used on construction worksites, except that painters may use Type II stepladders.

(b) Except where either permanent or temporary stairways or suitable ramps or runways are provided, ladders described in this Part shall be used to give safe access to all elevations.

(c) Ladders shall be maintained in good condition at all times.

(i) The joint between the steps and side rails shall be tight.

(ii) All hardware and fittings securely attached.

(iii) And the moveable parts shall operate freely without binding or undue play.

(iv) The use of ladders with broken or missing rungs or steps, broken or split side rails, or other faulty or defective construction is prohibited.

(v) When ladders with such defects are discovered, they shall be immediately withdrawn from service.

(vi) Inspection of metal ladders shall include checking for corrosion of interiors of open end hollow rungs.

(d) Manufactured portable wood ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A14.1-1982, Safety Code for Portable Wood Ladders.

(e) Portable metal ladders shall be of strength equivalent to that of wood ladders. Manufactured portable metal ladders provided by the employer shall be in accordance with the provisions of the American National Standards Institute, A14.2-1982, Safety Code for Portable Metal Ladders.

(f) Fixed ladders shall be in accordance with the provisions of the American National Standards Institute, A14.3-1984, Safety Code for Fixed Ladders.

(g) The feet of portable ladders shall be placed on a substantial base, and the area around the top and bottom of the ladder shall be kept clear. Safety feet shall be maintained to ensure proper working condition.

(h) Portable ladders shall be used at such a pitch that the horizontal distance from the top support to the foot of the ladder is about one-quarter of the working length of the ladder (the length along the ladder between the foot and the top support). Ladders shall not be used in a horizontal position as platforms, runways, or scaffolds.

(i) Ladders shall not be placed in passageways, doorways, driveways, or any location where they may be displaced by activities being conducted on any other work, unless protected by barricades or guards.

(j) The side rails shall extend not less than 36 inches above the landing. When this is not practical, grab rails, which provide a secure grip for an employee moving to or from the point of access, shall be installed.

(k) Portable straight ladders in use shall be tied, blocked, equipped with safety shoes or otherwise secured to prevent their being displaced.

(l) Portable metal ladders shall not be used for electrical work or where they may contact electrical conductors.

(m) Unless otherwise stated, all lumber sizes shall be nominal.

(n) When working from a ladder, the ladder shall be secured at both top and bottom.

(o) No type of work shall be performed on a ladder over 25 feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.

(p) Any work that requires wearing eye protection, respirators, or handling of pressure equipment, shall not be performed from a ladder more than twenty-five feet above the surrounding surface.

(q) Stepladders shall not be used as single ladders.

(r) Tops of ordinary types of stepladders shall not be used as steps.

(s) When working from a stepladder over five feet high a workman shall not stand on a step higher than the third step from the top of the stepladder.

(t) On two-section extension ladders the minimum overlap for the two sections shall be as follows:

Size of ladder expanded length (feet):	Overlap (feet)
Up to and including 36 _____	3
Over 36 up to and including 48 _____	4
Over 48 up to and including 60 _____	5

(u) Extension ladders shall always be erected so that the upper section is resting on the bottom section.

(v) When ascending or descending, the user shall face the ladder.

(w) Workmen shall not ascend or descend ladders while carrying tools or materials which might interfere with the free use of both hands.

(2) Job-made ladders.

(a) Job-made ladders shall be constructed for intended use.

(b) If a ladder is to provide the only means of access or exit from a working area for twenty-five or more employees, or simultaneous two-way traffic is expected, a double cleat ladder shall be installed.

(c) Double cleat ladders shall not exceed 24 feet in length.

(d) Single cleat ladders shall not exceed 30 feet in length between supports (base and top landing). If ladders are to connect different landings, or if the length required exceeds this maximum length, two or more separate ladders shall be used, offset with a platform between each ladder. Guardrails and toeboards shall be erected on the exposed sides of the platforms.

(e) The width of single cleat ladders shall be at least 15 inches, but not more than 20 inches between rails at the top.

(f) It is preferable that side rails be continuous. If splicing is necessary the required length however, the splice must develop the full strength of a continuous side rail of the same length.

(g) 2-inch by 4-inch lumber shall be used for side rails of single cleat ladders up to 16 feet long; 2-inch by 6-inch lumber, or equivalent, shall be used for single cleat ladders from 16 to 30 feet in length.

(h) 2-inch by 4-inch lumber shall be used for side and middle rails of double cleat ladders up to 12 feet in length; 2-inch by 6-inch lumber for double cleat ladders from 12 to 24 feet in length.

(i) 1-inch by 4-inch lumber shall be used for cleats of single and double cleat ladders, when made of Group 1 woods (see Table J-18).

(j) Cleats shall be inset into the edges of the side rails one-half inch, or filler blocks shall be used on the rails between the cleats. The cleats shall be secured to each rail with three 10d common wire nails or other

fasteners of equivalent strength. Cleats shall be uniformly spaced, 12 inches top-to-top.

(k) Side rails shall be parallel or flared top to bottom by not more than one-quarter of an inch for each 2 feet of ladder.

(l) Wood side rails of ladders having cleats shall be not less than 1-1/2 inches thick and 3-1/2 inches deep (2 inches by 4 inches nominal) when made of Group 2 or Group 3 woods (see Table J-18). Wood side rails of Group 4 wood (see Table J-18) may be used in the same cross-section of dimensions for cleat ladders up to 20 feet in length.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-350-030 NOTICE OF APPEAL—FILING AND SERVICE. Any party authorized to appeal from an action of the department as set forth in RCW 49.17.140(3), may do so by filing a notice of appeal in writing in the recommended manner and containing the recommended subject matter as hereinafter set forth with fifteen working days of the communication of the notice, by serving a copy of such notice of appeal either in person or by mail upon the assistant director of the Division of Industrial Safety and Health, (~~814 E. 4th Avenue~~) 805 Plum Street South East, Olympia, Washington 98504.

WSR 90-03-094

PROPOSED RULES

TACOMA COMMUNITY COLLEGE

[Filed January 24, 1990, 9:47 a.m.]

Original Notice.

Title of Rule: Chapter 132V-400 WAC, Loss of eligibility—Student athletic participation.

Purpose: To establish rules governing loss of eligibility for athletes who violate chapter 69.41 RCW.

Statutory Authority for Adoption: RCW 28B.50.140(13).

Statute Being Implemented: RCW 28B.50.140(13).

Summary: Identifies grounds for loss of eligibility of student athletes and establishes procedures to determine if an athlete is ineligible to participate in athletic events due to a violation of chapter 69.41 RCW.

Reasons Supporting Proposal: To comply with requirements of SHB 1558 passed by the 1989 state legislature.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dr. Priscilla Bell, 5900 South 12th, Tacoma, 548-5127 scan.

Name of Proponent: Tacoma Community College, Dr. Carleton Opgaard and Dr. Priscilla Bell, public.

Agency Comments or recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No anticipated fiscal impact upon the college. Implementation and enforcement will be with the dean of student services.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule is necessary to comply with SHB 1558 passed by the 1989 state legislature. The rule identifies violation of chapter 69.41 RCW as grounds for students to be disqualified from participation in any school-sponsored athletic event. Ineligibility proceedings and the students' right to a review of the decision are established.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: John Binns Room, Building 7, Tacoma Community College, 5900 South 12th Street, Tacoma, WA 98465, on March 8, 1990, at 4:00 p.m.

Submit Written Comments to: Dr. Priscilla Bell, by March 7, 1990.

Date of Intended Adoption: March 8, 1990.

January 22, 1990
 Carleton M. Opgaard
 President

TACOMA COMMUNITY COLLEGE
 LOSS OF ELIGIBILITY - STUDENT ATHLETIC
 PARTICIPATION

NEW SECTION

WAC 132V-400-010 GROUND FOR INELIGIBILITY. Any student found to have violated chapter 69.41 RCW, legend drugs, by virtue of a criminal conviction or by decision of the College's presiding officer, shall be disqualified from participation in any school-sponsored athletic events or activities.

NEW SECTION

WAC 132V-400-020 INITIATION OF INELIGIBILITY PROCEEDINGS. Any officer of the college or college staff shall have that authority to request the commencement of athletic ineligibility hearing proceedings whenever he or she has reasonable cause to believe that the student has violated chapter 69.41 RCW or upon receipt of notice from any source that the student has been convicted of violating chapter 69.41 RCW. Requests to initiate athletic ineligibility hearing proceedings should be submitted to the Dean of Student Services within ten (10) instructional days of the date the person became aware of the alleged violation or conviction of RCW 69.41.

NEW SECTION

WAC 132V-400-030 INELIGIBILITY PROCEEDINGS. The President of the College shall designate a presiding officer who shall be a College officer who is not involved with the athletic program to conduct the brief adjudicative hearing. The presiding officer shall promptly conduct the hearing and permit the affected parties to explain both the College's view of the matter and the student's view of the matter. The brief adjudicative proceeding shall be conducted in accordance with the Administrative Procedure Act, RCW 34.05.482-494.

NEW SECTION

WAC 132V-400-040 DECISION. Within ten (10) calendar days of the conclusion of the brief adjudicative proceedings, the presiding officer shall give each party a written decision which shall include a brief statement of the reasons for the decision and, in the event of a decision adverse to the student, the period of loss of eligibility to participate in college-supervised athletic events or activities. Any party shall have the right to present, within five (5) calendar days of notification of the presiding officer's decision, a written request for review directed to the President of the College appealing the decision or the period of loss of ineligibility. The request for review shall explain the parties view of the matter. The order on review will be in writing, include a brief statement of the reasons for the decision, and a notice that judicial review may be available.

WSR 90-03-095
PROPOSED RULES
COMMISSION ON JUDICIAL CONDUCT
 [Order 2—Filed January 24, 1990, 9:59 a.m.]

Original Notice.
 Title of Rule: Title 292 WAC, Judicial conduct, commission on.

Purpose: To adopt permanent commission rules.
 Statutory Authority for Adoption: Chapter 2.64 RCW and Washington constitution, Article IV, section 31 as amended November 1989.

Statute Being Implemented: Chapter 2.64 RCW.
 Summary: The commission is adopting permanent rules under APA provisions as required under constitutional amendment effective December 6, 1989.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Esther Garner, Executive Director, Olympia, 753-4585.

Name of Proponent: Commission on Judicial Conduct, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The commission rules establish procedures to be followed in review of complaints against judges and any discipline proceedings which may follow.

Proposal Changes the Following Existing Rules: Deletes the words "as applicable in civil proceedings" from WAC 292-12-110(3).

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Ramada Inn, Sea-Tac Airport, Salon A, 18118 Pacific Highway South, Seattle, WA 98188, on March 2, 1990, at 1:00 p.m.

Submit Written Comments to: Esther Garner, Executive Director, Commission on Judicial Conduct, P.O. Box 1817, Olympia, WA 98507, by March 2, 1990.

Date of Intended Adoption: April 6, 1990.

January 24, 1990
 Wesley A. Nuxoll
 Chair

Chapter 292-08 WAC
 AGENCY ORGANIZATION—CONFIDENTIALITY

WAC	
292-08-010	Purpose.
292-08-020	Function.
292-08-030	Definitions.
292-08-040	Organization.
292-08-050	Confidentiality provisions.

NEW SECTION

WAC 292-08-010 PURPOSE. The purpose of this chapter is to provide rules implementing Article IV, Section 31, of the Constitution of the state of Washington and chapter 2.64 RCW for the commission on judicial conduct.

NEW SECTION

WAC 292-08-020 FUNCTION. (1) The commission on judicial conduct is constitutionally created to consider complaints that a judge has violated a rule of judicial conduct, or has a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties.

(2) The commission shall adopt, amend, or repeal a rule in accordance with the procedures of RCW 34.05.310 through 34.05.395. In addition, the commission will provide adopted rules to the reporter of decisions for publication in the official codification of Washington Court Rules.

NEW SECTION

WAC 292-08-030 DEFINITIONS. In these rules:
 (1) "Admonishment," when issued by the commission, means a written disposition of an advisory nature that cautions a judge not to

engage in certain proscribed behavior. An admonishment may include a requirement that the judge follow a specified corrective course of action.

(2) "Censure" means a written action of the commission that requires a judge to appear personally before the commission, and that finds that conduct of the judge violates a rule of judicial conduct, detrimentally affects the integrity of the judiciary, undermines public confidence in the administration of justice, and may or may not require a recommendation to the supreme court that the judge be suspended or removed. A censure shall include a requirement that the judge follow a specified corrective course of action.

(3) "Chairperson" includes the acting chairperson.

(4) "Commission" means the commission on judicial conduct.

(5) "Complaint" means a statement or communication alleging facts which may, upon investigation, lead to a finding of judicial misconduct or disability.

(6) "Fact-finder" means the commission, or at the discretion of the commission, a three-member subcommittee consisting of a citizen, a judge, and a lawyer member of the commission or a master.

(7) "Hearing" means a meeting for the purpose of taking evidence and conducted by a fact-finder.

(8) "Judge" means a judge or justice and includes justices of the supreme court, judges of the court of appeals, judges of the superior court, judges of any court organized under Titles 3, 35, or 35A RCW, judges pro tempore, court commissioners, and magistrates. The term includes full-time and part-time judges and judges who have been or have not been admitted to the practice of law in Washington.

(9) "Master" means a person appointed by the commission to hear and take evidence with respect to charges against a judge.

(10) "Meeting" means a meeting of the commission for any purpose other than the taking of evidence for fact-finding.

(11) "Member" means a member of the commission and includes alternates acting as members.

(12) "Party" means the judge or the commission.

(13) "Reprimand" means a written action of the commission that requires a judge to appear personally before the commission, and that finds that the conduct of the judge is a minor violation of the code of judicial conduct and does not require censure or a formal recommendation to the supreme court that the judge be suspended or removed. A reprimand shall include a requirement that the judge follow a specified corrective course of action.

(14) "Statement of charges" means the formal charge of judicial misconduct or disability filed by the commission upon the completion of an investigation and initial proceeding and forming the basis for a fact-finding hearing.

(15) "Sworn statement" means a sworn statement which includes allegations showing that a judge may have violated a rule of judicial conduct or may be suffering a disability that seriously interferes with the performance of judicial duties and is or is likely to become permanent.

NEW SECTION

WAC 292-08-040 ORGANIZATION. (1) The commission shall elect from its members a chairperson, a vice-chairperson and secretary, each of whom shall serve a term of two years or until they cease to be members of the commission, whichever period is shorter. The vice-chairperson shall act as chairperson in the absence of the chairperson. In the absence of both the chairperson and the vice-chairperson, the members present may select a temporary chairperson.

(2) The commission may hire attorneys or others by personal service contract to conduct initial proceedings regarding a complaint against a judge. The commission shall employ one or more investigative officers with appropriate professional training and experience. The investigative officers of the commission shall report directly to the commission. The commission shall employ an executive director and such administrative or other staff as are necessary to manage the affairs of the commission.

(3) Meetings of the commission shall be held at the call of the chairperson or the written request of five members of the commission.

The commission may conduct executive meetings by telephone conference call.

(4) Six members must be present for the transaction of business by the commission. However, the adoption of or amendment to the rules of the commission, the determination of probable cause, or lack thereof, the imposition of, or stipulation to, an admonishment, reprimand or censure, with or without a recommendation of suspension or removal of

the judge, or the recommendation of retirement of a judge shall require the affirmative vote of six members of the commission.

(5) The chairperson will call upon an alternate member selected by the appropriate appointing authority to serve in the place of a member whenever a member is disabled, disqualified, or unable to serve. The alternate member so called upon shall have all the authority of a member of the commission. The chairperson shall identify when an alternate member is serving in the place of a commission member.

NEW SECTION

WAC 292-08-050 CONFIDENTIALITY PROVISIONS. (1) Except as provided in this rule and WAC 292-12-030 and 292-12-040, the fact that a complaint has been made, or a statement has been given to the commission and all papers and matters submitted to the commission together with the investigation and initial proceedings conducted pursuant to these rules, shall be confidential. However, the person filing a complaint or giving a statement to the commission is not prohibited by these rules from informing any third party, or the public generally, of the factual basis upon which a complaint is based, or a statement is given.

(2) The statement of charges alleging judicial misconduct or disability shall be available for public inspection as provided in WAC 292-12-030(1). The fact-finding hearing before the commission, a subcommittee of the commission, or a master shall be open to the public; however, deliberation of the fact-finder in reaching a decision on the statement of charges shall be conducted in executive session.

(3) In the following circumstances, the commission may, with the permission of the judge, make a public statement regarding complaints concerning the judge which would otherwise be confidential:

(a) If public statements that charges are pending before the commission are substantially unfair to a judge; or

(b) If a judge is publicly associated with violating a rule of judicial conduct or with having a disability, and the commission, after a preliminary investigation has determined there is no basis for further proceedings or for a recommendation of discipline or retirement.

(4) After final commission action on a complaint, the commission shall disclose to the person making a complaint that after an investigation of the charges:

(a) The commission has found no basis for action by the commission against the judge; or

(b) The commission has admonished, reprimanded, or censured the judge or censured the judge and recommended to the supreme court the suspension or removal of the judge or has recommended to the supreme court the retirement of the judge. The name of the judge, in the discretion of the commission, shall not be used in written communication to the complainant.

(5) Informal action taken by the commission prior to May 5, 1989, when amended rules were adopted eliminating private informal dispositions, may, in the commission's discretion, be disclosed to the Washington State Bar Association, American Bar Association, a judicial authority, any judicial appointive, selection or confirmation authority, or to law enforcement agencies when required in the interests of justice, or to maintain confidence in the selection of judges or administration of the judiciary. The person to whom the information relates may, in the commission's discretion, be informed of any information released.

(6) Unless otherwise permitted by these rules, no person shall disclose information obtained by that person during commission proceedings or from papers filed with the commission. Any person violating confidentiality rules may be subject to contempt proceedings.

**Chapter 292-12 WAC
PROCEDURAL RULES**

WAC	
292-12-010	Preliminary investigation.
292-12-020	Initial proceedings.
292-12-030	Statement of charges.
292-12-040	Fact-finding hearing.
292-12-050	Disqualification of fact-finder.
292-12-060	Procedural rights of judge.
292-12-070	Guardian ad litem.
292-12-080	Discovery procedure before fact-finding.
292-12-090	Amendments to statement of charges or answer.
292-12-110	Procedure at fact-finding hearing.
292-12-120	Report of fact-finder.
292-12-130	Commission decision.

292-12-140	Additional evidence.
292-12-150	Supreme court procedures.
292-12-160	Reinstatement of eligibility.
292-12-170	Extension of time.
292-12-180	Service.

NEW SECTION

WAC 292-12-010 PRELIMINARY INVESTIGATION. (1) Any organization, association, or person, including a member of the commission, may make a complaint of judicial misconduct or disability to the commission. A complaint may be made orally or in writing.

(2) Upon receipt of a complaint not obviously unfounded or frivolous, the investigative officer shall make a prompt, discreet, preliminary investigation and evaluation. Failure of a person making the complaint to supply requested additional information may result in dismissal of that complaint. On every complaint received, the investigative officer shall make a recommendation to the commission as to whether to commence initial proceedings.

(3) If the complaint alleges that a judge is suffering a possible physical and/or mental disability which may seriously impair the performance of judicial duties, the commission may order a judge to submit to physical and/or mental examinations at commission expense. The failure or refusal of a judge to submit to physical and/or mental examination ordered by the commission may, in the discretion of the commission, preclude the judge from presenting the results of other physical and/or mental examinations on his or her own behalf.

(4) If the commission determines to commence initial proceedings, the person making the complaint may be requested to file a verified statement with the commission. If a verified statement is not filed by the person making the complaint, the investigative officer shall prepare and file a verified statement. Initial proceedings will begin upon filing of a verified statement.

NEW SECTION

WAC 292-12-020 INITIAL PROCEEDINGS. (1) An investigative officer will supervise the investigation.

(2) The judge who is the subject of initial proceedings will be notified by the commission within seven days after the filing of a verified statement. The judge shall also be advised of the nature of the complaint with sufficient specificity to permit an adequate response. In its discretion, the commission may disclose to the judge the name of the individual making the complaint and may provide a copy of the verified statement to the judge.

(3) The judge shall be afforded a reasonable opportunity in the course of the initial proceedings to present such matters as he or she may choose.

(4) If the commission determines that there are insufficient grounds for further commission proceedings, the judge and the person making the complaint will be so notified.

(5) If the commission determines that probable cause exists that the judge has violated a rule of judicial conduct or may be suffering from a disability that seriously interferes with the performance of judicial duties and is permanent or is likely to become permanent, the commission shall order the filing of a statement of charges pursuant to WAC 292-12-030.

(6) Any matter before the commission, after a determination of probable cause has been made, may be disposed of by a stipulation entered into in a public proceeding. The stipulation shall be signed by the judge and the commission and may impose any terms and conditions deemed appropriate by the commission. A stipulation shall set forth all material facts relating to the proceeding and the conduct of the judge. When a stipulation which disposes of a violation of a rule of judicial conduct has been signed by the necessary parties, the person making the complaint shall be notified of the action taken by the commission and shall be provided with a copy of the stipulation.

NEW SECTION

WAC 292-12-030 STATEMENT OF CHARGES. (1) The commission shall file a statement of charges in the commission's office alleging the violation of a rule of judicial conduct or the disability of a judge that is or is likely to become permanent and which seriously impairs the performance of judicial duties. The statement of charges and any material or information within the commission's knowledge which tends to negate the statement of charges will be served on the judge within seven days after filing of the statement of charges. After service,

the statement of charges shall be available to the public except as otherwise provided by protective order.

(2) A statement of charges under WAC 292-12-030 shall be served on a judge in person, unless the judge cannot be found within the state. If the judge cannot be found, the statement of charges may be served by mail addressed to the judge's last known business and residence addresses. All other papers in commission proceedings may be served on a judge in person or by mail. If counsel has appeared for a judge, papers, other than a statement of charges, may be served on counsel in lieu of service upon the judge.

(3) When a statement of charges is filed, no further factual information shall be considered by the members of the commission prior to a fact-finding hearing unless notice is given to both parties.

(4) The statement of charges will state in ordinary and concise language the basis for commission action and the facts supporting the statement of charges. The statement of charges shall also inform the judge that he or she may file a written answer to the charges as provided in subsection (5) of this section.

(5) The judge may file with the commission an answer to the statement of charges. The answer must be filed within fourteen days after service of the statement of charges on the judge. If the judge does not file a written answer, a general denial will be entered on behalf of the judge. The statement of charges and the answer shall be the only pleadings required. Once filed, the answer shall be available to the public.

NEW SECTION

WAC 292-12-040 FACT-FINDING HEARING. (1) Upon filing of a statement of charges, a public fact-finding hearing will be scheduled at a location selected by the commission. The record of the initial proceeding that was the basis of a finding of probable cause shall become public as of the date of the fact-finding hearing.

(2) The executive director will set a time and place for the public fact-finding hearing to be held no later than forty-two days after the time for answer has expired or after the answer is filed, whichever is earlier. The judge will be given at least fourteen days' notice of the hearing which will include the name or names of the fact-finder and the presiding officer, if any.

NEW SECTION

WAC 292-12-050 DISQUALIFICATION OF FACT-FINDER.

(1) A member of the commission or a master must disqualify himself or herself in any proceedings involving his or her own conduct or alleged disability. A member of the commission or a master must disqualify himself or herself if he or she cannot impartially consider the statement of charges against a judge.

(2) A judge may file an affidavit challenging for cause any member or a master who the judge believes will not impartially consider the statement of charges. The affidavit must be filed within seven days after notice of the fact-finding hearing. The commission will decide any challenge for cause if the member or master does not disqualify himself or herself.

(3) A judge may file a peremptory challenge against one member of the commission. The challenge must be filed within seven days after notice of a fact-finding hearing. If the judge has unsuccessfully challenged a member for cause, any peremptory challenge against that member must be filed within three days after service of notice of the determination of the challenge for cause.

NEW SECTION

WAC 292-12-060 PROCEDURAL RIGHTS OF JUDGE. (1) The judge has a right to notice of the complaints concerning the judge which have been found by the commission to warrant initial proceedings. The judge shall have the right and reasonable opportunity at a fact-finding hearing to defend against the allegations in the statement of charges by the introduction of evidence. The judge has the privilege against self-incrimination. The judge may be represented by counsel and may examine and cross-examine witnesses. The judge has the right to testify or not to testify on his or her own behalf. The judge has the right to issuance of subpoenas for the attendance of witnesses to testify or produce evidentiary matters. The judge has the right to a prompt resolution of the allegations in the statement of charges.

(2) A judge's compliance with an opinion by the ethics advisory committee shall be considered by the commission as evidence of good faith.

(3) The judge will be provided, without cost, a copy of any report of proceedings prepared by the commission. The judge may, in addition, have all or any portion of the testimony in the proceedings transcribed at his or her own expense.

(4) All witnesses shall receive fees and expenses in the amount allowed by law. Expenses of witnesses shall be borne by the party calling them, provided that if the commission determines that the imposition of costs and expert witness fees would work a financial hardship or injustice upon the judge, it may order that all or part of such costs and fees be reimbursed.

NEW SECTION

WAC 292-12-070 GUARDIAN AD LITEM. If it appears to the commission at any time during the proceedings that the judge is not competent to act, or if it has been previously judicially determined that the judge is not competent to act, the commission will appoint a guardian ad litem for the judge unless the judge already has a guardian who will represent the judge's interests. In the appointment of a guardian ad litem, consideration may be given to the wishes of the members of the judge's immediate family. The guardian or guardian ad litem may claim and exercise any right and privilege and make any defense for the judge which the judge could have claimed, exercised, or made if competent. Any notice to be served on the judge will also be served on the guardian or guardian ad litem.

NEW SECTION

WAC 292-12-080 DISCOVERY PROCEDURE BEFORE FACT-FINDING. (1) Upon written demand, the opposing party will disclose within seven days thereof, with a continuing obligation thereafter, the following:

- (a) Names and addresses of all witnesses whose testimony that party expects to offer at the hearing;
- (b) A brief summary of the expected testimony of each witness;
- (c) Copies of signed or recorded statements of anticipated witnesses; and
- (d) Copies of documents which may be offered. Witnesses or documents not disclosed may be excluded.

(2) The taking of depositions, the requesting of admissions and all other procedures authorized by Rules 26 through 37 of the Superior Court Civil Rules are available upon stipulation of the parties or upon prior permission of the master or presiding officer. A request for discovery shall be granted, unless the master or presiding officer determines that the request is frivolous, will create an undue burden on the party, or will result in undue delay.

(3) The commission's counsel shall disclose to the judge any material or information within his or her knowledge which tends to negate the complaints against the judge or mitigate the degree of discipline which may be imposed.

(4) The judge or counsel for either party may make prehearing motions to the designated presiding officer, who may make rulings or defer rulings to the commission. Motions shall be in writing and shall be filed and served on the opposing party. The responding party shall be allowed five days from service to respond, unless the time is shortened by the presiding officer for good cause. Motions will be promptly decided by written order filed in the commission office. Motions will be decided on the written materials submitted unless the presiding officer requests argument, which may be heard by conference telephone call.

NEW SECTION

WAC 292-12-090 AMENDMENTS TO STATEMENT OF CHARGES OR ANSWER. The fact-finder, at any time prior to the conclusion of the hearing, or the commission, at any time prior to its decision, may allow or require amendments to the statement of charges or the answer. The statement of charges may be amended to conform to the proof or set forth additional facts, whether occurring before or after the commencement of the hearing. Except for amendments to conform to the proof by evidence admitted without objection at a fact-finding hearing, if an amendment substantially affects the nature of the charges, the judge will be given reasonable time to answer the amendment and prepare and present a defense against the new matter raised.

NEW SECTION

WAC 292-12-110 PROCEDURE AT FACT-FINDING HEARING. (1) The order of presentation shall be in the same manner as in civil cases in superior court.

(2) The case for the commission shall be presented by counsel retained by the commission.

(3) The rules of evidence (ER) shall govern the fact-finding hearing.

(4) Any finding that the judge has violated a rule of judicial conduct or that the judge has a disability which is permanent or is likely to become permanent and which seriously interferes with the performance of judicial duties must be supported by clear, cogent, and convincing evidence.

(5) Unless the fact-finding hearing is before a master, the chairperson may appoint a member to be presiding officer or to rule on motions and objections made during the hearing. If the hearing is before the commission, a member may appeal a ruling to the commission members present. A majority vote will determine the motion.

(6) The failure of a judge to answer or to appear at the hearing or to submit to a mental or physical examination required by the commission will not prevent the commission from proceeding.

(7) Unless the judge and the commission stipulate to a different record, a verbatim record will be made and kept of the fact-finding hearing. The commission shall determine whether the verbatim record will be by court reporter or electronic recording device.

(8) Canon 3(A)(7), from the Code of Judicial Conduct, shall be followed for media participation in public hearings.

NEW SECTION

WAC 292-12-120 REPORT OF FACT-FINDER. (1) The fact-finder, when other than the entire commission, shall prepare a report containing a brief statement of the procedure followed and the proposed findings of fact, conclusions of law, and a recommendation with respect to the issues presented at the fact-finding hearing. The report and verbatim record shall be filed in the commission office within thirty-five days after the hearing. The report and record shall be served on the parties within fourteen days thereafter. The original fact-finder may request the prevailing party to prepare the findings of fact and conclusions of law.

(2) A party may file with the commission a statement of objections to the report of the fact-finder. The statement shall set forth all objections to the report and state reasons therefor. The objections must be filed with the commission and served on the opposing party within fourteen days after service of the report on the party.

(3) If no statement of objections to the report of the fact-finder is filed within the time provided in subsection (2) of this section, the report may be adopted without argument.

(4) If a statement of objections is timely filed, the commission may schedule oral argument, or consider the matter on the record along with briefs of the parties. The parties shall be given at least fourteen days' written notice of the time and place for argument.

(5) If the commission proposes to modify or reject the original fact-finder's report, the commission shall schedule a time for oral argument on the record along with briefs of the parties. The parties shall be given at least fourteen days' written notice of the time and place for argument.

NEW SECTION

WAC 292-12-130 COMMISSION DECISION. (1) The commission in open session shall announce its decision either to dismiss the case, or to admonish, reprimand or censure the judge, or to censure the judge and recommend to the supreme court the suspension or removal of the judge, or to recommend to the supreme court the retirement of the judge because the judge is suffering from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties. The commission may not recommend suspension or removal unless it censures the judge for the violation serving as the basis for the recommendation. If the commission decides to censure or reprimand a judge, the commission shall order the judge to appear personally before the commission. The commission's written decision will include findings of fact, conclusions of law, and any recommendation required to be filed with the supreme court. The commission may adopt the report of the original fact-finder, in whole or in part, by reference. To vote on a matter, a member who did not sit as a fact-finder must consider the verbatim record and any report of a fact-finder. Any commission member may file a dissent.

(2) The commission may consider for probative value any conduct that may have occurred prior to, on, or after December 4, 1980, by a person who was, or is now, a judge when such conduct relates to a complaint filed with the commission against the same judge.

WSR 90-03-096

PROPOSED RULES

BOARD OF PILOTAGE COMMISSIONERS

[Filed January 24, 1990, 10:29 a.m.]

(3) The commission's written decision will be served upon the judge and his or her counsel of record within fourteen days after the decision is filed in the commission's office.

(4) A party may file objections to the record or a motion for reconsideration of the commission decision within fourteen days after the decision and record have been served. Objections will be determined by the chairperson or, in his or her discretion, by the commission.

(5) The commission decision is final fourteen days after service unless a motion for reconsideration or objection or an order for the taking of additional evidence pursuant to WAC 292-12-140 is filed. If a motion for reconsideration or objection is denied, the decision is then final. If either the motion for reconsideration or objection is granted, the reconsidered decision is final when filed in the commission's office.

(6) When the decision is final, the commission will notify the person making the complaint of its decision.

NEW SECTION

WAC 292-12-140 ADDITIONAL EVIDENCE. The commission may order a public hearing for the taking of additional evidence at any time before its decision is final. The order will set the time and place of the hearing and will specify the matters on which the additional evidence is to be taken. A copy of the order shall be served upon the judge at least fourteen days prior to the date set for hearing. The hearing will be conducted in the manner provided in WAC 292-12-040 through 292-12-130.

NEW SECTION

WAC 292-12-150 SUPREME COURT PROCEDURES. (1) Within fourteen days after the decision is final, a commission decision recommending the suspension, removal, or retirement of a judge will be filed in the supreme court and served on the judge. The notice of the decision served on the judge shall state the date the decision was filed in the supreme court and shall specify the period during which the judge may challenge the commission recommendation as provided in Discipline Rules for Judges.

(2) If the commission recommendation is that the judge be removed, the judge shall be suspended, with salary, from that judicial position effective upon filing the recommendation with the supreme court; such suspension with pay will remain in effect until a final determination is made by the supreme court.

(3) The chairperson shall certify the record of commission proceedings to the supreme court, having transmitted to the judge those portions of the record required by Discipline Rules for Judges or these rules.

(4) If the supreme court remands a case, the commission will proceed in accordance with the order on remand.

NEW SECTION

WAC 292-12-160 REINSTATEMENT OF ELIGIBILITY. A former judge whose eligibility for judicial office had been removed by the supreme court may file with the commission a petition for reinstatement of eligibility. WAC 292-08-050 and 292-12-040 through 292-12-180 apply to commission review of a petition for reinstatement of eligibility. The commission will recommend to the supreme court in writing that the former judge should or should not be reinstated to eligibility to hold judicial office as provided in Discipline Rules for Judges.

NEW SECTION

WAC 292-12-170 EXTENSION OF TIME. Upon a showing of good cause the chairperson or fact-finder may extend the time within which an act must be done under these rules.

NEW SECTION

WAC 292-12-180 SERVICE. (1) Service of papers on the commission shall be given by delivering or mailing the papers to the commission's office.

(2) If service is by mail, a paper is timely served if mailed within the time permitted for service. If a paper is served by mail, a time period dependent on the service begins to run three days after the paper is mailed.

Original Notice.

Title of Rule: Tariffs and pilotage rates for the Grays Harbor pilotage district.

Purpose: To amend the pilotage tariff rate.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: RCW 88.16.035.

Summary: The proposed amendment reflects a ten percent increase in the Grays Harbor pilotage tariff rate.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, Pier 52, Seattle, 576-7818.

Name of Proponent: Washington State Board of Pilotage Commissioners, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule would increase the tariff for pilotage services in Grays Harbor by ten percent.

Proposal Changes the Following Existing Rules: The proposed rule is a ten percent increase over the existing rule.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Conference Room, Pier 52, Seattle, Washington, on March 8, 1990, at 9:00 a.m.

Submit Written Comments to: Captain Don Schwartzman, by February 26, 1990.

Date of Intended Adoption: March 8, 1990.

January 24, 1990
Marjorie T. Smitch
Assistant Attorney General

AMENDATORY SECTION (Amending Order 89-3, Resolution No. 89-3, filed 3/31/89)

WAC 296-116-185 TARIFFS, AND PILOTAGE RATES FOR THE GRAYS HARBOR PILOTAGE DISTRICT. The following rates shall become effective on May 1, 1989.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be ~~\$(35-13)~~ 38.64 per meter (or ~~\$(10-70)~~ 11.77 per foot) and the tonnage charge shall be ~~\$(0-112)~~ 0.12331 per net registered ton. The minimum net registered tonnage charge is ~~\$(392-00)~~ 431.00. The charge for an extra vessel (in case of tow) is ~~\$(224-00)~~ 246.00.

Boarding fee:

Per each boarding/deboarding from a boat ~~\$(169-00)~~
\$186.00

CLASSIFICATION OF PILOTAGE SERVICE RATE

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage ~~(\$281.00)~~
\$309.00

Delays per hour ~~(\$ 67.00)~~
\$ 74.00

Cancellation charge (pilot only) ~~(\$112.00)~~
\$123.00

Cancellation charge (pilot boat only) ~~(\$336.00)~~
\$370.00

Travel allowance:

Boarding or debarking a vessel off Grays Harbor entrance ~~(\$ 52.00)~~
\$ 57.00

Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$430.00 for each day or fraction thereof, and the travel expense incurred ~~(\$392.00)~~
\$431.00

Bridge transit:

Charge for each bridge transited ~~(\$123.00)~~
\$135.00

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 45 days of invoice will be assessed at 1 1/2% per month late charge.

Date of Intended Adoption: March 8, 1990.
 February [January] 24, 1990
 Marjorie T. Smitch
 Assistant Attorney General

AMENDATORY SECTION (Amending Order 89-2, Resolution No. 89-2, filed 3/31/89)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT. These rates shall become effective on May 1, 1989.

CLASSIFICATION	RATE
Ship length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding fee:	(\$-25.00) <u>\$ 28.00</u>
Per each boarding/debarking at the Port Angeles pilot station.	
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift - Dead ship	Double LOA Zone I
Dead ship towing charge:	Double LOA Zone I
LOA of tug + LOA of tow + beam of tow	
Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.	
Waterway and bridge charges:	
Ships up to 90' beam:	
A charge of \$(134.00) <u>147.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle, south of Eleventh Street Bridge in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$(64.00) <u>70.00</u> per bridge.	
Ships 90' beam and/or over:	
A charge of \$(181.00) <u>199.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$(127.00) <u>140.00</u> per bridge.	
(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)	
Two or three pilots required:	
In a case where two or three pilots are employed for a single vessel waterway or bridge transit, (a) the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.	
Compass adjustment	(\$180.00) <u>\$198.00</u>
Radio direction finder calibration	(\$180.00) <u>\$198.00</u>
Launching vessels	(\$271.00) <u>\$298.00</u>
Trial trips, 6 hours or less (Minimum \$(511.00) <u>\$62.00</u>)	(\$ 85.00) <u>\$ 94.00</u> per hr.
Trial trips, over 6 hours (two pilots)	(\$170.00) <u>\$188.00</u> per hr.
Shilshole Bay - Salmon Bay	(\$106.00) <u>\$117.00</u>
Salmon Bay - Lake Union	(\$ 83.00) <u>\$ 91.00</u>
Lake Union - Lake Washington (plus LOA zone from Webster Point)	(\$106.00) <u>\$117.00</u>
Cancellation charge	LOA Zone I
Cancellation charge - Port Angeles (when pilot is ordered and vessel proceeds without stopping for pilot.)	LOA Zone I

WSR 90-03-097
PROPOSED RULES
BOARD OF PILOTAGE COMMISSIONERS
 [Filed January 24, 1990, 10:34 a.m.]

Original Notice.
 Title of Rule: Pilotage rates for the Puget Sound pilotage district.
 Purpose: To amend the pilotage tariff rate.
 Statutory Authority for Adoption: RCW 88.16.035.
 Statute Being Implemented: RCW 88.16.035.
 Summary: The proposed amendment reflects a ten percent increase in the Puget Sound pilotage tariff rate.
 Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, Pier 52, Seattle, 576-7818.
 Name of Proponent: Washington State Board of Pilotage Commissioners, governmental.
 Rule is not necessitated by federal law, federal or state court decision.
 Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule would increase the tariff for pilotage services in Puget sound by ten percent, excluding transportation.
 Proposal Changes the Following Existing Rules: The proposed rule is a ten percent increase over the existing rule, excluding transportation.
 No small business economic impact statement is required for this proposal by chapter 19.85 RCW.
 Hearing Location: Conference Room, Pier 52, Seattle, Washington, on March 8, 1990, at 9:00 a.m.
 Submit Written Comments to: Captain Don Schwartzman, by February 26, 1990.

CLASSIFICATION **RATE**

Docking delay after anchoring: ~~(\$ 85.00)~~
 \$ 94.00
 per hr.

Applicable harbor shift rate to apply, plus ~~\$(85.00)~~ 94.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ~~\$(85.00)~~ 94.00 for every hour or fraction thereof.

Sailing delay: ~~(\$ 85.00)~~
 \$ 94.00
 per hour

No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ~~\$(85.00)~~ 94.00 for every hour or fraction thereof.

~~(\$ 85.00)~~
 \$ 94.00
 per hour

Slowdown:
 When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of ~~\$(85.00)~~ 94.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Super ships:
 20,000 to 50,000 gross tons:
 Additional charge to LOA zone mileage of ~~\$(0.0449)~~ 0.0494 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:
 In excess of 50,000 gross tons, the charge shall be ~~\$(0.0538)~~ 0.0592 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Delayed arrival-Port Angeles: ~~(\$ 85.00)~~
 \$ 94.00
 per hour

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of ~~\$(85.00)~~ 94.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

Transportation to vessels on Puget Sound:

March Point or Anacortes	\$ 112.00
Bangor	65.00
Bellingham	124.00
Bremerton	34.00
Cherry Point	146.00
Dupont	65.00
Edmonds	23.00
Everett	42.00
Ferndale	134.00
Manchester	51.00
Mukilteo	41.00
Olympia	84.00
Point Wells	23.00
Port Gamble	60.00
Port Townsend (Indian Island)	85.00
Semiahmoo (Blaine)	153.00
Tacoma	43.00
Tacoma Smelter	49.00
Winslow	34.00

(a) Interport shifts: Transportation paid to and from both points.
 (b) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
 (c) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
 (d) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x ~~\$(1.60)~~ 1.76 per mile.

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

CLASSIFICATION **RATE**

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA rate schedule
 The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
(Up to 449)	127	198	344	515	695	904
450-459	129	203	347	523	705	907
460-469	133	206	350	531	716	911
470-479	138	210	355	543	719	914
480-489	141	215	357	552	724	917
490-499	144	217	361	562	731	922
500-509	150	221	367	570	737	928
510-519	152	226	371	577	744	931
520-529	154	234	377	580	751	940
530-539	160	237	382	586	763	949
540-549	163	241	389	593	776	958
550-559	166	248	392	602	782	967
560-569	172	258	400	607	790	977
570-579	175	262	404	609	797	983
580-589	183	266	411	614	803	994
590-599	191	271	414	618	814	1004
600-609	198	279	420	620	823	1010
610-619	209	282	427	624	832	1019
620-629	218	286	433	628	841	1030
630-639	229	292	437	630	848	1041
640-649	239	298	442	633	858	1048
650-659	254	304	449	638	867	1058
660-669	262	307	454	641	876	1066
670-679	269	314	459	652	886	1073
680-689	274	321	465	659	894	1083
690-699	282	326	470	671	904	1105
700-719	295	336	480	678	920	1119
720-739	312	347	491	687	940	1137
740-759	326	361	502	695	958	1157
760-779	339	376	513	705	977	1174
780-799	355	390	523	716	994	1194
800-819	369	404	533	721	1010	1211
820-839	382	417	545	731	1030	1226
840-859	399	434	556	739	1048	1247
860-879	412	449	567	760	1066	1264
880-899	427	464	577	777	1083	1283
900-919	440	477	587	795	1105	1301
920-939	455	491	602	814	1119	1319
940-959	470	505	610	832	1137	1336
960-979	483	520	622	848	1157	1355
980-999	500	533	631	867	1174	1372
1000 & over	513	551	643	886	1194	1391
Up to 449	140	218	378	567	765	994
450-459	142	223	382	575	776	998
460-469	146	227	385	584	788	1002
470-479	152	231	391	597	791	1005
480-489	155	237	393	607	796	1009
490-499	158	239	397	618	804	1014
500-509	165	243	404	627	811	1021
510-519	167	249	408	635	818	1024
520-529	169	257	415	638	826	1034
530-539	176	261	420	645	839	1044
540-549	179	265	428	652	854	1054
550-559	183	273	431	662	860	1064
560-569	189	284	440	668	869	1075
570-579	193	288	444	670	877	1081
580-589	201	293	452	675	883	1093
590-599	210	298	455	680	895	1104
600-609	218	307	462	682	905	1111
610-619	230	310	470	686	915	1121
620-629	240	315	476	691	925	1133
630-639	252	321	481	693	933	1145
640-649	263	328	486	696	944	1153
650-659	279	334	494	702	954	1164
660-669	288	338	499	705	964	1173

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
670 - 679	296	345	505	717	975	1180
680 - 689	301	353	512	725	983	1191
690 - 699	310	359	517	738	994	1216
700 - 719	325	370	528	746	1012	1231
720 - 739	343	382	540	756	1034	1251
740 - 759	359	397	552	765	1054	1273
760 - 779	373	414	564	776	1075	1291
780 - 799	391	429	575	788	1093	1313
800 - 819	406	444	586	793	1111	1332
820 - 839	420	459	600	804	1133	1349
840 - 859	439	477	612	813	1153	1372
860 - 879	453	494	624	836	1173	1390
880 - 899	470	510	635	855	1191	1411
900 - 919	484	525	646	875	1216	1431
920 - 939	501	540	662	895	1231	1451
940 - 959	517	556	671	915	1251	1470
960 - 979	531	572	684	933	1273	1491
980 - 999	550	586	694	954	1291	1509
1000 & over	564	606	707	975	1313	1530

WSR 90-03-098

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed January 24, 1990, 10:41 a.m., effective March 1, 1990]

Date of Adoption: January 11, 1990.

Purpose: Implements RCW 18.44.310.

Citation of Existing Rules Affected by this Order:

Repealing WAC 308-128B-060 Inactive escrow officer license.

Statutory Authority for Adoption: RCW 18.44.320.

Pursuant to notice filed as WSR 89-24-077 on December 6, 1989.

Effective Date of Rule: March 1, 1990.

January 11, 1990

Mary Faulk

Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-128B-060 INACTIVE ESCROW OFFICER LICENSE

WSR 90-03-099

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed January 24, 1990, 10:42 a.m., effective March 1, 1990]

Date of Adoption: January 11, 1990.

Purpose: To fix certain fees for escrow officers, agents and branch offices.

Citation of Existing Rules Affected by this Order: Amending WAC 308-128B-080 Escrow officer and agent fees.

Statutory Authority for Adoption: RCW 18.44.080 and 43.24.086.

Pursuant to notice filed as WSR 89-24-078 on December 6, 1989.

Effective Date of Rule: March 1, 1990.

January 11, 1990

Mary Faulk

Director

AMENDATORY SECTION (Amending Order PM 668, filed 8/27/87)

WAC 308-128B-080 ESCROW OFFICER AND AGENT FEES. On March 1, 1990, the following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Escrow officer:	
First examination	((+\$100.00)) \$150.00
Reexamination	((+\$100.00)) 150.00
Original license	((+\$50.00)) 200.00
License renewal	((+\$75.00)) 200.00
Transfer of license, name or address change or license activation	((+\$5.00)) 25.00
Duplicate license	((+\$5.00)) 25.00
Escrow agent:	
Application and original certificate	((275.00)) 375.00
Renewal	((275.00)) 375.00
Late renewal with penalty	((250.00)) 562.50
Transfer of ((license)) certificate, name or address change	((+\$5.00)) 25.00
Duplicate ((license)) certificate	((+\$5.00)) 25.00
Escrow agent branch office:	
Application and original license	((275.00)) 375.00
Renewal	((275.00)) 375.00
Late renewal with penalty	((250.00)) 562.50
Transfer of license, name or address change	((+\$5.00)) 25.00
Duplicate license	((+\$5.00)) 25.00

WSR 90-03-100
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed January 24, 1990, 1:47 p.m.]

Original Notice.

Title of Rule: New WAC 388-51-300 Transitional child care.

Purpose: Provides up to 12 months of child care for families who become ineligible for AFDC due to increased hours of or earnings from employment, or as a result of the loss of income disregards.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Implements mandatory federal program to provide up to 12 months of child care to families who become ineligible for AFDC due to increased earnings from, or hours of, employment or as a result of the loss of income disregards.

Reasons Supporting Proposal: This rule is necessary to implement the Family Support Act (FSA) of 1988, Title III, Section 302.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ken Anderson, Income Assistance, PPD, 753-4920.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, Family Support Act (FSA) of 1988, Title III, Section 302.

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington 98504, on February 28, 1990, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by February 28, 1990.

Date of Intended Adoption: March 1, 1990.

February [January] 24, 1990

Leslie F. James, Director
 Administrative Services

Chapter 388-51 WAC

JOB OPPORTUNITIES AND BASIC SKILLS TRAINING PROGRAM CHILD CARE AND OTHER WORK-RELATED SUPPORTIVE SERVICES AND TRANSITIONAL CHILD CARE

NEW SECTION

WAC 388-51-300 TRANSITIONAL CHILD CARE. (1) The purpose of this program is to guarantee transitional child care to families who become ineligible for AFDC due to increased earnings from, or hours of, employment or the loss of income disregards. The purpose of transitional child care is to permit the families to accept or retain employment.

(2) A family is eligible for transitional child care provided the family meets following conditions:

(a) Is ineligible for AFDC due to increased hours of, or increased income from, employment or the loss of income disregards due to time limitations;

(b) Received AFDC in three or more of the six months immediately preceding the first month of ineligibility; and

(c) Requests transitional child care benefits, provides the information necessary for determining eligibility and fees, and meets application requirements.

(i) The department shall provide information on transitional child care to families terminating AFDC for reasons described under subsection (2)(a) of this section.

(ii) A written application form and information on how to submit the application for transitional child care shall be included in the informational material provided to families terminating from AFDC for reasons described under subsection (2)(a) of this section.

(3) A family's eligibility for transitional child care begins with the first month the AFDC family is ineligible for AFDC for reasons described under subsection (2) of this section, and continues for a period of twelve consecutive months. Families may begin receiving child care in any month during the twelve-month eligibility period. Transitional child care is limited to a child:

(a) Twelve years of age or under unless the child is physically or mentally incapable of caring for oneself, as verified by the department, based on a determination by a physician or a licensed or certified psychologist;

(b) Under court supervision who may be a dependent child, if needy; or

(c) Who may be a dependent child unless the child is a recipient of benefits under supplemental security income (SSI) or foster care.

(4) A family's eligibility for transitional child care ceases to exist for a remaining portion of the twelve-month period if the caretaker relative:

(a) Terminates employment without good cause. Good cause for failure to retain employment includes, but is not limited to:

(i) Physical, mental, or emotional inability to perform the required activity;

(ii) Court-ordered appearance or temporary incarceration;

(iii) Family or individual emergency or crisis;

(iv) Breakdown in transportation arrangements, with no readily accessible alternate transportation;

(v) Inclement weather preventing the individual and others similarly situated from traveling to, or participating in, the prescribed employment;

(vi) The nature of the employment is hazardous to the individual;

(vii) The employment wages do not meet minimum wage standards or are not customary for the work in the community;

(viii) The employment was obtained due to a vacancy caused by a labor dispute;

(ix) Refusal to accept major medical treatment needed to continue employment, for example, major surgery;

(x) Refusal to continue employment, the wages, less mandatory payroll deductions and necessary work-related expenses, do not equal or exceed the family's AFDC cash benefit; or

(xi) Illness or incapacity of another household member requiring the caretaker relative's care.

(b) Fails to cooperate with the department in establishing and enforcing child support obligations; or

(c) Fails to pay required co-payment fees as long as back fees are owed or until satisfactory arrangements are made to make full payment.

(5) If the caretaker relative loses a job with good cause and finds another job, the family may qualify for the remaining portion of the twelve-month eligibility period.

(6) The caretaker relative shall contribute to the transitional child care cost based on the family's ability to pay according to a sliding scale based on the benchmark standard described under WAC 388-77-500(4).

(a) Families with gross income earnings, at or below one hundred thirty-five percent of the benchmark standard, shall contribute five dollars per month toward the transitional child care cost.

(b) Families with gross income exceeding one hundred thirty-five percent of the benchmark standard shall contribute toward the transitional child care cost at the rate of twenty-five percent of the income exceeding one hundred thirty-five percent of the benchmark standard.

(c) Co-payments are for the transitional child care total cost without regard to the number of children receiving care.

(7) Individuals failing to cooperate in paying required fees shall lose eligibility for benefits as long as back fees are owed, unless the individual makes satisfactory arrangements for full payment.

(8) The caretaker relatives shall pay directly to the child care provider the caretaker relatives' share of the child care costs.

(9) The department shall inform a participant at the time of applying for the child care program of the right to file a complaint or grievance with the department on any matter concerning participation or required co-payments. The department shall pursue the grievance in accordance with standard grievance procedures, as contained under WAC 388-33-389. The department shall inform a participant that filing a complaint or grievance shall not preclude the participant's right to request at any time a department's fair hearing under chapter 388-08 WAC on the issue.

WSR 90-03-101
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Filed January 24, 1990, 2:07 p.m.]

Original Notice.

Title of Rule: Repealing WAC 356-34-110 Personnel Board hearings—Procedure—Record; 356-34-113 Prehearing procedures—Exhibits and possible stipulations—Witnesses; 356-34-115 Statement of position—Hearings; 356-34-117 Scheduling of hearings—Time allotted; 356-34-118 Hearings—Continuances; 356-34-119 Argument—Time limitation—Hearings; 356-34-130 Appearance by former officer or employee of the board; 356-34-140 Ethical conduct before the Personnel Board; 356-34-160 Service of process; 356-34-170 Filing of papers—Computation of time; 356-34-180 Subpoenas—Content—Service; 356-34-190 Witness fees; 356-34-200 Proof of subpoena service; 356-34-210 Quashing; 356-34-220 Orders for discovery; 356-34-230 Proof of charges; and new WAC 356-37-010 Personnel Board hearings—Procedure—Record; 356-37-020 Prehearing procedures—Exhibits and possible stipulations—Witnesses; 356-37-030 Statement of position—Hearings; 356-37-040 Scheduling of hearings—Time allotted; 356-37-050 Hearings—Continuances; 356-37-060 Appearance by former officer of [or] employee of the board; 356-37-070 Ethical conduct before the Personnel Board; 356-37-080 Service of process; 356-37-090 Filing of papers—Computation of time; 356-37-100 Subpoenas—Issuance—Content—Service; 356-37-110 Witness fees; 356-37-120 Proof of subpoena service; 356-37-130 Quashing; 356-37-140 Orders for discovery; and 356-37-150 Proof of charges.

Purpose: This new chapter will establish general rules concerning the hearing process before the State Personnel Board.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This request places into a separate chapter, rules dealing with the conduct of the hearings before the Personnel Board.

Reasons Supporting Proposal: The State Personnel Board no longer conducts hearings on appeals of disciplinary actions. Creation of a separate section will clarify that general procedures apply to other hearings conducted by the Personnel Board.

Name of Agency Personnel Responsible for Drafting: Marilyn Glenn, 521 Capitol Way South, 753-5699; **Implementation and Enforcement:** Department of Personnel.

Name of Proponent: Marilyn Glenn, Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This will establish general rules concerning the hearing process before the State Personnel Board in a separate chapter. These rules deal with the conduct of hearings before the board. The proposed changes in WAC 356-37-160 and 356-37-170 clarify how service and filing of papers may be accomplished. WAC 356-37-180 provides for subpoenas to be issued by an attorney of record in the proceeding. Creation of this section will clarify that general procedures apply to other hearings conducted by the Personnel Board such as arbitration, unfair labor practices and examination appeals.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on March 8, 1990, at 10:00 a.m.

Submit Written Comments to: Marilyn Glenn, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA 98507, by March 6, 1990.

Date of Intended Adoption: March 8, 1990.

January 23, 1990
Dee W. Henderson
Secretary

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 356-34-110	Personnel board hearings—Procedure—Record.
WAC 356-34-113	Prehearing procedures—Exhibits and possible stipulations—Witnesses.
WAC 356-34-115	Statement of position—Hearings.
WAC 356-34-117	Scheduling of hearings—Time allotted.
WAC 356-34-118	Hearings—Continuances.
WAC 356-34-119	Argument—Time limitation—Hearings.
WAC 356-34-130	Appearance by former officer or employee of the board.
WAC 356-34-140	Ethical conduct before the personnel board.
WAC 356-34-160	Service of process.
WAC 356-34-170	Filing of papers—Computation of time.
WAC 356-34-180	Subpoenas—Content—Service.
WAC 356-34-190	Witness fees.
WAC 356-34-200	Proof of subpoena service.
WAC 356-34-210	Quashing.
WAC 356-34-220	Orders for discovery.
WAC 356-34-230	Proof of charges.

CHAPTER 356-37
HEARINGS—GENERAL PROCEDURES

NEW SECTION

WAC 356-37-010 PERSONNEL BOARD HEARINGS—PROCEDURE—RECORD. (1) Hearings before the personnel board shall be open to the public, except for cases in which the board determines there is substantial reason for not having an open hearing, or in cases where the appellant so requests. Hearings shall be informal with technical rules of evidence not applying to the proceedings, except for the rules of privilege recognized by law.

(2) Hearings may be conducted by only two members of the board, provided that if the two members cannot agree on a decision, a second hearing shall be held in the presence of all three members of the board.

(3) All parties may present and cross-examine witnesses, and give evidence before the board.

(4) The board may, and shall at the request of either party, issue subpoenas duces tecum. All testimony shall be on oath administered by a member of the board.

(5) The board shall keep an official record of the hearing, including all testimony recorded manually or by mechanical device, and exhibits.

NEW SECTION

WAC 356-37-020 PREHEARING PROCEDURES—EXHIBITS AND POSSIBLE STIPULATIONS—WITNESSES. (1) At any hearing before the personnel board when exhibits of a documentary character are offered into evidence, the party offering the exhibit shall provide a minimum of six copies: One each for the opposing parties, for the personnel board members, for the court reporter, if any, and for the personnel board's hearings coordinator.

(2) The parties shall arrive at the hearing location in sufficient time before the time scheduled for the hearing for the purpose of exchanging copies of exhibits to be introduced. Whenever practicable, the parties shall have the exhibits which they intend to offer into evidence premarked for identification by the personnel board's hearings coordinator before the scheduled time for commencement of the hearing.

(3) Whenever practicable, the parties should discuss the possibility of obtaining stipulations, admissions of facts and of documents prior to the hearing. If a particular matter appears from the file to be complex, or if the parties so request, the personnel board may request its hearings coordinator to meet with the parties prior to the day set for the hearing to discuss the possibility of obtaining stipulations, admissions of fact and of documents, and simplification of issues. The personnel board will not make such a request on its own motion unless all parties are appearing through representatives.

(4) Whenever practicable, the parties should exchange lists of witnesses prior to the day set for the hearing.

NEW SECTION

WAC 356-37-030 STATEMENT OF POSITION—HEARINGS. (1) Parties are encouraged to file prehearing statements of position with the personnel board. The statements should include a summary of the evidence the party intends to present; a listing of the rules, statutes, or contract provisions upon which the party intends to rely; a statement of the disposition requested; and an argument as to why the party is entitled to the requested disposition.

(2) If a party wishes to provide a prehearing statement of position, he or she must serve a copy of the statement on each opposing party, on each personnel board member, and on the personnel board's hearings coordinator. Service shall be accomplished either personally or by mail. However service is made, it must be timed so that the statement will be received by the persons upon whom service is to be made at least three business days prior to the hearing.

(3) Statements of position filed at the time of the hearing will not be considered by the personnel board unless for good cause shown the personnel board directs otherwise.

NEW SECTION

WAC 356-37-040 SCHEDULING OF HEARINGS—TIME ALLOTTED. In all hearings before the personnel board, the personnel board's hearings coordinator will set the date of the hearing and the amount of time allotted to each party for the hearing. Prior to setting the matter, the hearings coordinator will consult with all parties as to available dates and length of hearing. At least twenty calendar days notice shall be given of the time and date of the hearing unless both parties agree to a shorter time.

NEW SECTION

WAC 356-37-050 HEARINGS—CONTINUANCES. Upon receipt of a notice of hearing, or as soon thereafter as circumstances necessitating a continuance come to its knowledge, any party desiring to continue the hearing to a later date shall make a request for continuance to the personnel board. All continuance requests shall be in writing and, in detail, shall specify the reasons the continuance is necessary. In passing upon a request for continuance, the personnel board shall consider whether the request was promptly and timely made. For

good cause shown, the personnel board may grant a continuance and may at any time order a continuance on its own motion.

NEW SECTION

WAC 356-37-060 APPEARANCE BY FORMER OFFICER OR EMPLOYEE OF THE BOARD. No person who has served as an officer or employee of the board shall, within a period of two years after the termination of such service or employment, appear before the board or receive compensation for any services rendered on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application with respect to which such person was directly concerned and in which he personally participated during the period of his service or employment.

NEW SECTION

WAC 356-37-070 ETHICAL CONDUCT BEFORE THE PERSONNEL BOARD. All persons appearing in proceedings before the personnel board in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to these standards, the board may decline to permit such person to appear in a representative capacity.

NEW SECTION

WAC 356-37-080 SERVICE OF PROCESS. (1) The personnel board shall cause to be served all orders, notices, and other papers issued by the board, together with any other papers which the board is required by law to serve. Every other paper shall be served by the party filing the notice, document or paper.

(2) All notices, documents, or papers served by either the personnel board or any other party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be made either personally or by first class or certified mail, or by electronic telefacsimile transmission and same-day mailing of copies.

(3) Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail upon deposit in the United States mail properly stamped and addressed. Service by electronic telefacsimile transmission shall be regarded as complete upon production by the telefacsimile device of confirmation of transmission.

NEW SECTION

WAC 356-37-090 FILING OF PAPERS—COMPUTATION OF TIME. (1) Papers required to be filed with the state personnel board shall not be deemed filed until actual receipt of the papers by the department of personnel at the office of the director of personnel in Olympia, Washington. Papers must be filed between 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding designating holidays. The director of personnel or designee shall issue an acknowledgment stating the date filed.

(2) Periods of notice or periods of time within which acts are to be completed, as prescribed or allowed by these rules or by order of the board, shall be computed by excluding the first and including the last day unless specifically provided in these rules to the contrary. If the last day is a Saturday, Sunday or holiday, the act must be completed on the next business day, unless a period of notice is being computed and such Saturday, Sunday or holiday is a regularly scheduled workday for the employee. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

NEW SECTION

WAC 356-37-100 SUBPOENAS—ISSUANCE—CONTENT—SERVICE. (1) Subpoenas may be issued by any member of the board or its designee, or by the attorney of record of the party to the hearing in whose behalf the witness is required to appear, and shall be subscribed by the signature of the issuing person. Parties desiring subpoenas which are to be signed by the members of the board or its designee shall submit a written request to the board or its designee.

(2) Every subpoena shall name the board and the title of the proceedings, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under his control at a specified time and place.

(3) Service of subpoena shall be made by delivering a copy of the subpoena to such person and by tendering him on demand, where entitled to make such a demand, the fees for one day's attendance and the mileage allowed by law.

NEW SECTION

WAC 356-37-110 WITNESS FEES. Witnesses summoned before the board shall be paid by the party at whose instance they appear the same fees and mileage that are paid to witnesses in the superior courts of the state of Washington. State employees who remain in pay status shall be compensated for travel only.

NEW SECTION

WAC 356-37-120 PROOF OF SUBPOENA SERVICE. The person serving the subpoena shall make proof of service by filing the subpoena and if such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

NEW SECTION

WAC 356-37-130 QUASHING. Upon motion promptly made by a party or by the person to whom the subpoena is directed and upon notice to the party who issued the subpoena, the personnel board may:

(1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or

(2) Condition denial of the motion upon just and reasonable conditions.

NEW SECTION

WAC 356-37-140 ORDERS FOR DISCOVERY. The personnel board may issue orders for discovery by analogy to the superior court rules or the requirements of justice.

NEW SECTION

WAC 356-37-150 PROOF OF CHARGES. At any hearing before the personnel board, the party seeking relief or filing charges shall have the burden of proof.

WSR 90-03-102
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Filed January 24, 1990, 2:08 p.m.]

Original Notice.

Title of Rule: WAC 356-14-240 Overtime compensation method; 356-15-060 Shift premium provisions and compensation; and 356-15-125 Assignment pay provisions.

Purpose: These rules currently govern shift and assignment pay for employees who choose to accept compensatory time in lieu of cash payment for overtime.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal will clarify that shift premium earned during overtime work will be either: Paid to the employee at the time earned, even when the overtime itself is credited as compensatory time and paid later when the employee may also receive shift premium for the same hours of compensatory time; or not paid at the time earned, leaving the employee's permanent shift assignment at the same time the compensatory time is utilized to be the basis of payment.

Reason Supporting Proposal: The present rule does not give clear direction.

Name of Agency Personnel Responsible for Drafting: Gail Salisbury, 521 Capitol Way South, Olympia, 753-5383; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Arthur Morse, Personnel manager, Department of Transportation, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: These are alternative proposals to clarify the Personnel Board's intent. The present rules provide that employees receive those leave benefits with the shift premium, even though much of that paid leave eligibility may be accrued on day shift. Under the first proposal the shift premium (and any special assignment pay) earned on overtime hours would be paid immediately when earned—not credited when earned or payable with compensatory time when taken. Under the alternative proposal, an employee on night shift on assignment pay job earning overtime would not receive that shift or assignment pay at all if the overtime is credited as compensatory time. But any employee who is on a night shift or permanent "assignment pay assignment" would continue to get the present full pay with premium when utilizing accrued compensatory time.

Proposal Changes the Following Existing Rules: WAC 356-14-240 provides that assignment pay will be paid to any employee who utilized any compensatory time during permanent assignment to a "special assignment pay" job. And it provides that no credit or payment for overtime earned at assignment pay rates will be made if the overtime is credited as compensatory time.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on March 8, 1990, at 10:00 a.m.

Submit Written Comments to: Gail Salisbury, Department of Personnel, P.O. Box 1879, FE-11, Olympia, WA 98507, by March 6, 1990.

Date of Intended Adoption: March 8, 1990.

January 11, 1990

Dee W. Henderson

Secretary

AMENDATORY SECTION (Amending Order 275, filed 5/8/87 [5/18/87], effective 7/1/87)

WAC 356-14-240 OVERTIME COMPENSATION METHOD. Overtime for state employees shall be compensated in accord with WAC 356-15-030.

(1) Scheduled, nonscheduled, and law enforcement employees shall be compensated in cash or compensatory time off, both at the rate of time-and-one-half. Cash payment shall be at the overtime rate, while compensatory time shall be credited as 1.5 hours of compensatory time for each hour of overtime worked. (See WAC 356-14-265 for computing cash value compensatory time.)

Compensatory time off may be used in lieu of cash only when an agency and the employee agree, except as provided for law enforcement positions in WAC 356-15-030 (4)(a). When compensatory time off is utilized, it shall be liquidated in accord with WAC 356-14-260.

~~((2) Time during which an employee is excused from work for holidays, sick leave, vacations or compensatory time shall be considered time worked for payroll purposes. However, time records shall indicate that the employee did not work during these excused absences.))~~

~~((3) If assignment pay is earned during overtime hours which are credited as compensatory time, no additional credit or payment shall~~

be made for the assignment pay. When compensatory time is utilized by an employee whose presently scheduled, regular assignment entitles the employee to full-time assignment pay, then the payment for the compensatory time off shall include the assignment pay:))

~~((4) Advisory note: Cash compensation for overtime is subject to deductions for state retirement and taxes.))~~

(2) Time during which an employee is excused from work for holidays, sick leave, vacations or compensatory time shall be considered time worked for payroll purposes. However, time records shall indicate that the employee did not work during these excused absences.

(3) If assignment or shift pay is earned during overtime hours which are credited as compensatory time, the employee shall be paid for the assignment pay and/or shift pay following the pay period in which the overtime is worked.

(4) Advisory note: Cash compensation for overtime is subject to deductions for state retirement and taxes.

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

Alternate Proposal

AMENDATORY SECTION (Amending Order 275, filed 5/18/87, effective 7/1/87)

WAC 356-14-240 OVERTIME COMPENSATION METHOD. Overtime for state employees shall be compensated in accord with WAC 356-15-030.

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~~((2) Time during which an employee is excused from work for holidays, sick leave, vacations or compensatory time shall be considered time worked for payroll purposes. However, time records shall indicate that the employee did not work during these excused absences.))~~

~~((3) If assignment pay is earned during overtime hours which are credited as compensatory time, no additional credit or payment shall be made for the assignment pay. When compensatory time is utilized by an employee whose presently scheduled, regular assignment entitles the employee to full-time assignment pay, then the payment for the compensatory time off shall include the assignment pay:))~~

~~((4) Advisory note: Cash compensation for overtime is subject to deductions for state retirement and taxes.))~~

(2) Time during which an employee is excused from work for holidays, sick leave, vacations or compensatory time shall be considered time worked for payroll purposes. However, time records shall indicate that the employee did not work during these excused absences.

(3) If assignment or shift pay is earned during overtime hours which are credited as compensatory time, no additional credit or payment shall be made for the assignment or shift pay.

(4) Advisory note: Cash compensation for overtime is subject to deductions for state retirement and taxes.

AMENDATORY SECTION (Amending Order 248, filed 5/28/86, effective 7/1/86)

WAC 356-15-060 SHIFT PREMIUM PROVISIONS AND COMPENSATION. (1) For purposes of this section, night shift and evening shift are defined as work shifts of eight or more hours which start by 3 a.m. or end at or after 10 p.m. respectively.

(2) Employees are entitled to shift premium in the amount specified in WAC 356-15-061 under the following circumstances only:

(a) Scheduled standard work period employees:
(i) For their scheduled hours which extend before 6 a.m. or after 6 p.m.

(ii) For all hours on their scheduled evening and/or night shift.
(iii) For all additional compensated hours worked by employees whose work schedules consist entirely of evening and/or night shifts.

(b) Scheduled alternate, unlisted, nonscheduled, exceptions, and law enforcement work period employees:

(i) For conditions mentioned in (a) of this subsection, shift premium is payable.

(ii) Employees who are scheduled to work at least one, but not all, night or evening shifts each week, are entitled to shift premium for those scheduled evening or night shifts, and for all adjoining hours which are worked and compensated.

(c) Part-time employees:

(i) For all assigned hours of work after 6 p.m. and before 6 a.m.

(ii) For assigned full night or evening shifts, as defined in subsection (1) of this section.

(d) Intermittent and temporary employees are entitled to shift premium depending on whether their assignment fits into the part-time category ((c) of this subsection) or into one of the full-time categories ((a) or (b) of this subsection).

(3) MONTHLY SHIFT PREMIUM RATES: In cases where shift premium hours are regularly scheduled over a year, agencies may pay shift premium at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve into the amount of shift premium an employee would earn in a year if the hourly rules in subsection (1) of this section were applied. This option is granted to simplify bookkeeping and is not authorized to establish shift premium rates higher or lower than those set by the board.

(4) SHIFT PREMIUM AND OVERTIME: When an employee is compensated for working overtime during hours for which shift premium is authorized in subsection (2)(a) through (c) of this section, the overtime rate shall be calculated using the "regular rate" as defined in WAC 356-05-353

(5) PAYMENT DURING LEAVE PERIODS: Employees eligible for shift premium for all or part of their regular shifts will receive the same proportion of shift premium for authorized periods of ~~((paid leave, vacation leave, sick leave, military training leave, ((holiday)) miscellaneous leave, ((etc)) and holidays. Employees taking compensatory time off from a shift that would otherwise entitle them to shift pay shall not receive any shift premium for the hours of compensatory time utilized.~~

Reviser's note: RCW 34.05.395 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.

Alternate Proposal

AMENDATORY SECTION (Amending Order 248, filed 5/28/86, effective 7/1/86)

WAC 356-15-060 SHIFT PREMIUM PROVISIONS AND COMPENSATION. (1) For purposes of this section, night shift and evening shift are defined as work shifts of eight or more hours which start by 3 a.m. or end at or after 10 p.m. respectively.

(2) Employees are entitled to shift premium in the amount specified in WAC 356-15-061 under the following circumstances only:

(a) Scheduled standard work period employees:

(i) For their scheduled hours which extend before 6 a.m. or after 6 p.m.

(ii) For all hours on their scheduled evening and/or night shift.

(iii) For all additional compensated hours worked by employees whose work schedules consist entirely of evening and/or night shifts.

(b) Scheduled alternate, unlisted, nonscheduled, exceptions, and law enforcement work period employees:

(i) For conditions mentioned in (a) of this subsection, shift premium is payable.

(ii) Employees who are scheduled to work at least one, but not all, night or evening shifts each week, are entitled to shift premium for those scheduled evening or night shifts, and for all adjoining hours which are worked and compensated.

(c) Part-time employees:

(i) For all assigned hours of work after 6 p.m. and before 6 a.m.

(ii) For assigned full night or evening shifts, as defined in subsection (1) of this section.

(d) Intermittent and temporary employees are entitled to shift premium depending on whether their assignment fits into the part-time category ((c) of this subsection) or into one of the full-time categories ((a) or (b) of this subsection).

(3) MONTHLY SHIFT PREMIUM RATES: In cases where shift premium hours are regularly scheduled over a year, agencies may pay shift premium at a monthly rate which is equal for all months of the year. Such monthly rates shall be calculated by dividing twelve into the amount of shift premium an employee would earn in a year if the hourly rules in subsection (1) of this section were applied. This option

is granted to simplify bookkeeping and is not authorized to establish shift premium rates higher or lower than those set by the board.

(4) **SHIFT PREMIUM AND OVERTIME:** When an employee is compensated for working overtime during hours for which shift premium is authorized in subsection (2)(a) through (c) of this section, the overtime rate shall be calculated using the "regular rate" as defined in WAC 356-05-353

(5) **PAYMENT DURING LEAVE PERIODS:** Employees eligible for shift premium for all or part of their regular shifts will receive the same proportion of shift premium for authorized periods of paid leave, i.e., vacation leave, sick leave, compensatory time, military training leave, holidays (~~leave~~), etc.

Reviser's note: RCW 34.05.395 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 281, filed 7/16/87, effective 9/1/87)

WAC 356-15-125 **ASSIGNMENT PAY PROVISIONS.** (1) The personnel board may grant additional pay to recognize assigned duties that exceed ordinary conditions. Hazards, equipment operations and other specialized skills are examples of areas for personnel board consideration. Approved classes will have the letters "AP" appearing after their class title in the compensation plan.

(a) Details of the affected classes or positions within a class, with the additional amount granted, will appear in the salary schedule section of the compensation plan.

(b) Assignment pay provisions for additional ranges mean additional ranges in the same category of base or point ranges. That is, a range 30.3 class receiving four assignment pay ranges would be paid at range 34.3.

(2) Employees eligible for assignment pay for all or part of their regular shifts will receive the same proportion of assignment pay for authorized periods of vacation leave, sick leave, miscellaneous leave, military training leave, and holidays. Employees taking compensatory time off from a shift that would otherwise entitle them to assignment pay shall not receive additional assignment pay.

Alternate Proposal

AMENDATORY SECTION (Amending Order 281, filed 7/16/87, effective 9/1/87)

WAC 356-15-125 **ASSIGNMENT PAY PROVISIONS.** (1) The personnel board may grant additional pay to recognize assigned duties that exceed ordinary conditions. Hazards, equipment operations and other specialized skills are examples of areas for personnel board consideration. Approved classes will have the letters "AP" appearing after their class title in the compensation plan.

(a) Details of the affected classes or positions within a class, with the additional amount granted, will appear in the salary schedule section of the compensation plan.

(b) Assignment pay provisions for additional ranges mean additional ranges in the same category of base or point ranges. That is, a range 30.3 class receiving four assignment pay ranges would be paid at range 34.3.

(2) Employees eligible for assignment pay for all or part of their regular shifts will receive the same proportion of assignment pay for authorized periods of paid leave, i.e., vacation leave, sick leave, compensatory time, military training leave, holidays, etc.

WSR 90-03-103
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed January 24, 1990, 2:09 p.m.]

Original Notice.

Title of Rule: New WAC 356-42-056 Arbitration—Grievance—Hearings.

Purpose: This rule will establish specific prehearing and hearing procedures for grievance arbitration.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This new section will require that issue(s) to be arbitrated be identified prior to hearings; it also establishes criteria for scheduling hearings and sets general guidelines for the conduct of the hearing.

Reasons Supporting Proposal: This rule will ensure that all parties to an arbitration are aware of their individual roles and the requirements placed on these in the process.

Name of Agency Personnel Responsible for Drafting: Marilyn Glenn, 521 Capitol Way South, 753-5699; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Marilyn Glenn, Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This is a new section to the rules and will establish the procedure for requesting a grievance arbitration. It will require that all issues in an arbitration be identified prior to the hearing and all parties to the arbitration will be aware of their requirements. It also sets general guidelines for the conduct at the hearings.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on March 8, 1990, at 10:00 a.m.

Submit Written Comments to: Marilyn Glenn, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA 98507, by March 6, 1990.

Date of Intended Adoption: March 8, 1990.

January 23, 1990
Dee W. Henderson
Secretary

NEW SECTION

WAC 356-42-056 **ARBITRATION—GRIEVANCE—HEARINGS.** (1) Prior to the scheduling of a grievance arbitration hearing and in order to ensure adequate time for case presentation, the parties may submit to the board hearings coordinator the length of time each believes will be required for the hearing. This shall be based on the complexity of the issues(s) being presented and the number of witnesses to be called. If the parties are able to reach agreement on the length of the arbitration hearing, the board's hearings coordinator will schedule the hearing for the agreed upon length of time. If the parties are unable to reach agreement on the length of the arbitration hearing, the personnel board's hearings coordinator shall consult with each party on the length of time they believe is required. The hearings coordinator shall then schedule the matter for arbitration giving both parties an equal amount of time (not less than two hours each) to present their case. The department of personnel representative who mediated the grievance shall be available to assist in this effort if requested.

(2) Prior to the arbitration hearing the parties shall attempt to reach agreement on the issue(s) to be arbitrated. If successful they shall jointly stipulate to the issue(s). The department of personnel representative who mediated the grievance shall be available to assist if requested. If a joint stipulation is not reached, each shall submit a statement on what they believe the issue(s) to be. In such cases the board or its designee shall state the issue(s) at the beginning of the hearing.

(3) The board or its designee shall be limited to the stipulated/stated issue(s) and shall not make rulings or declarations of opinion on matters not directly related to stipulated/stated issue(s).

(4) The party requesting arbitration shall have the burden of proof and shall go forward with the evidence. All testimony shall be under oath administered by a member of the board or its designee.

(5) The board or its designee shall be the judge of relevancy and materiality of evidence offered. Technical rules of evidence shall not apply to the proceedings.

(6) The board or its designee may ask questions to clarify or amplify a particular point but shall not raise new lines of inquiry not previously raised by the parties. Time used for asking such questions and the response to the questions shall not count against the time allotted to the parties.

(7) The provisions of WAC 356-37 (Hearings-General Procedures) shall apply to the conduct of grievance arbitration hearings.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 90-03-104
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Filed January 24, 1990, 2:10 p.m.]

Original Notice.

Title of Rule: Amending WAC 356-42-055 Arbitration—Grievance—Procedure.

Purpose: Establishes the procedure for requesting grievance arbitration.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This amendment removes the absolute requirement for the responding agency to file an answer to an arbitration petition, establishes the procedure for selecting an arbitrator to act as the board's designee and provides that 20-days notice of arbitration be given and clarifies that the grievant has the burden of proof.

Reasons Supporting Proposal: Responding agencies typically answer by denying allegations in complaints. This proposal removes the requirement to filing papers. WAC 356-42-055 (6) and (7) establishes the method for selecting a designee to hear the arbitration on behalf of the board.

Name of Agency Personnel Responsible for Drafting: Marilyn Glenn, 521 Capitol Way South, 753-5699; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Marilyn Glenn, Department of Personnel, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule currently established the procedure for requesting a grievance arbitration and this amendment will remove the requirement for the responding agency to file an answer to an arbitration petition. It will also establish the procedure for selecting an arbitrator to act as the State Personnel Board's designee. It will also designate that 20-days notice of arbitration be given and will clarify that the grievant has the burden of proof.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on March 8, 1990, at 10:00 a.m.

Submit Written Comments to: Marilyn Glenn, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA 98507, by March 6, 1990.

Date of Intended Adoption: March 8, 1990.

January 23, 1990
Dee W. Henderson
Secretary

AMENDATORY SECTION (Amending Order 331, filed 9/20/89, effective 10/21/89)

WAC 356-42-055 ARBITRATION—GRIEVANCE—PROCEDURE. Whenever arbitration of a grievance is requested of the personnel board pursuant to an agreement as authorized by WAC 356-42-050(2), the procedure set forth below shall apply:

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the personnel board, or in a writing containing the same information as required on the form within thirty calendar days or less from the date the director of personnel or designee indicates in writing that the mediation is at impasse. The request shall state the following:

(a) The name, address and telephone number of the party filing the request, and the name, address and telephone number of any principal representative.

(b) The name, address and telephone number of the opposing party, and, if known, the opposing party's principal representative.

(c) Clear and concise statements of the facts upon which the grievance is based, including times, dates, places and participants in occurrences.

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

(e) A statement of the relief sought.

(f) The signature and, if any, the title of the person filing the request for arbitration.

(2) By mutual agreement the parties to the grievance may extend the thirty-day time frame for requesting arbitration established in subsection (1) of this section. Agreements to extend the time frame shall be reported in writing by the parties to the director of personnel.

(3) A copy of the original grievance and the agency's last written response to the grievance shall be attached to the request for arbitration.

(4) The personnel board's hearings coordinator shall review the request for arbitration to determine compliance with subsection (1) of this section. If the personnel board's hearings coordinator determines the request to be incomplete, he or she shall notify the person filing the request of the portions of the request which need to be supplemented or changed to comply with subsection (1) of this section. When the personnel board's hearings coordinator is satisfied that the request substantially complies with subsection (1) of this section he or she shall mail, or otherwise cause to be served, the request on the opposing party(ies). Any refusal by the personnel board's hearings coordinator to serve the request for arbitration on the opposing party is reviewable by the personnel board upon motion of the requesting party.

(5) Within thirty calendar days of service of the request for arbitration, or within such longer period as the personnel board may allow, the party receiving the request (~~shall~~) may answer the allegations of fact and contentions set forth in the request by admitting, denying, or setting forth doubt as to the truth or falsity of any particular alleged fact or contention. The answer shall be served on the grievant or, if represented, on the grievant's representative, at the same time it is filed with the personnel board. (~~Failure to answer an allegation of fact within the time required, or admission of a fact in the answer, shall constitute a waiver by the answering party of the right to contest the fact in the arbitration proceeding, unless for good cause shown, the personnel board provides otherwise.)) If no answer is filed within the stated time, it will be assumed that the claim is denied. Failure to file an answer shall not operate to delay the arbitration. At the discretion of the personnel board for good cause shown, the request or the answer~~

may be amended at any time prior to the end of the arbitration hearing.

(6) After receipt of the answer, or if no answer is timely filed, the personnel board's hearings coordinator shall either set the matter for arbitration by the board or ~~((its designee))~~ advise the parties that they may select an arbitrator of their choosing from a list of nine individuals empowered to act as designees of the board. ~~((At least twenty days notice shall be given of the time and date of the arbitration unless both parties agree to a shorter time.))~~

(7) ~~((The grievant shall have the burden of proof and shall go forward with the evidence.))~~ If the grievance is to be heard by a designee of the board, the hearings coordinator shall provide the petitioner and the employing agency with identical lists of nine candidates. Each party shall mark its list by striking out the names of unacceptable candidates and list in numerical order the remaining names according to preference. The parties shall return their lists to the board's hearings coordinator within 15 days of service. The board's hearings coordinator shall compare the lists and designate the highest mutual choice of the parties as the board's designated arbitrator. In the event that a comparison of the two lists does not result in a mutually agreeable designee, the board's hearings coordinator shall make a selection and notify the parties of the individual assigned to serve as the designated arbitrator.

(8) Upon stipulation between the parties, the board or designee may grant the grievant's request to waive the right to an evidentiary hearing and thereafter require the parties to submit written evidence upon which the board or designee may act without a hearing.

(9) If the matter is heard directly by the board, a final and binding decision will be issued. If the matter is heard by the board's designee, a recommended decision will be issued. Within thirty calendar days of its service, either party may request the board to review the designee's decision. The review will be limited to specific areas of the decision to which the party takes exception. The requesting party must provide written argument in support of the exceptions. The board will consider the exceptions and may in its discretion hear oral argument. Thereafter, the board will issue a decision which shall be final and binding on the parties. The designee's decision will become final and binding forty days after it was served on the parties if no exceptions are filed, unless the board calls a hearing to reconsider the decision.

(10) At least twenty calendar days notice shall be given of the time and date of the arbitration unless both parties agree to a shorter time. The grievant shall have the burden of proof and shall go forward with the evidence.

Reviser's note: RCW 34.05.395 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 90-03-105

PROPOSED RULES

DEPARTMENT OF GENERAL ADMINISTRATION

(Division of Banking)

[Filed January 24, 1990, 2:48 p.m.]

Original Notice.

Title of Rule: Collective investment funds.

Purpose: To amend rules governing investments by Title 30 RCW, trust companies acting in a fiduciary capacity in mutual funds whose portfolios are limited to obligations of the United States and to repurchase agreements fully collateralized by such obligations.

Statutory Authority for Adoption: RCW 30.04.030.

Statute Being Implemented: RCW 30.08.150.

Summary: The proposed rule amends the investment limitation on collective investment funds in WAC 50-36-090 (5)(b) by excepting from the limitation, subject to certain limitations, investments in certain investment

companies or trusts whose portfolios are limited to obligations of the United States and to repurchase agreements fully collateralized by such obligations.

Reasons Supporting Proposal: The 1989 legislature enacted SB 5731 (chapter 97, Laws of 1989) which authorized certain trustees and certain financial institutions similar authority. The proposed rule is consistent with, and in the spirit of, the intent of the legislature in enacting SB 5731.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John L. Bley, 219 General Administration Building, Olympia, 98504, 753-6520.

Name of Proponent: Division of Banking, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The supervisor is persuaded by the 1989 legislative action on SB 5731 that determined that such investments can be made by certain trustees and certain financial institutions and desires to afford the same authority to Title 30 RCW, trust companies acting in a fiduciary capacity.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The supervisor recognizes that an equity investment in an investment company or trust investing in United States obligations is not as necessarily risk-free as direct investments in United States obligations. However, the supervisor also recognizes that investment companies that invest exclusively in United States obligations or in repurchase obligations fully collateralized as such do not bear the same risk as those investments currently under the ten percent investment limitation. Therefore, the supervisor believes that prudent fiduciary management of such funds does not necessitate an imposed ten percent limitation. However, such investment limitations remain subject to a fiduciary's common law duties and, based on the circumstances, such decisions may be subject to criticism during the course of an examination if a concentration is deemed imprudent.

Proposal Changes the Following Existing Rules: Proposal eliminates the ten percent investment limitation imposed on investment in management type investment companies or trusts provided that its portfolio is limited to investments in obligations of the United States and to repurchase agreements fully collateralized by such obligations.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The supervisor has considered whether this rule is subject to the Regulatory Fairness Act and has determined that it is not for the following reasons: The rule requires no action by business; there is no direct or indirect costs for business to comply with the rule; and the rule does not have the effect of decreasing the value of the business.

Hearing Location: General Administration Building, Room 219, Olympia, Washington 98504, on February 27, 1990, at 9:00 a.m.

Submit Written Comments to: Thomas H. Oldfield, Supervisor of Banking, or John L. Bley, Deputy Supervisor, by February 27, 1990.

Date of Intended Adoption: February 27, 1990.

January 24, 1990
Thomas H. Oldfield
Supervisor of Banking

AMENDATORY SECTION (Amending Order 22, filed 8/14/73)

WAC 50-36-090 COLLECTIVE INVESTMENT FUNDS—INVESTMENTS AND ADMINISTRATION. (I) A trust company administering a collective investment fund shall have the exclusive management thereof.

(2) No trust company shall have any interest in a collective investment fund other than in its fiduciary capacity. Except for temporary net cash overdrafts or as otherwise specifically provided herein, it may not lend money to a fund, sell property to, or purchase property from a fund. No assets of a collective investment fund may be invested in stock or obligations, including time or savings deposits, of the bank or any of its affiliates: **PROVIDED**, That such deposits may be made of funds awaiting investment or distribution. Subject to all other provisions of this part, funds held by a trust company as fiduciary for its own employees may be invested in a collective investment fund.

(3) A trust company may not make any loan on the security of a participation in a fund. If because of a creditor relationship or otherwise the trust company acquires an interest in a participation in a fund, the participation shall be withdrawn on the first date on which such withdrawal can be effected. However, in no case shall an unsecured advance until the time of the next valuation date to an account holding a participation be deemed to constitute the acquisition of an interest by the bank.

(4) Any trust company administering a collective investment fund may purchase for its own account from such fund any devaluated fixed income investment held by such fund, if in the judgment of the board of directors the cost of segregation of such investment would be greater than the difference between its market value and its principal amount plus interest and penalty charges due. If the trust company elects to so purchase such investment, it must do so at its market value or at the sum of cost, accrued unpaid interest, and penalty charges, whichever is greater.

(5) Except in the case of collective investment funds described in paragraph (b) of WAC 50-36-040:

((††)) (a) No funds or other property shall be invested in a participation in a collective investment fund if as a result of such investment the participant would have an interest aggregating in excess of 10 percent of the then market value of the fund: **PROVIDED**, That in applying this limitation if two or more accounts are created by the same person or persons and as much as one-half of the income or principal of each account is payable or applicable to the use of the same person or persons, such accounts shall be considered as one;

((††)) (b) No investment for a collective investment fund shall be made in stocks, bonds, or other obligations of any closely held corporation, as may be determined by the supervisor of banking, or, of any one person, firm, or corporation if as a result of such investment the total amount invested in stocks, bonds, or other obligations issued or guaranteed by such person, firm, or corporation would aggregate in excess of 10 percent of the then market value of the fund: **PROVIDED**, That this limitation shall not apply to investments in direct obligations of the United States or its agencies or other obligations fully guaranteed by the United States or its agencies as to principal and interest; **AND PROVIDED FURTHER**, That this limitation shall not apply to investments in securities of, or other interests in, an open-end or closed-end management type investment company or investment trust registered under the Federal Investment Company Act of 1940, as now or hereafter amended, if both of the following conditions are met:

(i) The portfolio of the investment company or investment trust is limited to such obligations of the United States and to repurchase agreements fully collateralized by such obligations; and

(ii) The investment company or investment trust takes delivery of the collateral for any repurchase agreement either directly or through an authorized custodian;

(6) In addition to the investments permitted under WAC ((50-28-040)) 50-36-040, funds or other property received or held by a trust

company as fiduciary may be invested collectively, to the extent not prohibited by law, as follows:

((††)) (a) In shares of a mutual trust investment company, organized and operated pursuant to a statute that specifically authorizes the organization of such companies exclusively for the investment of funds held by corporate fiduciaries, commonly referred to as a "bank fiduciary fund."

((††)) (b) In a single real estate loan, a direct obligation of the United States, or an obligation fully guaranteed by the United States, or in a single fixed amount security, obligation or other property, either real, personal or mixed, of a single issue: **PROVIDED**, That the trust company owns no participation in the loan or obligation and has no interest in any investment therein except in its capacity as fiduciary.

((†††)) (c) In a common trust fund maintained by the trust company for the collective investment of cash balances received or held by a trust company in its capacity as trustee, executor, administrator, or guardian, which the trust company considers to be individually too small to be invested separately to advantage. The total investment for such fund must not exceed \$100,000; the number of participating accounts is limited to 100, and no participating account may have an interest in the fund in excess of \$10,000: **PROVIDED**, That in applying these limitations if two or more accounts are created by the same person or persons and as much as one-half of the income or principal of each account is presently payable or applicable to the use of the same person or persons, such account shall be considered as one: **AND PROVIDED**, That no fund shall be established or operated under this subparagraph for the purpose of avoiding the provisions of chapter 50-36 WAC.

((†††)) (d) In any investment specifically authorized by court order, or authorized by the instrument creating the fiduciary relationship, in the case of trusts created by a corporation, its subsidiaries or affiliates or by several individual settlors who are closely related: **PROVIDED**, That such investment is not made under this subparagraph for the purpose of avoiding any provision of this regulation, in particular, but not limited to the provisions beginning with new section WAC ((50-28-040)) 50-36-040.

((††)) (e) In such other manner as shall be approved in writing by the supervisor of banking.

WSR 90-03-106

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed January 24, 1990, 4:06 p.m.]

Original Notice.

Title of Rule: Camp clubs: WAC 460-90A-005 Organization; 460-90A-015 Definitions; 460-90A-017 Written disclosure; 460-90A-018 Amendments; 460-90A-055 Disclaimer of endorsement; 460-90A-090 Impound; 460-90A-105 Impound fee; 460-90A-115 Renewal; 460-90A-122 Salesperson registration; 460-90A-140 Advertisement; and 460-90A-145 Fees and charges.

Statutory Authority for Adoption: RCW 43.24.086.

Statute Being Implemented: RCW 43.24.086.

Summary: This proposal establishes new fees and makes changes to advertising requirements to control deceptive practices.

Reasons Supporting Proposal: A cost study determined that current fees must be raised to offset costs of administering the Camp Clubs Act (chapter 19.105 RCW).

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cynthia Jones, 1300 South Quince, Olympia, (206) 753-2494.

Name of Proponent: Director, Department of Licensing, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal will establish new fee levels for camping clubs in an amount sufficient to defray the costs of administering those programs.

Proposal Changes the Following Existing Rules: This proposal changes the fees for the Camping Club Act and advertising requirements to control deceptive practices.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The director has considered whether these rules are subject to the Regulatory Fairness Act and has determined they are not because the rules will have minor or negligible impact on affected small businesses because the fees are adopted to conform with state law.

Hearing Location: Department of Licensing, Training Room, 421 Black Lake Boulevard, Olympia, WA 98504, on March 1, 1990, at 3:30 p.m.

Submit Written Comments to: Cynthia Jones, P.O. Box 9649, Olympia, WA 98504, by March 1, 1990.

Date of Intended Adoption: March 2, 1990.

January 24, 1990

Marsha Tadano Long

Assistant Director

Professional Licensing Services

AMENDATORY SECTION (Amending Order RE 131, filed 5/29/85)

WAC 460-90A-005 ORGANIZATION. The administrator, (~~(real estate)~~ business and occupations division, (~~(business and professions administration)~~ professional licensing services, department of licensing, administers the Camping Club Act for the director of licensing. Information regarding the regulation of camp resort offerings and salespersons may be obtained by writing to: Administrator, (~~(Real Estate)~~ Business and Occupations Division, Department of Licensing, P.O. Box (~~(247)~~ 2445, Olympia, Washington 98504. Persons desiring to visit the (~~(real estate)~~ business and occupations division on matters relating to camp resort offerings or camp resort salespersons may do so at the (~~(real estate)~~ business and occupations division offices located on the (~~(Third)~~ 2nd Floor, (~~(Eastside)~~ Westside Plaza Building, (~~(1300 Quince Street)~~ Bristol Court, Olympia, Washington.

AMENDATORY SECTION (Amending Order 133 R, filed 9/18/85)

WAC 460-90A-015 DEFINITIONS. (1) Words and terms used in these rules shall have the same meaning as each has in the Camping Club Act, (chapter 19.105 RCW).

(2) "Agency" means the department of licensing in the state of Washington.

(3) "Camp resort" shall be synonymous with "camping club," whether or not structured as or involved with a common-interest entity, provided the method of structuring the project meets the definition of a "camping club" in RCW 19.105.300(1), having as its primary purpose camping or outdoor recreation and includes or will include camping sites.

(4) "Camp resort program" means the rights and obligations of a purchaser and the methods and procedures for occupying or using camp resort facilities and properties, as established by the purchase contract and other written instruments, such as covenants, declarations, bylaws or rules.

(5) "Camp resort project" shall mean a camp resort and all of its parks, sites, properties and facilities, that are part of the program in which a purchaser receives use, occupancy, membership, or ownership rights.

(6) "Public offering statement" shall mean the written disclosures referred to in RCW 19.105.320 (1)(b) and 19.105.370.

(7) "Statement of record" shall mean all materials, not exclusive of others, including application forms, documents, exhibits, statements,

the public offering statement, correspondence, and affidavits, filed with the agency, for registration purposes.

(8) "Resale camp resort contract" shall mean a camp resort contract offered or sold (~~(which)~~ by a common interest corporation entirely owned and operated by the individual members of the association, or by individual members of the association, or an individual membership being offered for sale in a right to use camp resort by the individual member. And is not the original offer, transfer or sale of such contract, and not a forfeited contract being reoffered by an operator of a right to use camp resort.

(9) "Start-up camp resort contract" means a camp resort contract that is being offered or sold for the first time or a forfeited contract being resold by a right to use camp resort operator.

(10) "Advance fees" shall mean fees, funds, or consideration of any description, collected for any purpose from buyers or sellers of resale camp resort contracts, prior to the time of settlement of a purchase transaction.

(11) "Prospective purchaser" shall mean any person attending a sales presentation or touring a camp resort(~~((f, when such attendance results from an operator's solicitation or advertising))~~).

AMENDATORY SECTION (Amending Order 133 R, filed 9/18/85)

WAC 460-90A-017 REPORTING EVENTS THAT SHALL REQUIRE THAT THE OPERATOR KEEP WRITTEN DISCLOSURES CURRENT. (1) Not exclusive of others, the following are events that shall require that the operator provide the agency with notice and amendment to the public offering statement, pursuant to the provisions of RCW 19.105.420 for the purpose of keeping the public offering statement current:

(a) Any change or event causing information then in the public offering statement to be out-dated, incorrect, incomplete or deceptive.

(b) Any damage to the property or facilities of a camp resort which limits the use of the properties or facilities by the contract purchasers.

(c) Any hazard threatening the properties or facilities which presents a danger to the contract purchasers of injury or limitation on their use of properties or facilities.

(d) Any order or action by a local, state or federal regulatory agency in the granting, denial, revocation, or suspension of a permit or authorization affecting the camp resort properties or facilities which limits the use of the camp resort properties or facilities by the contract purchasers.

(e) The completion of promised facilities or the failure to complete promised facilities on a date or at the occurrence of an event, as promised.

(f) A bulk sale of the project or a significant portion of the project to another person.

(g) Changes in the provisions of instruments or documentation utilized to establish the camp resort program or a common-interest association involved in the camp resort operations.

(h) Any change in the provisions or content of a purchase contract, deed, membership certificate or members handbook.

(i) Lawsuits filed or served, which name the operator, its affiliates or the project's common-interest association and which are concerned with the provisions of the Camping Club Act (chapter 19.105 RCW) and rules or the financial condition of the operator or its affiliates, the project or a common-interest association.

(j) Changes in management, if the project or its amenities are managed by a common-interest association.

(k) Any new contract, change in a contract or termination of a contract with an outside reciprocal-use or exchange entity.

(l) Any proposed change in the ratio of contracts to be sold relative to the number of camp sites available.

(2) It shall be a violation of chapter 19.105 RCW and these rules for a registrant to have knowledge or cause the occurrence of an event specified in subsection (1) of this section, without providing timely notice of the event to the agency as required in RCW 19.105.420 and (~~(19.105.360(3) (19.105.360(3)))~~ 19.105.360(3)).

(3) Notice for the purpose of keeping the public offering statement current shall be accomplished by providing the agency with:

(a) Copies or prototypes of documents or other materials pertinent to the event.

(b) A cover letter explaining the event.

(c) A redraft of the public offering statement (~~(by submitting the amended pages which show)~~ identifying the proposed corrections, deletions, or additions to the existing information.

AMENDATORY SECTION (Amending Order 133 R, filed 9/18/85)

WAC 460-90A-018 MATERIAL EVENTS THAT ARE AMENDMENTS REQUIRING NOTICE AND A FILING FEE. (1) Not exclusive of others, the following shall be events that will have a material effect on the conduct of the operation of a camp resort(~~(; pursuant to RCW 19.105.420)~~) and require both notice to the agency and the submission of a (~~(\$100.00)~~) filing fee.

(a) Any proposed sale or transfer, of an interest in the project or shares of stock of the registrant which results in a change of voting, management or ownership control.

(b) Any removing, substituting, leasing, optioning, selling or withdrawing of existing properties, resorts, or facilities from the camp resort program.

(c) Any adding, deleting, or rearranging of camping sites or facilities within an existing camp resort in a manner that would reduce the size or change the number or quality of sites.

(d) Any adding of camp resorts, facilities or properties to any existing camp resort program and any purchase or acquisition of other camp resorts, facilities or properties by an operator or its affiliates.

(e) Any new encumbrances, liens(~~(+)~~) or loans that affect the camp resort properties.

(f) A change in the status, provisions, or conditions of an escrow, trust, impound, reserve account or other security device being utilized to protect the interests of purchasers, whether or not impound or reserve accounts are required as a condition to registration under chapter 19.105 RCW.

(g) The filing by any person of any bankruptcy, receivership, or trustee action that involves any of the camp resort properties, the registrant, a common-interest association or an affiliate, as a party to the action.

(h) The operator makes an initial offering of stock to the public.

(i) The refinancing of all or any part of the operator's debts affecting the project.

(j) Any change in the financial condition of the registrant, an affiliate, or a common-interest association, if such change could result in an inability to provide promised sites, facilities, or services.

(2) Filing an amendment and reporting events that might have a material affect shall be accomplished by providing the agency with the following:

(a) (~~The one hundred dollar amendment filing fee as required by RCW 19.105.410.~~)

(~~b~~) Copies or prototypes of documents or other materials pertinent to the event.

(~~c~~) (b) A cover letter explaining the event and any proposed amendment.

(~~d~~) (c) A redraft of the public offering statement (~~by submitting the amended pages which show~~) identifying the proposed corrections, deletions, or additions to the existing information.

AMENDATORY SECTION (Amending Order 133 R, filed 9/18/85)

WAC 460-90A-032 THE PUBLIC OFFERING STATEMENT—DELIVERY TO PROSPECTIVE PURCHASERS. (1) The operator or its agents shall provide all prospective purchasers with the agency-registered Part I of the public offering statement prior to the completion of a sales presentation or a camp resort tour whether or not such persons purchase a camp resort contract.

(2) Part II of the public offering statement shall be provided actual purchasers.

(3) Any person who requests of (~~the~~) an operator or its agents, a public offering statement, shall be provided (~~with~~) Part I of the public offering statement, whether or not such person has received a solicitation.

(4) Any prospective purchaser who attends a sales presentation or tour of a camp resort, upon request of the prospective purchaser, shall be given permanently a copy or prototype of the operator's camp resort contract, which the prospective purchaser may retain, whether or not there has been an actual purchase made. No fee shall be charged for this document.

(5) No fee may be charged for the initial copy of the Part I of the public offering statement provided persons. A fee covering the operator's actual costs for production of the document may be charged for additional copies.

AMENDATORY SECTION (Amending Order 133 R, filed 9/18/85)

WAC 460-90A-035 PURCHASER CANCELLATIONS OF CONTRACTS—PROMPT REFUND OF FUNDS AND CONSIDERATION. (1) "Promptly" with reference to the refund and return of a person's funds and consideration, referred to in RCW 19.105.390 shall be as follows:

(a) For cash, cashiers checks, money orders, credit card slips held and not processed and other similar consideration, the operator or its agents shall make refunds within ten business (~~(day)~~) days of a demand.

(b) For credit card purchases where the operator has processed the credit card slip(s) to the care of the credit card company, the operator shall notify the credit card company of a credit to the account of the purchaser within three business days of a demand.

(c) Promissory notes and similar evidences of debt shall be voided and returned within three business days of demand.

(d) Within ten business days after demand, the operator or it[s] agents shall give the purchaser evidence that the purchase commitment has been voided.

(2) No purchaser camp resort contract, promissory note or other evidences of debt may be sold, transferred, hypothecated or pledged by an operator until at least five business days after the termination of the statutory-prescribed cancellation term.

(3) No fees or charges may be made of a purchaser by an operator for use of written materials or camp resort facilities offered gratuitously prior to the cancellation request; however, nothing in this statement shall preclude an operator from requiring return of materials in the custody of a purchaser not constituting either Part I or Part II of the public offering statement.

AMENDATORY SECTION (Amending Order 133 R, filed 9/18/85)

WAC 460-90A-055 WRITTEN DISCLAIMER OF ENDORSEMENT. (~~(+)~~) The public offering statement and each advertisement or sales promotional literature required to be filed pursuant to RCW 19.105.360(1) or that is utilized by an operator, its agents or affiliates, shall contain, in a conspicuous location, the following statement in at least 10 point type: This document has been filed with the department of licensing, state of Washington, in compliance with Washington law. Values, qualities or conditions stated, or performance on promises are the responsibilities of the operator not the department.

(~~REGISTRATION OR THE FILING OF THIS DOCUMENT WITH THE DEPARTMENT OF LICENSING, STATE OF WASHINGTON, DOES NOT CONSTITUTE A FINDING BY THE REGULATORY AGENCY THAT THIS, OR ANY OTHER DOCUMENT FILED UNDER THE CAMPING CLUB ACT Chapter 19.105 RCW IS TRUE, COMPLETE AND NOT MISLEADING, NOR DOES THE FILING MEAN THAT THE AGENCY HAS PASSED IN ANY WAY UPON THE MERITS OR QUALIFICATIONS OF, OR RECOMMENDED OR GIVEN APPROVAL OF ANY CAMP RESORT OPERATOR, RESORT, REGISTRATION, ADVERTISING, OR ANY GIFT OR PRIZE OFFERED AS PART OF A PROMOTIONAL PLAN.~~)

AMENDATORY SECTION (Amending Order 133 R, filed 9/18/85)

WAC 460-90A-090 OPERATION OF IMPOUND CONDITION. When an impound condition is imposed in connection with the registration of camp resort contracts, 100% of the proceeds and (~~all~~) other funds (~~paid by any purchaser after~~) as specified by the impound conditions (~~is imposed~~) shall, (~~within 48 hours or the next banking day, whichever is later,~~) be placed with the depository within 48 hours after the cancellation periods prescribed in WAC 460-90A-035 or the next banking day after the cancellation periods prescribed in WAC 460-90A-035, whichever is later, until the director takes further action pursuant to WAC 460-90A-100.

AMENDATORY SECTION (Amending Order 133 R, filed 9/18/85)

WAC 460-90A-115 RENEWALS. (1) Pursuant to RCW 19.105.420 an application for renewal shall be made not less than (~~sixty~~) thirty days prior to the expiration date of a registration, on a form to be provided by the agency.

(2) It shall be the applicant's responsibility to procure forms and file them with the agency.

(3) The renewal application shall include the following:

(a) Affidavits by the operator stating whether or not there have been any changes in the information and documentation previously submitted for purposes of registration.

(b) Copies or prototypes of all amended, altered, or new documentation evidencing changes with the changes being underlined or referred to by footnotes.

(c) ~~((Affidavits by the operator stating whether or not there have been any changes in the information required in the public offering statement.~~

~~((d))~~ A draft of a proposed amended public offering statement evidencing changes, with the changes being underlined or referred to by a cover letter calling the agency's attention to the proposed changes, additions to or deletions from the public offering statement previously accepted by the agency.

~~((e))~~ (d) A copy of all camp resort contract forms marked and underscored to reflect changes, additions or deletions.

~~((f))~~ (e) Financial statements and information as provided for in WAC 460-90A-045.

~~((g))~~ (f) Payment of fees provided for in RCW 19.105.410.

(4) Failure of the renewal applicant to renew in a timely manner on or before the date of permit expiration, shall mean that the registration and permit has expired. Upon expiration of registration the camping club contracts are deemed not registered and the operator must register as a new applicant pursuant to the provisions of RCW 19.105.320 and WAC 460-90A-025 and 460-90A-027.

(5) Registrants applying for renewals shall be required by the agency to submit any of the documents, information or exhibits required in WAC 460-90A-025 if deemed necessary for the protection of purchasers.

AMENDATORY SECTION (Amending Order RE 131, filed 5/29/85)

WAC 460-90A-122 SALESPERSON REGISTRATIONS. (1) Each applicant for registration as a camp resort salesperson shall register on a form prescribed by the agency and pay a filing fee ~~((of thirty dollars))~~ as provided by the director.

(2) Registration as a camp resort salesperson shall be renewed annually or at the time the salesperson obtains employment by a camp resort operator subsequent to a termination of a former employment by a camp resort operator, whichever event occurs first, by the filing of a form prescribed by the agency and payment of ~~((a))~~ the proscribed fee ~~((of thirty dollars))~~.

(3) The following information shall be provided on the original application or renewal of a camp resort salesperson's registration:

(a) The applicant's date and place of birth.

(b) Proof of identity.

(c) Information covering employment for the prior five years.

(d) Information concerning any administrative action taken against permits, licenses or registrations in other professions, businesses or occupations.

(e) An affidavit concerning knowledge of the Camping Club Act (chapter 19.105 RCW) and agency rules (chapter 460-90A WAC).

(f) Completion of an affidavit by applicants that they have read the public offering statement covering any registered project whose camp resort contracts they are offering or selling.

(4) ~~((Persons applying for a salesperson registration for the first time shall submit fingerprint identification on a form provided by the agency. Persons applying for a renewal of a salesperson registration shall submit fingerprint cards if there has been no prior submission.~~

~~((5))~~ Upon the occurrence of any material change in the information contained in the registrant's file, each salesperson registrant shall promptly file with the agency an amendment to the salesperson registration file stating the change(s). The following shall be material changes requiring notice to the agency:

(a) Any termination of employment with a camp resort operator.

(b) Upon being named a defendant or a party in any administrative, civil or criminal proceeding involving theft, fraud or dishonesty or violation of any act designed to protect consumers, or involving unethical or dishonest practices in any industry involving sales to consumers or violations of chapter 19.105 RCW, the salesperson applicant shall promptly provide to the agency a notice of the proceeding and a copy of the complaint.

(c) A change of name.

(d) A change of residence or mailing address.

~~((6))~~ (5) Each operator of a camp resort whose camp resort contracts are registered with the agency, shall ~~((notify the agency on a form prepared by the agency, of the employment or termination of employment of any camp resort contract salesperson at the time of~~

~~such employment or termination of employment)) upon the termination of employment of a camp resort salesperson provide the department with a notice of termination and to return to the department the salesperson registration within 10 days of such happening. In the event the notice and salespersons registration are not postmarked within the 10-day period disciplinary action may be taken against the operator.~~

~~((6))~~ It shall be the operators responsibility to cause the posting of the salespersons registration form in a conspicuous location on the premises where the salesperson is employed.

(7) As a condition of continued registration the salesperson registrant shall comply with the following:

(a) During the entire term of the registration the registrant is to be employed or engaged by an operator that is registered with the agency as an offeror of camp resort contracts, and the salesperson shall be offering contracts on behalf of or in the employment of such operator-registrant.

~~((Upon termination of employment with a registered camp resort operator, the camp resort salesperson registration is deemed to have expired. At such time it shall be the salesperson's responsibility to provide the agency with notice of termination and to return to the agency the salesperson registration.~~

~~((c))~~ It shall be the salesperson's responsibility to cause the posting of the salesperson registration form in a conspicuous location on the premises where employed and where contact with the public for purposes of making sales most often occurs.

~~((d))~~ The salesperson shall clearly identify himself or herself by full name, by means of a business card, lapel pin or by other means, upon contact with any prospective purchaser.

~~((e))~~ (c) The salesperson shall cooperate fully with the agency in any investigation of alleged violations by the registrant, salesperson, or others, of the Camping Club Act or these rules.

~~((d))~~ It shall not be represented to any prospective purchaser that there is any form of a membership resale program for membership contracts being offered by the operator of the camp resort.

(8) Applications for registration or renewal that are for any reason defective or that are not legible shall be returned and the application shall be deemed not filed until the form is received by the agency with the deficiencies corrected.

(9) An application for renewal of a salesperson registration not filed in a timely manner or not received or acted upon by the agency prior to the expiration date shall be deemed by the agency as having expired. The salesperson must thereafter register as a new applicant for registration. Salespersons who have failed to make timely renewal applications shall not engage in camp resort salesperson activities. It is the salesperson's responsibility to secure the necessary forms and renew a registration in a timely manner. Applications for renewal should be forwarded to the agency by registered mail at least thirty days prior to expiration of the current registration. The agency shall not be responsible for applications lost in the mail or not timely received for other reasons.

AMENDATORY SECTION (Amending Order RE 131, filed 5/29/85)

WAC 460-90A-140 ADVERTISEMENTS. (1) No camp resort operator or salesperson shall use [advertisements] [advertising] or sales promotion literature that are deceptive, false or misleading.

(2) Advertisements or sales promotion literature that offer any gift, prize or item of value as an inducement to the recipient to buy a camp resort membership, visit a camp resort property, complete a tour of a camp resort property, receive a sales presentation, or contact salespersons shall be subject to the following provisions:

(a) ~~((The name of the camp resort operator offering such item shall be clearly disclosed;))~~ Only the name of the camp resort operator offering such item shall be used and such name shall be clearly identified;

(b) No item may be labeled "free" or a "gift" if the recipient is required to purchase a camp resort contract ~~((or to give or promise to give in exchange for the item any sum of money or its equivalent))~~ and no prize, gift or item may be offered that requires the recipient to expend any sum of money to receive or redeem the prize, gift or item;

(c) The advertisement or sales promotion literature shall identify each item and its retail fair market value. To determine the retail fair market value, the following methods may be used:

(i) The approximate retail sales price of the item in the trade area in which the offer is made; or

(ii) The approximate retail sales price in the trade area of similar items of comparable quality if the item is not available in the trade area in which the offer is made;

(iii) Appraisals adjusted to local retail fair market values;

(iv) Three times the operator's actual cost of the item.

(d) If the item is one or more of a larger group, and if offered or given on a random basis, the advertisement or sales promotion literature must disclose the actual odds of receiving each item (~~based upon the initial odds and must be revised to reflect actual current odds at the beginning of each month of use of the free promotion if the odds change~~), and the odds will be stated at least once on the face page along with a listing of the retail fair market value of the item; if not offered or given on a random basis, the method of selection used must be disclosed. No promotion shall be used which is in violation of Washington state or federal laws (~~(f)-(j)~~);

(e) If receipt of the advertised item is contingent upon certain restrictions or qualifications which the recipient must meet, then a clear and complete disclosure of those restrictions and whether they apply to receipt of the gift or acceptability to buy into the program, must be made in the offer. The face page shall contain a notice that the eligibility requirements must be met if they are contingent on receipt of any prize, gift of item. Restrictions that must be disclosed include, but are not limited to the following:

(i) The deadline by which the recipient must buy a camp resort membership, visit a camp resort property, complete a tour of a camp resort property, receive a sales presentation, or contact a salesperson in order to receive an item, if any such deadline exists;

(ii) The days and hours during which visits may be made, tours may be taken, or sales presentations received and the approximate length in hours of such visits, tours or sales presentations if any visit, tour, or sales presentation is necessary in order for the recipient to receive the item; and

(iii) Any requirement such as age, marital status, financial qualifications, or that both husband and wife must be present.

(f) Any person who responds to an advertisement or sales promotion in the manner specified, who performs all stated requirements and who meets the qualifications disclosed shall be entitled to receive promptly the item offered. If the camp resort operator cannot provide the item because of supply or quality problems not reasonably foreseen or controllable by the operator, the operator shall provide, at the operator's option, a raincheck for the item offered or its cash equivalent, or shall provide a substitute item of greater retail value or a raincheck for such substitute item. All substitute items must have been reviewed by the department and the local retail fair market value established. In case a raincheck is provided, the camp resort operator shall, within a reasonable time, deliver the item or its cash equivalent to the recipient's address without additional cost or requirement to the recipient. A monthly report will be made to the department listing all rainchecks outstanding as of the last day of the month. The report will be due by the 10th of the following month on a form furnished by the department. All gifts, prizes or other items are to be presented prior to the tour or sales presentation. In the event rainchecks are to be presented, this is to be announced prior to the tour or sales presentation. No camp resort operator or salesperson shall make any offer of an item when the operator or salesperson knows or has reason to know that the item is not readily available;

(g) Any restriction or requirement that time, money or effort must be expended by the recipient of an item in order for the recipient to use the item must be disclosed on the face page in the advertisement or sales promotion literature. Examples of such restrictions or requirements include any items that require assembly by the recipient, travel or other entertainment gifts or prizes for which there are limitations on the dates or times when the recipient may use the item, or which require nonrefundable reservation deposits or additional travel costs in order for the recipient to use the travel or other entertainment gift or prize.

(h) Provisions explaining any conditions to qualify for a gift, prize, or award, must be in type at least as large and prominent as found in the original offer or notice of the award, gift, or prize.

(3)(a) When multiple items are offered, all items will be named in any discussion of these items.

(b) When multiple items could be awarded, the offer must not indicate that one or more items have been awarded.

(4) Nothing in this section shall affect the remedies of the administrator or any person responding to advertisements or sales promotions if such advertisements or promotions are deceptive, false or misleading or otherwise in violation of chapter 19.105 RCW.

AMENDATORY SECTION (Amending Order PM 807, filed 12/20/88)

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))~~ three thousand dollars for one resort. For each additional resort in this state a fee of \$500.00 will be paid.

(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:

(a) One to five hundred contracts - \$500.00.

(b) Each additional 500 contracts, or fraction thereof \$100.00 will be paid.

(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))~~ one thousand dollars for one resort plus three hundred fifty dollars for each additional resort in this state, plus the prescribed contract fees in section (2) of this rule for each grouping of contracts authorized ((m)) for sale during the period of the permit to market. A late fee of eight hundred dollars will be assessed.

(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 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))~~ one thousand five hundred ((fifty)) dollars. A penalty fee of one hundred dollars 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 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 and the fee for each required periodic report shall be twenty dollars.

(6) FEES AND ADVERTISEMENT FILINGS: (a) For each individual advertisement filed with the department, there shall be a fee of ~~((thirty))~~ fifty dollars 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 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 applicant 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.

(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))~~ one hundred dollars and a fee of ~~((sixty))~~ one hundred dollars 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. Duplicate licenses can be issued after payment of a \$35.00 fee.

(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. If the exemption request is denied, the registrant shall be given credit for the one hundred fifty dollars fee submitted toward the registration fee under section (1) of this rule.

(10) All fees are nonrefundable after application has been received.

(11) All fees shall be paid to the order of the Washington state treasurer.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 460-90A-105 FEE FOR IMPOUND.
- WAC 460-90A-125 SALESPERSON REGISTRATION—FOR PERSONS IN THE BUSINESS OF OFFERING RESALE CONTRACTS.

WSR 90-03-107
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed January 24, 1990, 4:07 p.m.]

Original Notice.

Title of Rule: WAC 308-11-030 Auctioneer fees; 308-29-045 Collection agency fees; 308-33-105 Employment agency fees; 308-32-090 Debt adjuster fees; and 308-30-030, 308-30-040, 308-30-050, 308-30-060, 308-30-070, 308-30-080, 308-30-090 and 308-30-100, Notaries public fees.

Purpose: To fix fees for auctioneers, collection agencies, employment agencies, debt adjusters and notaries public.

Statutory Authority for Adoption: RCW 43.24.086.

Statute Being Implemented: RCW 43.24.086.

Summary: This proposal would establish new fees.

Reasons Supporting Proposal: A cost study determined the current fees must be raised to offset costs of administering the aforementioned programs.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cynthia Jones, 1300 South Quince, Olympia, WA, (206) 753-2494.

Name of Proponent: Director, Department of Licensing, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal would establish new fee levels for auctioneers, collection agencies, employment agencies, debt adjusters and notaries public in an amount sufficient to defray the costs of administering those programs.

Proposal Changes the Following Existing Rules: This proposal changes the fees for the forementioned professions.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The director has considered whether these rules are subject to the Regulatory Fairness Act and has determined they are not because the rules will have minor or negligible impact on affected small businesses because the fees are adopted to conform with state law.

Hearing Location: Department of Licensing, Training Room, 421 Black Lake Boulevard, Olympia, WA 98504, on March 1, 1990, at 1:00 p.m.

Submit Written Comments to: Cynthia Jones, P.O. Box 9649, Olympia, WA 98504, by March 1, 1990.

Date of Intended Adoption: March 2, 1990.

January 24, 1990

Marsha Tadano Long

Assistant Director

Professional Licensing Services

AMENDATORY SECTION (Amending Order PM 650, filed 5/1/87)

WAC 308-11-030 AUCTIONEER FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Auctioneer:	
Initial application	((5100.00)) \$110.00
Renewal	((75.00)) 110.00
Late renewal penalty	((50.00)) 100.00
Duplicate license Certification	15.00 25.00
Auction company:	
Initial application	((150.00)) 250.00
Renewal	((125.00)) 250.00
Late renewal penalty	((125.00)) 200.00
Duplicate license	15.00

AMENDATORY SECTION (Amending Order PM 650, filed 5/1/87)

WAC 308-29-045 COLLECTION AGENCY FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Collection agency—Main office:	
Original application	((5-350.00)) \$ 650.00
Investigation (nonrefundable)	250.00
Renewal	((525.00)) 600.00
Late renewal penalty	((300.00)) 400.00
Reregistration fee after 30 days	((+425.00)) 1,650.00
Duplicate license	15.00
((Certification	25.00))

Title of Fee	Fee
Branch office:	
Original application	((300.00)) 350.00
Renewal	((300.00)) 350.00
Late renewal penalty	((150.00)) 200.00
Reregistration fee after 30 days	((750.00)) 900.00
Duplicate license	15.00
((Certification	25.00))

AMENDATORY SECTION (Amending Order PM 650, filed 5/1/87)

WAC 308-33-105 EMPLOYMENT AGENCY FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Agencies:	
Original application and license	((250.00)) \$725.00
Renewal	((225.00)) 600.00
Transfer of license	150.00
Duplicate license	15.00
New/amended contract or fee schedule review	50.00
Branch office:	
Original application and license	((100.00)) 500.00
Renewal	((125.00)) 500.00
Transfer of license	25.00
Duplicate license	15.00
General manager exam fee	((65.00)) 150.00

AMENDATORY SECTION (Amending Order PL 446, filed 11/2/83)

WAC 308-32-090 FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Agencies:	
Investigation fee	((100.00)) \$300.00
Original application	((200.00)) 300.00
Renewal	((250.00)) 500.00
Late renewal penalty	((250.00)) 300.00
Duplicate license	15.00
Debt adjuster:	
Investigation fee	((100.00)) 300.00
Exam or reexam	((150.00)) 300.00
Original application	300.00
Renewal	((300.00)) 500.00
Duplicate license	((5.00)) 15.00
Late renewal penalty	300.00

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

WAC 308-30-030 APPLICATIONS FOR APPOINTMENT AS NOTARY PUBLIC. Applications for appointment as notary public may be obtained from the Department of Licensing, Professional

Licensing (~~(Division)~~) Services, Notary Section, (~~((for mail))~~) P.O. Box 9649 (~~((in person 1300 Quince Street))~~), Olympia, WA 98504. Every application for appointment as a notary public shall be accompanied by a fee (~~((of fifteen dollars))~~) as required by WAC 308-30-100 and shall in all ways comply with the requirements of section 2, chapter 156, Laws of 1985.

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

WAC 308-30-040 RESIGNATION OR REVOCATION OF NOTARY APPOINTMENT. Voluntary resignation by a notary public shall be submitted in writing to the Department of Licensing, Professional Licensing (~~(Division)~~) Services, Notary Section, P.O. Box 9649, Olympia, Washington 98504. If a notary public voluntarily resigns his or her notary appointment or if the notary appointment is revoked, suspended or restricted, the notary public must mail or deliver his or her notary stamp or seal to the Department of Licensing, Professional Licensing (~~(Division)~~) Services, Notary Section, (~~((for mail))~~) P.O. Box 9649 (~~((in person 1300 Quince Street))~~), Olympia, Washington 98504. No voluntary resignation of a notary appointment shall be effective until the notary seal or stamp is mailed or delivered to the above address.

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

WAC 308-30-050 REPLACEMENT OF LOST OR STOLEN NOTARY SEALS OR STAMPS. When a notary seal or stamp is lost or stolen the department of licensing, professional licensing services division is to be notified by a written statement, signed by the notary public, setting forth the fact that the notary seal or stamp has been lost or stolen. The notary public may then obtain a replacement notary seal or stamp. If the lost or stolen notary seal or stamp is found or recovered after a replacement has been obtained, either the original or the replacement seal or stamp shall be surrendered to the department of licensing, professional licensing services division.

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

WAC 308-30-060 DEPARTMENT TO BE NOTIFIED OF CHANGE OF NAME OR ADDRESS. When a notary public changes his or her name or address, the department of licensing, professional licensing services division, is to be notified in writing of such name and/or address change. The notification of name change shall be accompanied by a (~~((five dollar))~~) fee (~~((which shall include the cost of issuance of))~~) as outlined in WAC 308-30-100 for a duplicate certificate showing the new name. There (~~((are))~~) is no charge(~~((s))~~) for address changes.

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

WAC 308-30-070 REQUESTS FOR EVIDENCE OF AUTHENTICITY. Requests for evidences of authenticity of notarial commission must be in writing, accompanied by a (~~((five dollar))~~) fee as required by WAC 308-30-100, and mailed to the Department of Licensing, Professional Licensing Services Division, Notary Section, P.O. Box 9649, Olympia, Washington 98504.

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

WAC 308-30-080 APPEALS OF DENIALS AND REVOCATIONS OF NOTARY APPOINTMENTS. Notices of appeals of denials and revocations of notary appointments must be in writing and mailed or delivered to the Department of Licensing, Professional Licensing (~~(Division)~~) Services, Notary Section, (~~((for mail))~~) P.O. Box 9649 (~~((in person 1300 Quince Street))~~), Olympia, Washington 98504. The written notification of appeal must be received by the above address within twenty days of the date of denial or revocation (~~((of the notary appointment))~~) or the right to appeal is deemed waived. When the notification of appeal is mailed, the postmarked date will be (~~((deemed))~~) accepted as the date of receipt by the department of licensing. Procedures on appeal will be as provided in the Administrative Procedure Act, chapter (~~((34.04))~~) 34.05 RCW, and rules adopted thereunder.

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

WAC 308-30-090 FORMS. The forms in section 10, chapter 156, Laws of 1985 are only suggested forms with the sufficient information included. ~~((These forms may be used; however;))~~ When a specific form is required by a specific statute, the required form shall be used.

AMENDATORY SECTION (Amending Order PL 571, filed 11/26/85, effective 1/1/86)

WAC 308-30-100 FEES. The following fees shall be charged by the director of the department of licensing:

Title of Fee	Fee
Application for notary appointment	((+\$5.00)) \$20.00
Renewal of notary appointment	((+\$5.00)) 20.00
Duplicate certificate of appointment	((5.00)) 15.00
(including change of name)	
Evidence of verification of notarial	((5.00)) 15.00
commission	
Apostille	((5.00)) 15.00

WSR 90-03-108
NOTICE OF PUBLIC MEETINGS
ECONOMIC DEVELOPMENT
FINANCE AUTHORITY
 [Memorandum—January 24, 1990]

The Washington Economic Development Finance Authority (WEDFA) has scheduled its 1990 board meetings for the following dates, times, and locations:

- Friday, March 9, 1990
9:00 a.m.—noon
Security Pacific Bank Boardroom
Security Pacific Tower, 40th Floor
1301 Fifth Avenue, Seattle
- Friday, June 8, 1990
9:00 a.m.—noon
Seattle Chamber of Commerce Boardroom
One Union Square, Ground Floor
Sixth and University Streets, Seattle
- Friday, September 14, 1990
9:00 a.m.—noon
Seattle Chamber of Commerce Boardroom
One Union Square, Ground Floor
Sixth and University Streets, Seattle
- Friday, December 7, 1990
9:00 a.m.—noon
Seattle Chamber of Commerce Boardroom
One Union Square, Ground Floor
Sixth and University Streets, Seattle

The public is invited to attend the WEDFA meetings.

WSR 90-03-109
PROPOSED RULES
LOTTERY COMMISSION
 [Filed January 24, 1990, 4:28 p.m.]

Original Notice.

Title of Rule: WAC 315-11-530, 315-11-531 and 315-11-532, Definitions, criteria and ticket validation requirements; 315-11-540, 315-11-541 and 315-11-542, Definitions, criteria and ticket validation requirements; 315-33-010, Definitions for New Game 90; 315-33-020, Price of New Game 90 ticket; 315-33-030, Play for New Game 90; 315-33-040, Prizes for New Game 90; 315-33-050, Ticket purchases; 315-33-060, Drawings; and 315-33-070, Suspension/termination of New Game 90.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Nos. 53 and 54 and of New Game 90.

Statutory Authority for Adoption: RCW 67.70.040.
 Statute Being Implemented: RCW 67.70.040.

Summary: See Purpose above.

Reasons Supporting Proposal: To establish rules for two instant games and one on-line game.

Name of Agency Personnel Responsible for Drafting: Jeff Burkhardt, Contracts Specialist, Olympia, 586-6583; Implementation and Enforcement: Evelyn Y. Sun, Director, Olympia, 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: For each game certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the lottery from paying out prize money on invalid tickets.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The lottery has considered whether this rule is subject to the Regulatory Fairness Act, chapter 19.85 RCW, and has determined that it is not for the following reasons: The rule has no economic impact on business' cost of equipment, supplies, labor, or administrative costs. The rule is designed to establish rules and procedures for the playing of instant lottery games; and the rules will have a negligible impact on business because they are interpretive. They have been promulgated for the purpose of stating policy, procedure and practice and do not include requirements for forms, fees, appearances or other actions by business.

Hearing Location: Washington State Lottery Headquarters, 814 4th Avenue, Olympia, WA 98504, on March 2, 1990, at 10:00 a.m.

Submit Written Comments to: Judith Giniger, Lottery, P.O. Box 9770, Olympia, WA 98504, by March 1, 1990.

Date of Intended Adoption: March 2, 1990.
 January 23, 1990
 Evelyn Y. Sun
 Director

NEW SECTION

WAC 315-11-530 DEFINITIONS FOR INSTANT GAME NUMBER 53 ("TWO FOR THE MONEY"). (1) Play symbols: The following are the "play symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$12.00"; "\$50.00"; "\$2,500." One of these symbols appears in each of the twelve play spots under the latex covering on the front of the ticket. The twelve play spots are divided into two separate sets of six adjoining play spots. Each set of six adjoining play spots shall be known as a playfield. Each ticket shall have two playfields.

(2) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(3) Pack-ticket number: The eleven-digit number of the form 05300001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 53 constitute the "pack number" which starts at 05300001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 53, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
\$1.00	ONEDOL
\$2.00	TWODOL
\$4.00	FORDOL
\$12.00	TLVDOL
\$50.00	FIFTY
\$2,500	TWFHUN

(5) Retailer verification codes: Codes consisting of small letters under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 or less. For Instant Game Number 53, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations in both playfields. At least one letter of the three-letter code shall be in each playfield. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$1.00
TWO	\$2.00 (\$1 and \$1)
FOR	\$4.00 (\$2 and \$2)
EGT	\$8.00 (\$4 and \$4)
TLV	\$12.00
TTF	\$24.00 (\$12 and \$12)

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-531 CRITERIA FOR INSTANT GAME NUMBER 53. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbols in any three spots within a playfield beneath the removable covering on the front of the ticket shall win the following prize:

Three \$ 1.00 play symbols	-	Win \$ 1.00
Three \$ 2.00 play symbols	-	Win \$ 2.00
Three \$ 4.00 play symbols	-	Win \$ 4.00
Three \$12.00 play symbols	-	Win \$12.00
Three \$50.00 play symbols	-	Win \$50.00
Three \$2,500 play symbols	-	Win \$2,500

(b) Play symbols from one playfield may not be mixed, combined or intermingled with play symbols from the other playfield.

(c) The bearer of a ticket having a winning set of symbols in both playfields shall win the total amount of the prizes won in each playfield.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 53 set forth in WAC 315-11-532, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 53; and/or

(b) Vary the number of tickets sold in Instant Game Number 53 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-532 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 53. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 53 all of the following validation requirements apply:

(a) Exactly one play symbol must appear in each of the twelve play spots under the removable latex covering on the front of the ticket.

(b) Each of the twelve play symbols must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the specifications on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

(d) Each of the play symbols and its caption, the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-530(1) and each of the captions must be exactly one of those described in WAC 315-11-530(4).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11-540 DEFINITIONS FOR INSTANT GAME NUMBER 54 ("ACES WILD"). (1) Play symbols: The following are the "play symbols": "A"; "K"; "Q"; "J"; "10"; and "9." One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket.

(2) Captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 54, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
A	ACE
K	KNG
Q	QUE
J	JAC
10	TEN
9	NIN

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The eleven-digit number of the form 05400001-000 printed on the front of the ticket. The first eight digits of the pack-ticket number for Instant Game Number 54 constitute the "pack number" which starts at 05400001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 and less. For Instant Game Number 54, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$1.00
TWO	\$2.00
FIV	\$5.00
TEN	\$10.00
TTF	\$24.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-541 CRITERIA FOR INSTANT GAME NUMBER 54. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbols in any 3 of 6 spots beneath the removable covering on the front of the ticket shall win the following prize:

Three 9's	- Win \$	1.00
Two 9's and one ace symbol	- Win \$	2.00
Three 10's	- Win \$	5.00
Two 10's and one ace symbol	- Win \$	10.00
Three J's	- Win \$	24.00
Three Q's	- Win \$	50.00
Two Q's and one ace symbol	- Win \$	100.00
Three K's	- Win \$	5,000.00
Two K's and one ace symbol	- Win \$	10,000.00

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 54 set forth in WAC 315-11-542, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 54; and/or

(b) Vary the number of tickets sold in Instant Game Number 54 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-542 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 54. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 54 all of the following validation requirements apply.

(a) Exactly one play symbol must appear in each of the six play spots under the latex covering on the front of the ticket.

(b) Each of the six play symbols must have a caption underneath, and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

(d) Each of the play symbols and its caption, the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-540(1) and each of the captions must be exactly one of those described in WAC 315-11-540(2).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

WAC 315-33

WAC 315-33-010	DEFINITIONS FOR NEW GAME 90
WAC 315-33-020	PRICE OF NEW GAME 90 TICKET
WAC 315-33-030	PLAY FOR NEW GAME 90
WAC 315-33-040	PRIZES FOR NEW GAME 90
WAC 315-33-050	TICKET PURCHASES
WAC 315-33-060	DRAWINGS
WAC 315-33-070	SUSPENSION/TERMINATION OF NEW GAME 90

NEW SECTION

WAC 315-33-010 DEFINITIONS FOR NEW GAME 90. (1) Card suit: Heart, diamond, club or spade symbol.

(2) Number: Any integer from 2 through 10 inclusive and jack, queen, king or ace.

(3) Set: One number and one card suit.

NEW SECTION

WAC 315-33-020 PRICE OF NEW GAME 90 TICKET. The price of each New Game 90 ticket shall be \$1.00 and shall contain one five (5) set play.

NEW SECTION

WAC 315-33-030 PLAY FOR NEW GAME 90. (1) Type of play: Each play is a selection of five sets. A winning play is achieved only when 3, 4 or 5 of the sets selected match, in any order, the five winning sets drawn by the lottery.

(2) Method of play: An on-line computer system will make all set selections with the use of a random number generator, a method commonly referred to as "quick play".

NEW SECTION

WAC 315-33-040 PRIZES FOR NEW GAME 90. (1) The prize amount to be paid to each New Game 90 player who selects a winning combination of sets in the first prize category shall be \$100,000. The prize amounts to be paid to each New Game 90 player who selects a winning combination of sets in the second and third prize categories vary due to the parimutuel calculation of prizes. The prize amounts in the second and third prize categories are based on the total in the prize pool minus the prize amount(s) in the first prize category for that New Game 90 drawing distributed over the number of winning tickets in each category.

WINNING COMBINATIONS	PRIZE CATEGORIES	ODDS OF WINNING (ONE PLAY)
All five winning sets in one play	First Prize: \$100,000.00	1:2,598,960
Any four but not five winning sets in one play	Second Prize	1:11,059
Any three but not four or five winning sets in one play	Third Prize	1:240

(2) Prize allocation.

(a) The prize allocation consists of a minimum of fifty percent of New Game 90 revenue. The prize allocation will be divided between the prize pool and the prize reserve as follows: Prize pool—a minimum of forty-eight percent of New Game 90 revenue and prize reserve—a minimum of two percent of New Game 90 sales.

(b) Prize allocation, prize pool, and prize reserve percentages may be increased above their minimum levels at the discretion of the director.

(3) Prize amounts.

(a) First prize. A \$100,000.00 prize is to be paid to each player who selected all five winning sets in one play in any sequence.

(b) Second prize. (i) Where there is no winner of the first prize, seventy percent of the prize pool shall be divided equally among all

players who selected four of the five winning sets in one play in any sequence.

(ii) Where there are one or more winners of the first prize, seventy percent of the prize pool which remains after payment of one first prize shall be divided equally among all players who selected four of the five winning sets in one play in any sequence, except where sales for the drawing were less than \$300,000, then seventy percent of thirty percent of the prize pool shall be divided equally among all players who selected four of the five winning sets in one play in any sequence.

(c) Third prize. (i) Where there is no winner of the first prize, thirty percent of the prize pool shall be divided equally among all players who selected three of the five winning sets in one play in any sequence.

(ii) Where there are one or more winners of the first prize, thirty percent of the prize pool which remains after payment of one first prize shall be divided equally among all players who selected three of the five winning sets in one play in any sequence; except where sales for the drawing were less than \$300,000, then thirty percent of thirty percent of the prize pool shall be divided equally among all players who selected three of the five winning sets in one play in any sequence.

(d) Prize reserve. The prize reserve will be held for payment of prizes at the discretion of the director.

(e) All prizes will be rounded to nearest dollar. The remainder or shortages, if any, from the rounding process shall be placed in or taken from the prize reserve.

(f) The holder of a winning ticket may win only one prize per play in connection with the winning sets drawn and shall be entitled only to the highest prize amount won by those sets.

(g) In the event any player who has selected three, four or five of the five winning sets does not claim the prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery account for use, pursuant to RCW 67.70.190.

(4) Prize enhancement feature.

(a) If no player selects four of the five winning sets for any given drawing, the second prize allocation will be added to the third prize allocation for that drawing.

(b) If no player selects three of the five winning sets for any given drawing, the third prize allocation will be added to the second prize allocation or placed in the prize reserve for future consideration at the discretion of the director.

(5) Prize payments will be made in accordance with WAC 315-33-030(6). Each prize shall be paid in a single payment. Federal income tax shall be withheld from prize payments as required by law.

NEW SECTION

WAC 315-33-050 TICKET PURCHASES. (1) New Game 90 tickets may be purchased or redeemed no less than seventeen (17) hours each day in accordance with a schedule to be determined by the director, provided that on-line retailers shall sell and redeem tickets only during their normal business hours.

(2) New Game 90 tickets may be purchased only from a lottery retailer authorized by the director to sell on-line tickets.

(3) New Game 90 tickets shall, on the front of the ticket, contain the quick-play selection of sets, amount, drawing date and validation and reference numbers. The back of the ticket shall contain player instructions, player information and signature area, and the ticket serial number. The overall odds of winning shall appear on the ticket.

NEW SECTION

WAC 315-33-060 DRAWINGS. (1) The New Game 90 drawing shall be held once each Saturday evening, except that the director may change the drawing schedule if Saturday is a holiday.

(2) The drawing will be conducted by lottery officials.

(3) Each drawing shall determine, at random, five winning sets with the aid of mechanical drawing equipment which shall be tested before and after that drawing. Any drawn sets are not declared winners until the drawing is certified by the lottery. The winning sets shall be used in determining all New Game 90 winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(4) The drawing shall not be invalidated based on the liability of the lottery.

NEW SECTION

WAC 315-33-070 SUSPENSION/TERMINATION OF NEW GAME 90. (1) At the discretion of the director, New Game 90 may be suspended or terminated at any time, to be effective prior to the beginning of sales for any future drawing. The director may suspend or terminate sales and a drawing only where no sales have been made for the drawing.

WSR 90-03-110

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 90-05—Filed January 24, 1990, 4:29 p.m.]

Original Notice.

Title of Rule: Amending WAC 173-19-3514 Tacoma, City of.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for the city of Tacoma.

Reasons Supporting Proposal: 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 Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Peter Skowlund, Department of Ecology, Mailstop PV-11, Olympia, 98504, 438-7430; **Implementation and Enforcement:** D. Rodney Mack, Department of Ecology, Mailstop PV-11, Olympia, 98504, 459-6777.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the proposed amendment is to adopt as part of the city of Tacoma shoreline master program a shoreline trails plan which will identify a continuous shoreline trails system with viewing areas and access points along the shoreline areas of the Tacoma peninsula. The plan assesses existing conditions, proposes improvements, and identifies funding sources to support implementation.

Proposal Changes the Following Existing Rules: Amends the city of Tacoma's shoreline master program under WAC 173-19-3514.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: City Council Chambers, Tacoma Municipal Building, 747 Market Street, Tacoma, WA, on Wednesday, March 7, 1990, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, Washington 98504, by March 14, 1990.

Date of Intended Adoption: May 1, 1990.

January 24, 1990
Fred Olson
Deputy Director

AMENDATORY SECTION (Amending Order DE 87-34, filed 9/18/87)

WAC 173-19-3514 TACOMA, CITY OF. City of Tacoma master program approved April 5, 1979. Revision approved December 5, 1979. Revision approved March 17, 1981. Revision approved November 23, 1981. Revision approved April 6, 1982. Revision approved May 24, 1983. Revision approved March 1, 1984. Revision approved May 9, 1984. Revision approved April 18, 1985. Revision approved July 23, 1986. Revision approved September 16, 1987. Revision approved May 1, 1990.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 90-03-111

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 90-03—Filed January 24, 1990, 4:30 p.m.]

Original Notice.

Title of Rule: Amending WAC 173-19-360 San Juan County.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for San Juan County.

Reasons Supporting Proposal: 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 Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Peter Skowlund, Department of Ecology, Mailstop PV-11, Olympia, 98504, 438-7430; Implementation and Enforcement: D. Rodney Mack, Department of Ecology, Mailstop PV-11, Olympia, 98504, 459-6777.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment would clarify the policy and regulations relating to accessory structures for residential development to require that nonwater dependent accessory structures be located landward of the residence.

Proposal Changes the Following Existing Rules: Amends San Juan County's shoreline master program under WAC 173-19-360.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Commissioners Meeting Room, County Courthouse, 125 Rhone Street, Friday Harbor, WA, on February 28, 1990, at 1:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, Washington 98504, by March 8, 1990.

Date of Intended Adoption: May 1, 1990.

January 24, 1990
Fred Olson
Deputy Director

AMENDATORY SECTION (Amending Order DE 88-22, filed 4/19/89)

WAC 173-19-360 SAN JUAN COUNTY. San Juan County master program approved May 28, 1976. Revision approved October 29, 1976. Revision approved April 13, 1981. Revision approved October 30, 1984. Revision approved April 19, 1989. Revision approved May 1, 1990.

WSR 90-03-112

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 90-04—Filed January 24, 1990, 4:31 p.m.]

Original Notice.

Title of Rule: Amending WAC 173-19-220 Grays Harbor County.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Other Identifying Information: This amendment is unrelated to and has no bearing on the proposed revision to WAC 173-19-220 filed under WSR 90-01-074 on December 29, 1989.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act of 1971.

Summary: The amendment revises the shoreline master program for Grays Harbor County.

Reasons Supporting Proposal: 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 Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Nora Jewett, Department of Ecology, Mailstop PV-11, Olympia, 98504, 459-6789; Implementation and Enforcement: D. Rodney Mack, Department of Ecology, Mailstop PV-11, Olympia, 98504, 459-6777.

Name of Proponent: Department of Ecology, governmental.

Rule is not necessitated by federal law, federal or state court decision.

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment will consolidate several administrative chapters and sections of the Grays Harbor shoreline management master program (GHSMMP) into one chapter (Chapter 25); incorporate the Washington Administrative Code (WAC) and Revised

Code of Washington (RCW) into the GHSMMP by reference bringing it into conformance with the Shoreline Management Act; consolidate the local Shorelines Hearings Board with the Planning Commission; and transfer enforcement authority to the planning and building department.

Proposal Changes the Following Existing Rules: Amends Grays Harbor County shoreline master program under WAC 173-19-220.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Commissioners' Meeting Room, County Courthouse, Corner of Main and Broadway, Montesano, Washington, on March 12, 1990, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Washington State Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, Washington 98504, by March 22, 1990.

Date of Intended Adoption: May 1, 1990.

January 24, 1990

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order DE 88-52, filed 9/8/88)

WAC 173-19-220 GRAYS HARBOR COUNTY. Grays Harbor County master program approved August 6, 1975. Revision approved December 2, 1977. Revision approved July 17, 1978. Revision approved March 27, 1980. Revision approved June 3, 1986. Revision approved August 21, 1987. [~~Revision approved April 5, 1988.~~] Revision approved April 5, 1988. Revision approved September 6, 1988. Revision approved May 1, 1990.

Reviser's note: The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

WSR 90-03-113

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Institutions)

[Order 2935—Filed January 24, 1990, 5:00 p.m., effective January 25, 1990]

Date of Adoption: January 24, 1990.

Purpose: To amend rules relating to community mental health.

Citation of Existing Rules Affected by this Order: Amending chapter 275-56 WAC, Community mental health.

Statutory Authority for Adoption: RCW 74.24.035 [71.24.035].

Pursuant to notice filed as WSR 89-23-108 on November 22, 1989.

Changes Other than Editing from Proposed to Adopted Version: WAC 275-56-088(2), Resource management services shall approve all admissions to evaluation and treatment services, including the state hospitals. (Note: This requirement was implied in the originating

statute and was placed here for clarification and emphasis.); 275-56-100 (3)(a)(iii), Duration of the waiver which shall in no case exceed (~~(two)~~) one year from the date of (~~(the licensure)~~) approval; (Note: This changes the waiver period to one year, allowing for annual review of the waiver's condition.); 275-56-105(6), A license shall be in effect for (~~(two)~~) one year or until a review for relicensure is conducted. (Note: This changes the license period to one year. This is actual practice where renewal fees are paid annually.); 275-56-260(2), A full evaluation, obtained within thirty days, shall include the following information: . . . (Note: This changes the standard from fourteen to thirty days, making it consistent with requirements for individualized treatment plan.); 275-56-285(1), Staff responsible for the provision or coordination of a consumer's treatment shall enter either: (a) a progress note after each consumer contact; or (b) a narrative summary of the consumer's progress in the consumer's case record at least monthly. (Note: This change adds the option of charting after each client contact, which is consistent with current practice.); and 275-56-295(2), Medications shall be reviewed at least every three months by a physician or advanced registered nurse practitioner with prescriptive authority within scope of practice. (Note: This change adds ARNPs with prescriptive authority to individuals authorized to do medication reviews. This is consistent with their scope of practice.) The principal reasons for adopting the changes are to respond to written comments and oral testimony at public hearings.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Because the legislature wanted this rule to be effective by August 1989. Chapter 205, Laws of 1989, Finding a.

Effective Date of Rule: January 25, 1990.

January 24, 1990

Leslie F. James, Director

Administrative Services

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-005 PURPOSE AND AUTHORITY. The purpose of chapter 275-56 WAC is to establish a county-managed community mental health program to help people experiencing mental illness retain or gain respected and productive positions in their community. This chapter ((275-56 WAC)) establishes rules and regulations for county and regional support network administration of community mental health programs, licensing service providers, information, accountability, contracts and services. Chapter 275-56 WAC is adopted under (~~(authority of)~~) chapter 71.24 RCW.

(1) Chapter 275-56 WAC enables participation in the community mental health system by service providers which are profit or nonprofit businesses, private or public businesses, individuals or partnerships, as well as corporations. A provider may contract with a county or regional support network (RSN) for one or more services defined by chapter 71.24 RCW.

(2) The rules and regulations (~~(of)~~) for county (~~(administration)~~) duties are specified in two areas:

(a) County (~~administration and~~) planning ~~((f))~~ under WAC 275-56-020 ~~((through))~~, 275-56-025, 275-56-040, 275-56-050, 275-56-055, and 275-56-060~~((;))~~; and

(b) County fiscal (~~administration~~) requirements under WAC 275-56-065 through 275-56-085~~((;))~~.

(3) Compliance with the rules and regulations for RSN duties shall be phased in according to the RSN contract (WAC 275-56-042). These rules and regulations are specified in two areas:

(a) RSN development and planning (WAC 275-56-016, 275-56-017, 275-56-035, 275-56-042, 275-56-043, 275-56-050, 275-56-055, 275-56-060, 275-56-087, 275-56-088, and 275-56-089; and

(b) RSN fiscal requirements (WAC 275-56-065 through 275-56-085).

(4) Minimum standards for licensing service providers are specified in four areas:

(a) Licensing procedures ~~((f))~~ under WAC 275-56-090 through 275-56-105~~((;))~~;

(b) Organizational administration ~~((of))~~ for the provider ~~((including~~) under WAC 275-56-110 through 275-56-215~~((;))~~, as follows:

- (i) Administration;
- (ii) Provider fiscal administration;
- (iii) Personnel management;
- (iv) Quality assurance;
- (v) Program evaluation; and
- (vi) Facilities~~((;))~~;

(c) Services administration ~~((including~~) under WAC 275-56-220 through ~~((275-56-330))~~ 275-56-340, as follows:

- (i) Accessibility and awareness of services;
- (ii) ~~((Client))~~ Consumer rights;
- (iii) ~~((Client))~~ Consumer entry, service planning, and service operations; and
- (iv) ~~((Client))~~ Consumer records~~((;))~~;

(d) Services ~~((including~~ (WAC 275-56-335)) under WAC 275-56-355 through ~~((275-56-445))~~ 275-56-515:

- (i) Emergency services, including preadmission screening services;
- (ii) Outpatient services;
- (iii) Day treatment services;
- (iv) Consultation and education services;
- (v) Community support services; and
- (vi) Residential services.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-010 PRIORITY POPULATIONS. Chapter 275-56 WAC establishes rules, regulations, and standards for community mental health programs providing for:

(1) Access to mental health services for residents of the state of Washington who ~~((in priority order;))~~ are:

- (a) In non-RSN counties, in priority order:
 - (i) Acutely mentally ill;
 - ~~((b))~~ (ii) Chronically mentally ill; or
 - ~~((c))~~ (iii) Seriously disturbed.
- (b) For RSNs, when established:
 - (i) Acutely mentally ill adults and children;

(ii) Chronically mentally ill adults and children; or
(iii) Seriously disturbed adults and children at risk of becoming acutely or chronically mentally ill, as determined by the RSN at their sole discretion.

(2) Mental health services recognizing the special needs of underserved groups within the priority populations, including:

- (a) Minorities~~((;))~~;
- (b) Children~~((;))~~;
- (c) Elderly~~((;))~~;
- (d) Disabled~~((;))~~; and
- (e) Low-income persons.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-015 DEFINITIONS. For the purposes of the rules, regulations, and standards of chapter 275-56 WAC, the following words and phrases shall have the following meaning:

(1) "Acutely mentally ill" means a condition limited to a short-term severe crisis episode of:

- (a) A mental disorder as defined in this chapter;
- (b) Being gravely disabled as defined in this chapter;

or

(c) Presenting a likelihood of serious harm as defined in this chapter.

(2) "Authority" means the board of county commissioners, county council, county executive, or RSN entity having the authority to establish a community mental health program.

(3) "Available resources" means funds appropriated by the legislature during any biennium for the purpose of providing community mental health programs. When RSNs are established or after July 1, 1995, "available resources" means:

(a) Federal funds, except those provided according to Title XIX of the Social Security Act; and

(b) State funds appropriated under this chapter or chapter 71.05 RCW by the legislature during a biennium to provide mental health services.

~~((3))~~ (4) "Case management" means assistance to the ~~((client))~~ consumer and family or significant others to obtain, maintain, or develop ~~((an))~~ appropriate ~~((place))~~ resources for the ~~((client in the community))~~ consumer. This ~~((service))~~ involves ~~((assistance in))~~ obtaining or providing the full range of needed services ~~((; routine monitoring, supervision of client's functioning, and establishing and maintaining support for the client and his or her family or significant others))~~ to help consumers establish and maintain respected positions in the community, including:

- (a) Housing;
- (b) Income;
- (c) Employment and other meaningful activities;
- (d) Monitoring and interventions; and
- (e) Crisis intervention and resolution.

~~((4))~~ (5) "Child" or "children" means a person or persons ~~((under eighteen))~~ seventeen years of age and younger.

~~((5))~~ (6) "Chronically mentally ill" means a ~~((person))~~ child or adult having a mental disorder, in the case

of a child as defined by chapter 71.34 RCW, and meeting at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years, or in the case of a child, has been placed by the department or its designee two or more times outside of the home, where the placements are due to a mental disorder (as defined in chapter 71.34 RCW) and where the placements progress toward a more restrictive setting. Placements by the department include but are not limited to placements by child protective services and child welfare services;

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months duration within the preceding year; ((or))

(c) Has been unable to engage in ((any)) substantial gainful activity (subsection (47) of this section) by reason of any mental disorder ((which has lasted)) lasting for a continuous period of not less than twelve months; or

(d) In the case of a child, has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect.

((6) "Clients" means persons, couples or families receiving clinical, coordinative, or supportive services.)

(7) "Clinical staff member" means a regularly employed or contracted staff member or supervisor engaged ((to any extent)) in providing direct evaluative, diagnostic, or therapeutic services to ((clients)) consumers. The term does not include volunteers or students.

(8) "Community mental health program" means the total mental health program established by a county or group of counties acting in combination for the purpose of providing mental health services in accordance with the Community Mental Health Services Act, chapter 71.24 RCW. After July 1, 1995, or when RSNs are established, "community mental health program" means all activities or programs using available resources, under subsection (3) of this section.

(9) "Community Mental Health Services Act" means chapter 71.24 RCW.

(10) "Community support services" means ((those));

(a) For non-RSN counties before July 1, 1995, services for ((acutely and chronically mentally ill persons which include)) priority population consumers including:

((a)) (i) Discharge planning for ((clients)) consumers leaving;

(A) State hospitals and other acute care inpatient facilities;

(B) Inpatient psychiatric facilities for consumers twenty years of age or younger; and

(C) Children's mental health residential treatment facilities;

((b) Sufficient) (ii) Contacts with ((clients)) consumers, ((family)) families, schools, or significant others to provide for an effective program of community maintenance; and

((c)) (iii) Medication monitoring.

(b) After July 1, 1995, or when RSNs are established, for adult and children priority populations under WAC 275-56-010 (1)(b), services authorized, planned, and

coordinated through resource management services include:

(i) Assessment and diagnosis;

(ii) Emergency crisis intervention available twenty-four hours a day, seven days a week;

(iii) Prescreening determinations for mentally ill consumers considered for placement in nursing homes as required by federal law;

(iv) Screening for consumers considered for admission to residential services;

(v) Investigation, legal, and other nonresidential services (chapter 71.05 RCW);

(vi) Case management services;

(vii) Psychiatric treatment, including medication supervision;

(viii) Counseling;

(ix) Psychotherapy;

(x) Assured transfer of relevant patient information among service providers;

(xi) Maintenance of the mental health information system for priority populations; and

(xii) Other services required by priority populations as determined by RSNs.

(11) "Consumers" means persons, couples or families receiving clinical, coordinative, or support services.

(12) "Consultation" means review and recommendations regarding the job responsibilities, activities(;) or decisions of administrative, clinical(;) or clerical staff, contracted employees, volunteers(;) or students by ((a person or)) persons with appropriate knowledge and experience to make ((such)) recommendations. This definition does not constitute a definition of consultation and education.

((12)) (13) "Consultation and education services" means those services provided to assist others in the community ((to understand)) in understanding and ((care)) caring for ((acutely and chronically mentally ill and seriously disturbed persons and includes)) priority populations including:

(a) Consultation to other community providers(;); and

(b) Educational and public information services.

((13) "County authority" means the board of county commissioners, county council or county executive having the authority to establish a community mental health program.)

(14) "Crisis" means a situation where((, because of severe internal or external stresses;)) a person is acutely mentally ill or experiencing serious disruption in cognitive, volitional, psychosocial or ((physiological)) neurophysiological functioning.

(15) "Crisis respite services" means residential support services provided to an individual who is in crisis or at risk of crisis; such services may be provided, in their own home or another home-like setting.

(16) "Crisis response system" means the system designed to resolve crises in the least restrictive manner possible, including:

(a) Emergency services;

(b) Crisis intervention;

(c) Crisis respite;

(d) Investigation and detention services; and

(e) Evaluation and treatment services.

~~((17))~~ (17) "Day treatment services" means ~~((those))~~ services for mentally ill ((persons which include)) consumers, including training in basic living and social skills, supported work, vocational rehabilitation((-day)) activities, and may include therapeutic treatment.

~~((16))~~ (18) "Department" means the department of social and health services.

~~((17))~~ (19) "Direct treatment services" means clinical services provided directly to ~~((clients to meet))~~ consumers meeting the ((client's)) consumer's mental health needs, as distinct from activities conducted with other persons, organizations, or groups on behalf of ((clients)) consumers, and also as distinct from supervisory, consultative or training activities conducted with regard to ((clients)) consumers or services.

~~((18))~~ (20) "Disabled" means ~~((a developmentally disabled person or one with))~~ an individual with a developmental disability, serious physical or sensory impairment.

~~((19))~~ (21) "Elderly" means a person sixty years of age or older.

~~((20))~~ "Emergency" means a situation where there is likelihood of serious harm to the person, other persons or property resulting from the actions or threatened actions of a mentally ill person, or when the person is gravely disabled.

~~((21))~~ (22) "Emergency services" means those responses and intervention services provided to ~~((persons))~~ consumers experiencing mental health emergencies or crises ((and include)), including:

- (a) Twenty-four hour telephone service; and
- (b) Twenty-four hour crisis intervention and outreach services(;
- ~~(c) Crisis resolution services; and~~
- ~~(d) Preadmission screening services).~~

~~((22))~~ (23) "Geriatric long-term rehabilitative services" means long-term rehabilitative services (subsection (30) of this section) for individuals age fifty-five and over, or fifty-four and under who, because of psychoneurological impairments, are appropriate for this level of care.

(24) "Governing body" means the final decision-making body for a provider.

~~((23))~~ (25) "Gravely disabled" means a condition where a person, as a result of a mental disorder:

- (a) Is in danger of serious physical harm resulting from a failure to provide for ~~((his or her))~~ their essential human needs of health or safety; or
- (b) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognition or volitional control over ~~((his or her))~~ their actions and is not receiving such care as is essential for ~~((his or her))~~ their health or safety.

~~((24))~~ (26) "Individualized service plan" (ISP) means the plan developed by resource management services assuring continuity of care and identifying needed residential and community support services.

(27) "Individualized treatment plan" (ITP) means the plan developed by the service provider identifying treatment needs and methods of treatment and, in RSNs, is consistent with the ISP.

(28) "Less restrictive setting" means that service in which the consumer functions at maximum independence in the most normative environment possible.

(29) "Long-term adaptive services" means a facility-based residential program with twenty-four hour nursing care and medical supervision, and mental health services which include:

- (a) Program and case consultation from a mental health professional;
- (b) Individualized treatment, as appropriate; and
- (c) Staff training.

(30) "Long-term rehabilitative services" means a facility-based residential program for adults or children who:

- (a) Require twenty-four hour supervision;
- (b) Do not require extensive medical care; and
- (c) Have a severe functional or behavioral impairment as a result of a psychiatric disorder; or
- (d) Do not follow or do not have an effective medication regime.

(31) "Material adjustment" means a budget revision equaling ten percent of a cost center.

~~((25))~~ (32) "Mental disorder" means ~~((any))~~ organic, mental, or emotional impairment having substantial adverse effect on an individual's cognitive or volitional functions.

~~((26))~~ (33) "Mental health professional" means:

- (a) A physician or osteopath licensed under chapter 18.57 or 18.71 RCW, who is board eligible in psychiatry;
- (b) A psychologist licensed under chapter 18.83 RCW;

(c) A psychiatric nurse, which means a registered nurse licensed under chapter 18.88 RCW and having at least two years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional;

(d) A social worker, which means a person with a masters or further advanced degree from an accredited school of social work or a degree from a graduate school deemed equivalent by the secretary;

(e) A person having at least a masters degree in behavioral sciences, nursing sciences, or related field from an accredited college or university and having at least two years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional;

(f) A mental health counselor or marriage and family therapist certified under chapter 18.19 RCW and having at least two years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional;

(g) A professionally licensed occupational or physical therapist having at least two years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional; or

(h) A person having at least a bachelors degree in behavioral sciences or related field from an accredited college or university and having at least five years' experience in the direct treatment of mentally ill individuals under the supervision of a mental health professional.

~~((34))~~ (34) "Mental health services" means ~~((those))~~ services required ~~((pursuant to))~~ under chapter 71.24 RCW, including:

(a) In non-RSN counties:

~~((i))~~ (i) Emergency services, including screening for patients being considered for admission to state hospitals;

~~((b))~~ ~~((ii))~~ (ii) Outpatient services;

~~((c))~~ ~~((iii))~~ (iii) Day treatment;

~~((d))~~ ~~((iv))~~ (iv) Consultation and education services; and

~~((e))~~ ~~((v))~~ (v) Community support services.

~~((27))~~ (b) When RSNs are established, or after July 1, 1995, "mental health services" shall mean all services provided by RSNs.

(35) "Mentally ill persons" and "the mentally ill" means a person or condition defined in this chapter as:

(a) Acutely mentally ill;

(b) Chronically mentally ill; or

(c) Seriously disturbed.

~~((28))~~ (36) "Minority" or "ethnic minority" means any of the following general population groups:

(a) American Indian or Alaskan native, which includes:

(i) An enrolled Indian:

(A) A person enrolled or eligible for enrollment in a recognized tribe.

(B) A person determined eligible to be found Indian by the secretary of the interior.

(C) An Eskimo, Aleut or other Alaskan native.

(ii) A Canadian Indian: A person being a member of a treaty tribe, Metis community or nonstatus Indian community from Canada.

(iii) An unenrolled Indian: A person considered Indian by a federally or nonfederally recognized Indian tribe or off reservation Indian/Alaskan native community organization;

(b) Asian or Pacific Islander((-));

(c) Black((-); or

(d) Hispanic.

~~((29))~~ (37) "Outpatient services" means those services provided ~~((in less than a residential or day treatment setting for clients whose dysfunction is not so severe as to need such intense or restrictive service))~~ to priority populations needing less intensive treatment than that provided through inpatient, residential, or day treatment programs. ~~((Outpatient))~~ Services ~~((may))~~ shall include, but are not limited to((-);):

(a) Evaluation((-; diagnosis;);

(b) Individual, family, and group psychotherapy((-); and

(c) Medication management((-; and activities therapy)).

~~((30))~~ (38) "Preadmission screening services" means those services provided for ~~((clients))~~ consumers being considered for voluntary admission to state hospitals to determine the appropriateness of admission and availability of alternatives.

~~((31))~~ (39) "Properly executed accounting documents" means accounting documents processed in a manner consistent with provider policies and procedures and providing sufficient and adequate documentation for an audit of the agency's financial transactions.

~~((32))~~ (40) "Provider" means licensed service provider as defined in chapter 71.24 RCW.

~~((33))~~ (41) "Regional support network" (RSN) means a county authority or group of county authorities recognized by the secretary that enter into joint operating agreements to contract with the secretary under this chapter.

(42) "Registration records" means all the records of the department, RSN, treatment facilities and other persons providing services to the department, county departments, or facilities. Registration records identify individuals receiving or having received services for mental illness which have been funded by available resources.

(43) "Residential services" means a complete range of residences and supports authorized by resource management services. These may involve a facility, a distinct part thereof or services supporting community living, including, at least:

(a) Evaluation and treatment services as defined in chapter 71.05 RCW;

(b) Crisis respite care;

(c) Supported living services;

(d) Supervised care;

(e) Long-term rehabilitative care;

(f) Long-term adaptive care; and

(g) Support services to nursing home residents.

(44) "Resource management services" means the planning, coordination, and authorization of residential and community support services administered under an ISP for priority populations, including:

(a) Seven day a week, twenty-four hour a day availability of information regarding mentally ill adults' and children's enrollment in services; and

(b) Access to their ISP by county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the RSN.

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

~~((34))~~ (46) "Seriously disturbed person" means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to self or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder ~~((which causes))~~ causing major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a minor child diagnosed by a mental health professional as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school, or with peers or is clearly interfering with the child's personality development and learning.

~~((35))~~ (47) "Substantial gainful activity" is work ~~((that involves))~~ involving significant physical or mental activities done for pay or profit. Substantial gainful activity means, for elderly, retired persons and disabled persons, due to physical or mental impairment, the ability to manage retirement and/or disability income and activities of daily living. Substantial gainful activity

means, for children, the ability to productively participate in educational activities.

(48) "Supervised living services" means facility-based care for adults requiring twenty-four hour supervision but are able to use community-based resources outside of the facility when needed. Supervised living services provide minimal-to-moderate on-site programming primarily directed at maintaining consumers at this level of care or preparing consumers for transition into supported living services.

((36)) (49) "Supervision" means regular or occasional ((oversight)) monitoring of the administrative, clinical or clerical work performance of staff, students, volunteers or contracted employees by ((person or)) persons with the authority to give direction and require change.

((37)) (50) "Supported living services" means non-facility residential programs for adults and children requiring a flexible array of services and supports to successfully live in their homes, adult family homes, or foster homes.

(51) "Training" means planned educational events or activities designed to instill or enhance skills and to increase knowledge.

(52) "Treatment records" means registration and all other records concerning consumers receiving or at any time having received services for mental illness, which are maintained by the department, RSNs, and service providers. Treatment records do not include notes or records maintained for personal use by RSN or treatment facility staff providing treatment services if the notes or records are unavailable to others.

NEW SECTION

WAC 275-56-016 REGIONAL SUPPORT NETWORKS—RECOGNITION AND CERTIFICATION. (1) A county or group of counties desiring recognition as a regional support network (RSN) shall submit to the department:

- (a) A statement of intent for recognition as an RSN;
- (b) Documentation showing a total RSN population greater than forty thousand;
- (c) For RSNs of more than one county, documentation of interlocal agreements, including:
 - (i) Identification of a single authority; and
 - (ii) Assignment of all responsibilities to specified parties;
- (d) A preliminary plan, detailing the following elements:
 - (i) Crisis response system (WAC 275-56-089);
 - (ii) Resource management services (WAC 275-56-087);
 - (iii) System of ongoing care, including:
 - (A) Community support services (WAC 275-56-088); and
 - (B) Residential services (WAC 275-56-465);
 - (iv) Taking responsibility for short-term commitments.

(2) Counties desiring recognition as RSNs by December 1, 1989, shall submit notice of intent and preliminary plans to the department by October 30, 1989. Counties desiring recognition as RSNs by January

1, 1993, shall submit notice of intent and preliminary plans by November 30, 1992.

(3) Within thirty days of application, the department shall provide written response either:

- (a) Recognizing the RSN; or
 - (b) Denying recognition and stating the reasons for denial under subsection (1) of this section.
- (4) Recognition and initial certification shall depend on the RSN meeting the standards for planning and provision of services specified in this chapter.

(5) Renewal of certification shall occur prior to each contract between the department and the RSN.

NEW SECTION

WAC 275-56-017 REGIONAL SUPPORT NETWORK PLANNING—SIX-YEAR AND BIENNIAL PLANS. (1) Within three months of recognition, the RSN shall submit an overall plan elaborating the preliminary plan. Development of the plan shall include participation by consumers, advocates, and service providers.

(2) The overall plan shall be for a six-year period and include the following elements:

- (a) Estimated timelines for implementation of each phase;
- (b) Estimated operating and capital budgets;
- (c) Documentation that state funds are in no case used to replace local funds from any source used to finance mental health services prior to January 1, 1990;
- (d) Administration and provision of:
 - (i) Crisis response system (WAC 275-56-089);
 - (ii) Resource management services (WAC 275-56-087) with the definition of access points and criteria for consumer admission and discharge from resource management services; and
 - (iii) System of ongoing care, including:
 - (A) Community support services (WAC 275-56-088), with the definition of criteria for admission to and discharge from each component of the RSN's system; and
 - (B) Residential services (WAC 275-56-465), with the definition of criteria for admission to and discharge from each component in the continuum;
- (e) An estimate of the number of transfers from nursing homes due to the Omnibus Budget Reconciliation Act (OBRA);
- (f) The appointment of a mental health advisory board to advise the authority on RSN plans and policies. The composition of the board shall be broadly representative of the demographic character of the region and the mentally ill consumers served and shall include:

- (i) Consumers;
- (ii) Family and other advocates; and
- (iii) Parents of mentally ill children;
- (g) Provision of eighty-five percent of seventy-two hour detentions and fourteen-day commitments within the RSN by:
 - (i) July 1, 1993, for RSNs recognized before July 1, 1991;
 - (ii) July 1, 1995, for RSNs recognized after June 30, 1991;

(h) Administration of a portion of funds appropriated by the legislature to house mentally ill consumers from the RSN, excluding mentally ill offenders (chapter 10.77 RCW), in state institutions. The RSN shall provide for up to seventeen days of evaluation and treatment services (under chapter 71.05 RCW) in appropriate residential services, which may include state institutions. The RSNs shall reimburse the state for use of state institutions at a rate equal to that assumed by the legislature when appropriating funds for such care at state institutions during the biennium reimbursement occurs. This requirement shall be met by:

(i) July 1, 1993, for RSNs recognized before July 1, 1991;

(ii) July 1, 1995, for RSNs recognized after June 30, 1991;

(i) All other mental health services required by the Community Mental Health Services Act for priority populations, including:

(i) Outpatient services (WAC 275-56-385);

(ii) Day treatment services (WAC 275-56-400);

(iii) Consultation and education services (WAC 275-56-425); and

(iv) Mental health services to children.

(j) Mental health services designed for, available and accessible to children, elderly, minorities, disabled, and low-income priority populations. In RSNs where a significant ethnic minority exists, as defined by department guidelines, the plan shall ensure that culturally relevant services are available and accessible to this population. RSNs shall recognize the unique cultural, religious, and tribal sovereignty of Indian nations, tribes, and communities.

(3) Consumer residency in an RSN shall be defined according to guidelines determined by the department in consultation with RSNs.

(4) The RSN shall submit an updated two-year plan each biennium in accordance with department guidelines for RSN planning. The RSN shall identify capital and operating budget requests in each biennial plan.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-020 COUNTY ((~~ADMINISTRATION AND~~)) PLANNING—BIENNIAL MENTAL HEALTH NEEDS ASSESSMENT. ((~~The~~)) Prior to July 1, 1995, the non-RSN county authority shall submit to the department ((~~a~~)) biennial mental health needs assessments in accordance with department guidelines.

(1) The county authority shall prepare and submit to the department a biennial needs assessment of county residents ((~~of the county~~)) who are acutely mentally ill, chronically mentally ill, or seriously disturbed, including minorities, children, elderly, disabled, and low-income groups in these priority populations ((~~shall be prepared for submittal to the state~~)). The biennial needs assessment shall determine need ((~~with respect to~~)) for mental health services required by the Community Mental Health Services Act.

(2) The biennial needs assessment ((~~with~~)) shall include:

(a) Estimates of the type and extent of significant mental health needs of the mentally ill, including estimates of the number of chronically mentally ill persons, seriously disturbed ((~~persons~~)) consumers, and acute crises occurring in the county during the biennium.

(b) A projection of the amount and type of mental health services necessary to meet identified mental health needs of the acutely mentally ill, chronically mentally ill, and seriously disturbed.

(c) Identification of public and private resources available to meet the mental health needs of the acutely mentally ill, chronically mentally ill, and seriously disturbed, including:

(i) Identification of licensed service providers in the county.

(ii) Assessment of the capability of the current mental health program and providers to meet the needs of the mentally ill.

(d) A prioritization of unmet needs for the mentally ill.

((~~(3) The biennial needs assessment shall be conducted in accordance with department guidelines for needs assessment.~~))

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-025 COUNTY ((~~ADMINISTRATION AND~~)) PLANNING—BIENNIAL MENTAL HEALTH PLAN AND BUDGET. ((~~The~~)) Prior to July 1, 1995, the non-RSN county authority shall submit to the department a biennial mental health plan and budget in accordance with department standards.

(1) The biennial plan shall address the needs identified in the biennial needs assessment for the acutely mentally ill, chronically mentally ill, and seriously disturbed, including minorities, children, elderly, disabled, and low-income groups in these priority populations. The biennial plan shall be developed based on available resources and priorities established in the biennial needs assessment.

(2) The biennial plan shall include the following components:

(a) ((~~A plan narrative identifying~~)) Identification of needs to be met, goals and objectives, an action plan for coordination and delivery of mental health services(;) and program development activities ((~~related to~~)) regarding needs and priorities identified in the biennial needs assessment. The plan ((~~narrative~~)) shall include all mental health services required by the Community Mental Health Services Act ((~~and may include optional services~~)) for priority populations, including:

(i) Emergency services including preadmission screening services (WAC 275-56-365);

(ii) Outpatient services (WAC 275-56-385);

(iii) Day treatment (WAC 275-56-400);

(iv) Consultation and education services (WAC 275-56-425);

(v) Case management services (WAC 275-56-445);

(vi) Inpatient services (optional); and

(vii) Residential services (optional).

(b) Description of how mental health services are to be made available to priority consumers throughout the county, including location.

The plan shall indicate how services shall be extended to mentally ill consumers who, because of situation, age or disability, cannot travel to facilities where mental health services are routinely provided.

(c) Description of how mental health services are to be made available and accessible to children, elderly, minorities, disabled, and low-income consumers who are acutely mentally ill, chronically mentally ill, or seriously disturbed. In counties where a significant ethnic minority, as defined by department guidelines, exists, the county plan shall ensure that culturally relevant services are available and accessible to this population. RSNs shall recognize the unique cultural, religious, and tribal sovereignty of Indian nations, tribes, and communities.

(d) A budget identifying revenues and expenditures for mental health services, program development activities, and administration of the mental health program and services. The budget ~~((with))~~ shall be submitted in accordance with the requirements specified in WAC 275-56-070.

~~((The biennial plan shall be developed in accordance with the planning guidelines of the department.~~

~~((4))~~ The secretary may modify deadlines for submission of plans, responses to written reviews or contract proposals when, in the secretary's judgment, the modification ~~((would))~~ enable the county to improve the program planning process.

~~((5))~~ (4) The secretary may authorize the county to continue providing services in accordance with the previous plan ~~((and))~~ by amending the existing contract, as necessary, and reimburse at the average level of the previous contract, in order to continue services until the contract is executed.

~~((6) Any))~~ (5) A provider having applied to participate in the community mental health program who objects to county decisions regarding the biennial plan may request a hearing before the county authority. When an appeal is made, the county authority shall review the appeal and notify the provider, in writing, of the appeal disposition within thirty days after the appeal ~~((has been))~~ is received.

~~((7) Any))~~ (6) A county objecting to the department's disposition of the county's biennial plan may request an administrative review ~~((pursuant to))~~ under the Administrative Procedure Act, chapter ~~((34.04))~~ 34.05 RCW.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-035 COUNTY ~~((ADMINISTRATION AND))~~ PLANNING—BIENNIAL PLAN AS A BASIS FOR CONTRACTING. ~~((The county authority))~~ Prior to July 1, 1995, the department shall ~~((utilize))~~ use the biennial plan and budget as the basis for contracting with the county authority.

(1) The county or RSN may become a provider under the following conditions:

(a) No other provider is available to provide the mental health services; ~~((and))~~ or

(b) The county ~~((has demonstrated))~~ or RSN demonstrates to the department that ~~((the county))~~ it can provide the mental health services more efficiently and cost effectively than other available providers without loss of quality of care. Evidence that ~~((the county))~~ it would be more efficient and cost effective than other available providers includes, but is not limited to, lower administrative costs, lower unit cost for comparable services, and higher productivity.

(2) ~~((Where the county is a licensed service provider of mental health services, the department shall meet the following responsibilities of the county authority for the services:~~

~~((a) Contract monitoring of the provider (WAC 275-56-050):~~

~~((b) Fiscal auditing of the provider (WAC 275-56-085):~~

~~((c) Review an appeal of the provider (WAC 275-56-025(6)):~~

~~((3))~~ If a county decides not to participate in the community mental health program, the department shall assume all responsibilities ~~((of the county authority))~~ for planning and administering mental health services in that county.

~~((4))~~ (3) Providers contracting with the county or RSN for mental health services shall be licensed by the department in accordance with state minimum standards for community mental health programs.

~~((5))~~ (4) Counties proposing to contract with more than one licensed provider shall demonstrate the following criteria are met:

(a) Assured continuity of care ~~((is assured))~~;

(b) Services ~~((will be))~~ provided in an efficient and cost-effective manner; and

(c) Duplication of services and administrative costs are minimized.

~~((6))~~ (5) County or RSN contracts with individual providers licensed under chapters 18.57, 18.71, 18.83 or 18.88 RCW shall require ~~((att))~~ fiscal accountability and ~~((client tracking))~~ participation in the mental health information systems as required in this chapter.

~~((7))~~ (6) The department shall determine standards in this chapter applicable to individual providers which shall be incorporated in the contracts with the individual providers.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-040 COUNTY ~~((ADMINISTRATION AND))~~ PLANNING—BIENNIAL PLAN AS A BASIS FOR CONTRACTING. ~~((The county authority))~~ Prior to July 1, 1995, the department shall ~~((utilize))~~ use the biennial plan and budget as the basis for contracting with the county authority.

(1) A work statement and budget shall be incorporated into the contract ~~((with the department))~~.

(2) The contract between the ~~((county))~~ department and the ~~((department))~~ county shall serve as the basis for county contracts with providers.

(3) When contracting with providers, the county shall ((utilize)) use standardized contract terms and conditions consistent with department guidelines for contracting and including requirements for at least the following:

(a) Reporting of revenue, expenditures, service outcomes, and statistical information on all mental health services provided to priority populations by the provider; and

(b) Compliance with minimum standards as defined under this chapter for community mental health programs.

NEW SECTION

WAC 275-56-042 REGIONAL SUPPORT NETWORKS PLANNING—BIENNIAL PLAN AS A BASIS FOR CONTRACTING. The department shall, within available resources, contract with RSNs certified to perform services.

(1) Biennial goals identified in the six-year plan and biennial updates shall serve as the primary source for contractual expectations. The contract shall include:

(a) Requirements under WAC 275-56-017; and

(b) A fiscal plan.

(2) The contract shall specify the requirements for timely reporting of data, statistics, schedules, and information, including:

(a) Fiscal reports;

(b) Reports on the development of identified service components; and

(c) Reports on utilization under WAC 275-56-050.

NEW SECTION

WAC 275-56-043 REGIONAL SUPPORT NETWORKS—PENALTIES FOR NONCOMPLIANCE.

(1) Failure to provide the department with requested data, statistics, schedules, or information; filing of fraudulent reports; or failure to meet contractual terms may result in:

(a) Suspension, revocation, limitation, or restriction of certification;

(b) Refusal to grant certification; or

(c) The department petitioning the superior court to restrain any person or governmental unit from operating an RSN or service provider without certification or a license. The department may petition the superior court to issue a warrant, authorizing the department to enter at reasonable times, and examine the records, books, and accounts of RSNs or service providers.

(2) The department shall deny funding to RSNs based solely upon findings of noncompliance with the terms of the RSN's contract.

(3) RSNs objecting to the department's disposition of the plan may request an administrative review under the Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-050 COUNTY ((ADMINISTRATION)) AND REGIONAL SUPPORT NETWORK PLANNING—((COUNTY)) MONITORING OF

PROVIDERS. The ((county)) authority shall be responsible for monitoring providers ((which have contracted)) contracting with the ((county)) authority to provide mental health services.

(1) The ((county)) authority shall evaluate, at least annually, ((each)) provider((s)) compliance with ((its)) contract work statements.

(2) Each biennium, the ((county)) authority shall ensure a program audit of the provider is conducted in accordance with guidelines of the department.

(3) The RSN, when established, shall ensure annual independent reviews of utilization of services authorized and coordinated through resource management services. If necessary, the RSN shall take corrective action based on findings from the review. At a minimum, the review shall determine to what extent:

(a) Consumers who are high utilizers of acute care services are enrolled and served;

(b) Consumers in community support and residential services are receiving sufficient and not unnecessary services; and

(c) Mental health services are available and accessible to underserved groups (WAC 275-56-010 (1)(b) and (2)).

(4) The ((county)) authority shall notify the department of ((any findings resulting from the county's monitoring of providers)) observations indicating ((that)) the provider ((is)) may not be in compliance with ((contract terms)) licensing requirements. The ((county)) authority shall submit a written report of program evaluations and audits to the department within thirty days of completion.

((((4) The)) (5) Prior to July 1, 1995, in non-RSN counties, responsibilities specified in this section may be assumed by one county ((where)) when a combination of counties ((have established)) establishes a community mental health program, and the administration of the program is provided by one county.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-055 COUNTY ((ADMINISTRATION)) AND REGIONAL SUPPORT NETWORK PLANNING—((CLIENT TRACKING)) MENTAL HEALTH INFORMATION SYSTEM. The ((county)) authority shall ((be responsible for ensuring)) ensure that ((client tracking)) information for ((the chronically mentally ill)) priority populations is ((maintained on)) promptly reported to the state mental health ((client tracking)) information system. The ((state)) department and the authority shall use the mental health ((client tracking)) information system ((will be a centralized file which may be used by)) for state-wide, county ((authorities for tracking of the chronically mentally ill)), and/or RSN management reports and for locating priority population consumers.

(1) ((The counties shall require all)) State hospitals, certified evaluation and treatment facilities, other inpatient or residential facilities, county-designated mental health professionals, resource management services, and licensed providers ((of service to the chronically mentally ill to)) under contract to the authority or department

shall collect and submit the following information consistent with department guidelines:

(a) ~~((A department-designated client identifier enabling the person to be uniquely identified in any mental health service he or she receives:~~

(b) ~~Name of the state hospital, certified evaluation and treatment facility, other inpatient or residential facility or licensed provider referring the client, and the date of referral.~~

(c) ~~Identification of the facility or provider accepting the client upon referral from another facility or provider, including designation of the licensed provider providing case management services, if any.~~

(d) ~~Service utilization in the community mental health program since the most recent date of referral or release from another facility or provider, including provider name and beginning and ending dates of treatment.~~

(2) ~~The client tracking information shall be provided to the state client tracking system by state hospitals, certified evaluation and treatment facilities, other inpatient or residential facilities, county-designated mental health professionals (chapter 71.05 RCW), and licensed providers under contract to the county authority or department.~~

(a) ~~Referring entities referenced in this section shall provide the department with client tracking information consistent with department guidelines on notification of client referral or release.~~

(b) ~~Providers accepting a client referred from another facility or provider shall notify the state client tracking system of the outcome of the referral, and any subsequent referrals, transfers, or termination of the client)) Name, birthdate, sex, and other identifiers enabling the consumer to be uniquely identified;~~

(b) ~~For registered consumers, the number identifying the agency registering the consumer;~~

(c) ~~For registered, enrolled consumers, the number identifying the provider enrolling the consumer and information required by resource management services necessary to complete the ISP (WAC 275-56-087);~~

(d) ~~Services provided; and~~

(e) ~~Notification of consumer registration within twenty-four hours and notification of enrollment and discharge within seventy-two hours.~~

(2) ~~Consumers having at least one contact with the mental health system and for whom additional services are planned shall be registered. Registered consumers approved by resource management services for community support or residential services shall be considered enrolled.~~

(3) ~~The confidentiality of information contained in the ((client tracking file or record)) mental health information system shall be maintained ((in accordance with)) according to WAC 275-56-240 and chapter 71.05 RCW ((71.05.390 through 71.05.440)). All county, RSN, or provider staff having access to the ((client tracking file or record)) mental health information systems shall be instructed in these confidentiality requirements. A statement signed by the ((individual)) staff acknowledging ((his or her)) understanding and agreement~~

to abide by these requirements shall be kept on file by the county, RSN, or provider.

(4) If ~~((a county))~~ an authority chooses to maintain a client tracking system based on other than the state mental health client tracking system, prior approval by the department is required.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-060 COUNTY ~~((ADMINISTRATION))~~ AND REGIONAL SUPPORT NETWORK PLANNING—((COUNTY)) COORDINATION OF SERVICES. The ~~((county))~~ authority shall ensure coordination of services for ~~((the acutely mentally ill, chronically mentally ill, and seriously disturbed, including underserved groups within these))~~ priority populations (WAC 275-56-010). The ~~((county))~~ authority shall ~~((utilize))~~ use information from the state ~~((client tracking))~~ mental health information systems to coordinate ~~((community support and outreach))~~ mental health services. The ~~((county))~~ authority may contract with and designate a provider to meet the requirements of this section.

~~((1))~~ Service providers discharging or referring chronically mentally ill clients to another service provider shall provide written notification to the state mental health client tracking system and the receiving agency of that discharge or referral within seventy-two hours.

(2) ~~The receiving agency shall notify the state mental health client tracking system of the admission of the referred client within seventy-two hours of the admission. If the client has not been admitted within two weeks of the referral date, the receiving agency shall notify the state mental health client tracking system of the noncompleted referral.~~

(3) ~~The county authority or its designee shall utilize information from the state mental health client tracking system to ensure efforts are made to provide needed services to all chronically mentally ill persons referred to providers, inpatient, or residential facilities within the county. When the county or its designee receives notification of noncompleted or inappropriate referrals, the county or its designee shall determine and document the reasons and attempt to arrange an appropriate referral.~~

~~((4))~~ The ((county)) authority shall ((utilize)) use information from the ((state client tracking system)) mental health information systems to routinely monitor continuity of care for ((chronically)) mentally ill ((clients)) consumers.

~~((5))~~ The county shall at least annually utilize client tracking information to assess the effectiveness of referral patterns and procedures.)

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-065 COUNTY AND REGIONAL SUPPORT NETWORK FISCAL ADMINISTRATION—DISBURSEMENT OF FUNDS ADVANCED BY THE DEPARTMENT. The ~~((county))~~ authority

shall be responsible for establishing procedures (~~(to ensure)~~) ensuring proper application and use of funds advanced by the department for the community mental health program. The (~~(county)~~) authority shall maintain adequate documentation of disbursements of the advance account to providers.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-070 COUNTY AND REGIONAL SUPPORT NETWORK FISCAL ADMINISTRATION—SUBMITTAL AND APPROVAL OF MENTAL HEALTH BUDGET. The (~~(county)~~) authority shall submit a mental health budget to the department for approval consistent with department guidelines (~~(of the department)~~).

(1) The (~~(county)~~) budget shall include (~~(all)~~) available resources from the department, RSN, and county mental health funds. The budget shall categorize estimated revenues and expenses according to the department's budgeting, accounting, reporting system (BARS), or other department standards consistent with generally accepted accounting principles (GAAP).

~~((2))~~ The mental health budgets of all providers contracting with the county shall be on file with the county. Provider budgets shall include available resources and other revenues that will support mental health services for acutely mentally ill, chronically mentally ill, and seriously disturbed clients. The provider budget shall categorize estimated revenues and expenses according to the department's standardized accounting system.

~~((3))~~ (2) The county or RSN mental health budget and all material adjustments thereof shall be reviewed and formally approved by the (~~(county)~~) authority prior to review and approval by the department.

~~((4))~~ (3) All county, RSN, or provider requests for federal funding to support any aspect of the community mental health program shall be submitted to the department for review and approval before the request is submitted to any federal agency.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-075 COUNTY AND REGIONAL SUPPORT NETWORK FISCAL ADMINISTRATION—ACCOUNTING RECORDS. The RSN, when established, or the county accounting records shall clearly identify all revenues (~~(received)~~) from (~~(the department)~~) available resources and expenditures (~~(thereof)~~) consistent with the department's budgeting, accounting, reporting system (BARS), or other department standards.

Accounting records shall be supported by properly executed accounting documents. Records, supporting documentation and statistical reports shall be retained for a period of five years, with the following qualifications:

(1) If (~~(any)~~) litigation, claim, or audit is started before the expiration of the five-year period, the records shall be retained until (~~(all)~~) litigation, claims, or audit findings involving the records (~~(have been)~~) are resolved.

(2) Records for nonexpendable property acquired with resources from the department shall be retained for five years after final disposition.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-080 COUNTY AND REGIONAL SUPPORT NETWORK FISCAL ADMINISTRATION—REPORTS TO AND AUDITS BY THE DEPARTMENT. The RSN, when established, or the county shall maintain financial records and provide the department with information on the fiscal performance of the community mental health program.

(1) An original and one copy of the financial report shall be submitted to the department on a semiannual basis consistent with department guidelines (~~(of the department)~~).

(a) The report shall account for all mental health funds included in the (~~(county's)~~) contract with the department.

(b) The report shall be due in the department within (~~(forty)~~) sixty days following the end of each reporting period.

(2) All county records of mental health funds provided to the county by the department shall be maintained in an auditable format. These records shall be available for audit upon request by the department or the department's designated audit agent.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-085 COUNTY AND REGIONAL SUPPORT NETWORK FISCAL ADMINISTRATION—BIENNIAL FISCAL AUDIT OF PROVIDERS. The RSN, when established, or the county authority or designee shall (~~(be responsible for performing)~~) perform a biennial fiscal audit of each provider (~~(which is)~~) under contract (~~(to the county)~~) to provide mental health services.

(1) The biennial audit shall be conducted in accordance with applicable, generally accepted auditing standards (GAAS).

(2) Documentation shall verify that the reports of such audits (~~(have been)~~) are reviewed by the governing body of the provider and the (~~(county)~~) authority.

(3) The biennial audit shall be completed within twelve months following the end of the department's biennium.

(4) The (~~(county)~~) authority shall notify the department of (~~(any)~~) audit findings indicating the provider is not in compliance with the county's contract or with minimum standards for community mental health programs.

(5) The (~~(county)~~) authority may use an independent audit secured by the provider to meet the requirements of the biennial (~~(county)~~) audit.

(6) Where available resources from the department can be separated from other provider revenues (~~(of the~~

provider)), the audit shall apply only to available resources. Otherwise the ((county)) authority shall perform a biennial fiscal audit of all provider revenues ((of the provider)).

(7) The mental health budgets for all providers contracting with the authority shall be on file with the authority. Provider budgets shall include available resources and other revenues supporting mental health services for priority populations. The provider budget shall categorize estimated revenues and expenses according to department standards.

NEW SECTION

WAC 275-56-087 REGIONAL SUPPORT NETWORKS—RESOURCE MANAGEMENT SERVICES. RSNs, when established, shall ensure the provision of resource management services to provide integrated and coordinated services for priority consumers (WAC 275-56-010 (1)(b)), needing community support and residential services.

(1) Resource management services shall develop written criteria for admissions, placements, transfers, and discharges to and from the system of ongoing community (WAC 275-56-088) and residential services (WAC 275-56-465 through 275-56-515), including evaluation and treatment services (chapter 71.05 RCW). Such criteria shall ensure that priority population consumers who are high utilizers of acute care services be enrolled and served.

(2) Resource management services shall approve all admissions to evaluation and treatment services, including the state hospitals.

(3) Resource management services shall identify and establish methods of access to the system which shall include but not be limited to consumers identified by:

- (a) Crisis response system;
- (b) Inpatient programs;
- (c) Jails;
- (d) Shelters;
- (e) Community support and residential providers;
- (f) Families and advocates; and
- (g) Self-referral.

(4) Resource management services shall maintain a liaison with state mental health facilities, evaluation and treatment facilities (chapter 71.05 RCW) and other local inpatient psychiatric facilities to be informed of the status of enrolled and potentially enrolled consumers needing community support services. Resource management services shall assess referrals from the crisis response system and inpatient programs, and if enrolled in community support services, the consumer shall be assigned a case manager within three working days.

(5) Resource management services shall, in collaboration with the consumer or legally responsible other, determine consumer placement within the system of community support and residential services, ensuring that enrolled consumers are provided an integrated and coordinated individualized service plan (ISP) for adequate services and treatment, including:

- (a) Least restrictive housing;
- (b) Treatment;
- (c) Supports to minimize acute crises;

(d) Income supports; and

(e) Services to address the specialized needs of underserved populations.

(6) The consumer's preferences shall be given maximum consideration in development and implementation of the ISP for services and placement.

(7) Resource management services shall identify a single entity with primary responsibility for effective implementation of each consumer's ISP.

(8) Where resource management and case management services are integrated, the ISP and the ITP may be a single document.

(9) Resource management services shall approve all terminations of enrolled consumers.

(10) Resource management services staff shall have clinical training assuring appropriate assessment, admission, placement, transfers, and discharges. Resource management services supervisors shall be mental health professionals.

(11) Resource management services shall participate in the state mental health information systems, reporting admissions, placements, transfers, and discharges according to WAC 275-56-055.

(12) Resource management services shall assure access to seven day a week, twenty-four hour availability of information regarding mentally ill adults' and children's enrollment in services and their ISP's to county-designated mental health professionals, evaluation and treatment facilities, and others as determined by the RSN.

NEW SECTION

WAC 275-56-088 REGIONAL SUPPORT NETWORKS—COMMUNITY SUPPORT SERVICES. After July 1, 1995, or when RSNs are established, for adults and children priority populations (WAC 275-56-010 (1)(b)), community support services shall include:

- (1) Assessment and diagnosis (WAC 275-56-260);
- (2) Emergency crisis intervention available twenty-four hours, seven days a week (WAC 275-56-355);
- (3) Prescreening determinations for mentally ill consumers being considered for placement in nursing homes as required by federal law and department issuances;
- (4) Screening for consumers being considered for admission to residential services;
- (5) Discharge planning for consumers leaving state mental hospitals, other acute care inpatient facilities, and other children's mental health residential treatment facilities (WAC 275-56-445);
- (6) Investigation, legal, and other nonresidential services (chapter 71.05 RCW);
- (7) Case management services (WAC 275-56-445);
- (8) Psychiatric treatment, including medication supervision (WAC 275-56-295);
- (9) Counseling (WAC 275-56-385);
- (10) Psychotherapy (WAC 275-56-385);
- (11) Assuring transfer of relevant patient information between service providers (WAC 275-56-240);
- (12) Participation in the state mental health information systems for priority populations (WAC 275-56-055); and

(13) Other services required by priority populations as determined by RSNs, including day treatment services (WAC 275-56-400).

NEW SECTION

WAC 275-56-089 REGIONAL SUPPORT NETWORKS—CRISIS RESPONSE SYSTEM. RSNs, when established, shall develop an integrated crisis response system (CRS). The CRS shall serve consumers of all ages in emotional crisis in the community.

(1) The CRS shall provide twenty-four hour telephone screening (WAC 275-56-355 (1)(a)) which has working relationships with other emergency telephone systems, where available.

(2) To ensure the least restrictive resolution of the crisis, the RSN shall integrate the provision of the following services:

(a) Initial screening and assessment (WAC 275-56-355) to determine:

(i) Whether the crisis has an emotional or mental illness basis;

(ii) Course of action; and

(iii) Assignment of resources necessary to resolve the crisis;

(b) Twenty-four hour mobile outreach to:

(i) Conduct face-to-face evaluations (WAC 275-56-355 (1)(b) and (4)); and

(ii) Support and assistance to stabilize the consumer in the community, if possible;

(c) Crisis respite care (WAC 275-56-465(5));

(d) Investigation and detention services (chapter 71.05 RCW);

(e) Twenty-four hour access to:

(i) Voluntary and involuntary (chapter 71.05 RCW) psychiatric inpatient care;

(ii) Medical services, including:

(A) Emergency medical services, including preliminary screening for organic complications;

(B) Prescription services; and

(C) Medication administration;

(iii) Interpretative services enabling staff to communicate with consumers;

(f) Within available resources and extent of authority, twenty-four hour access to:

(i) Drug and alcohol detoxification resources; and

(ii) Emergency basic services, including:

(A) Food;

(B) Clothing;

(C) Shelter; and

(D) Transportation.

(3) CRS staff shall use the mental health information systems to determine consumer enrollment status in the ongoing system of community support or residential services.

(a) If the consumer is enrolled by resource management services, CRS staff shall involve the case manager in resolving the crisis.

(b) Following resource management services criteria, CRS staff shall refer priority population consumers (WAC 275-56-010 (1)(b)) who are not enrolled to resource management services.

(4) The CRS shall develop and maintain working relationships with supportive services needed by consumers in crisis, but not available in the mental health system.

(5) Caregivers shall have immediate access to CRS staff.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-090 LICENSING PROCEDURES FOR PROVIDERS—APPLICABILITY OF MINIMUM STANDARDS FOR COMMUNITY MENTAL HEALTH PROGRAMS. The department shall license providers (excluding individual providers licensed under chapter 18.57, 18.71, 18.83 or 18.88 RCW) ((shall be licensed by the department)) according to established standards before ((entering)) they may enter into a contract with the RSN, when established, or the county to provide mental health services.

(1) A provider contracting with the county or RSN for ~~((all))~~ services required by the Community Mental Health Services Act shall meet all minimum standards for ~~((organizational administration, services administration, and services))~~ service delivery in this chapter.

(2) ~~((Where))~~ The department shall determine the minimum standards when the provider contracts with the county or RSN for some but not all of the required mental health services((, the department shall determine the minimum standards applicable to the provider and the contracted services)).

(3) ~~((Where))~~ When a provider is part of a superordinate structure (e.g., county, hospital, university), the standards shall apply only to the community mental health component of that structure.

(4) ~~((Where))~~ Only when a provider is able to separate contracted mental health services for ~~((the acutely mentally ill, chronically mentally ill, and seriously disturbed))~~ priority populations from mental health services provided other ~~((client))~~ consumer populations, ~~((organizational administration, services administration, and services))~~ shall service standards ~~((shall))~~ apply ((only)) to the contracted services. The provider shall demonstrate to the department's satisfaction that ~~((the))~~ contracted services are distinct from other services with respect to ~~((the following))~~:

(a) Budget, revenues, and expenditures((;));

(b) Staffing((;)); and

(c) ~~((Clients))~~ Consumers served((, and

~~(d) Identification in the organizational structure)).~~

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-095 LICENSING PROCEDURES FOR PROVIDERS—APPLICATION AND APPROVAL. The department shall review applications for licensure and approve those ~~((which meet))~~ meeting minimum standards for ~~((community mental health programs))~~ the service(s) for which the provider is requesting licensure.

(1) Applications for licensure shall be submitted to the department on forms furnished by the department.

The applicant shall indicate the services for which licensure is requested.

(a) Applications shall be signed by the applicant's governing body and administrator.

(b) The applicant shall send a copy of the application to the ((county)) authority or ((the)) designee. The ((county)) authority or ((the)) designee may review the application and send written comments to the department with a copy to the applicant. If the department does not receive a response from the ((county)) authority or ((the)) designee within thirty days, the department shall proceed with the application.

(2) The department shall conduct an on-site review ((shall be conducted for the purpose of collecting)) to collect and ((analyzing the)) analyze information ((necessary for the department)) to determine ((whether)) if a provider is in compliance with the minimum standards ((specified in)) of this chapter. The department shall provide forty-five days written notice prior to the date scheduled for the licensure review.

(3) The department shall notify the applicant of the review results ((of the review)) and make the review report ((of the on-site review)) available to the applicant and ((county)) the authority within sixty days of the last day of the on-site review.

(4) The ((applicant may appeal the department's licensure decision within thirty days of notification of decision. The appeal shall be made in accordance with the Administrative Procedure Act, chapter 34.04 RCW)) department's notice of denial, revocation, suspension, or modification of a licensing decision is governed by RCW 43.20A.— (section 95, chapter 175, Laws of 1989). The provider's right to an adjudicative proceeding is in the same law.

(5) A provider wanting to contest a department licensing decision shall, within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the Office of Appeals, P.O. Box 2465, Olympia, WA 98504; and

(b) Include in or with the application:

(i) A specific statement of the issue or issues and law involved;

(ii) The grounds for contesting the department decision; and

(iii) A copy of the department decision being contested.

The proceeding shall be governed by the Administrative Procedure Act (chapter 34.05 RCW); RCW 43.20A.— (section 95, chapter 175, Laws of 1989); this section; and chapter 388-08 WAC. If any provision of this section conflicts with chapter 388-08 WAC, the provision in this section governs.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-100 LICENSING PROCEDURES FOR PROVIDERS—WAIVER OF RULES. ((Any)) (1) A provider or applicant subject to the provisions of this chapter may seek a waiver of any requirement of this chapter(:

~~(1) The provider or applicant shall file a written request for a waiver with the department which shall include:~~

~~(a) The name and address of the provider or applicant seeking the waiver;~~

~~(b) The specific section or subsection of this chapter for which waiver is sought;~~

~~(c) An explanation of why a waiver of the section or subsection is necessary;~~

~~(d) A description of the alternative practice or procedure the provider proposes to follow in lieu of that required by the section or subsection, or a plan for satisfying the requirement with the section or subsection for which the waiver is sought; and~~

~~(e)) by submitting forms furnished by the department and signed ((documentation)) approval from the ((county)) authority or designee reviewing the waiver including recommendations regarding the request.~~

(2) Upon receipt of a request for waiver, the department shall consider the following:

(a) Impact on accountability, efficiency, and quality of care;

(b) ((The)) Degree of noncompliance ((being)) sought;

(c) Whether the waiver ((would)) runs counter to the intent of chapter 71.24 RCW or other laws or regulations; and

(d) ((Whether)) Precedents, if any ((similar requests for waiver have been granted or denied)).

(3) The department's response to the waiver request shall be provided in writing within sixty days of receipt of the request.

(a) If the waiver is granted, the notice shall include:

(i) ((The)) Section or subsection waived;

(ii) ((Any)) Conditions ((which the applicant must comply with));

(iii) ((The)) Duration of the waiver which shall in no case exceed ((two)) one year((s)) from the date of ((the licensure)) approval; and

(iv) Notification that the waiver shall be subject to review and possible renewal, if requested.

(b) If the waiver request is denied, the notice shall include reasons for the decision.

(4) The denial of a waiver request may be appealed to the secretary((, whose decision shall be final)) in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-105 LICENSING PROCEDURES FOR PROVIDERS—LICENSURE STATUS. The department shall, based on findings of a licensure review, assign the provider one of the following licensure statuses:

(1) Licensed

(a) Under this status the ((provider is eligible to enter into a)) authority may contract with the ((county authority)) provider to provide those mental health services for which the provider is licensed.

(b) The department ((may)) shall require the provider to submit and implement a plan of correction to resolve

deficiencies, if present. The department may revoke the license if the provider does not implement the ~~((provider's))~~ plan of correction.

(c) At any time the department receives information indicating the provider ~~((has))~~ is not ~~((continued to comply))~~ in compliance with minimum standards for community mental health programs, the department may conduct a new licensure review.

(d) The department may revoke the license if the review ~~((determines))~~ shows the provider is not in substantial compliance.

(e) If evidence indicates that the health and safety of the ~~((client))~~ consumer is in danger, the revocation may be ~~((made effective))~~ immediately effective.

(2) ~~((Interim licensure~~

~~(a) Interim licensure shall be given to all providers contracting with a county authority to provide mental health services as of the effective date of this chapter.~~

~~(b) Interim licensure shall remain in effect until notification of licensure status resulting from the department's first licensure review of the provider or until two years following the effective date of this chapter.~~

~~(c) Following the department's first licensure review the provider shall have the licensure status assigned by the department.~~

~~((3))~~ Probationary licensure

(a) Under this status the provider is eligible to contract with the ~~((county))~~ authority on conditions specified by the department.

(b) To achieve full licensure the provider shall demonstrate to the department that it has met the conditions of the probationary status.

(c) The provider shall request that the department ~~((to))~~ review its corrective actions within six months of notification of probationary status or its licensure shall be revoked.

(d) The department shall review the provider's corrective actions and make a redetermination of licensure status within six months of the date of the provider's request for review.

(e) Probationary status shall only be assigned a provider as an outcome of the department's first licensure review of a provider or ~~((of))~~ a new provider service ~~((of that provider))~~.

~~((4))~~ (3) Provisional licensure

A new provider or a provider planning to offer a new service may be given a provisional license for up to one year if the following conditions are met:

(a) It has an acceptable detailed plan for the development and operation of such service;

(b) It can demonstrate the availability of administrative and clinical expertise required to develop and provide the planned services; and

(c) It has the fiscal management and existing or projected resources to reasonably assure ~~((the))~~ stability and solvency of the planned service.

~~((5))~~ (4) The ~~((provider's contract with the county))~~ authority shall ~~((be terminated))~~ terminate the contract with the provider thirty days following the department's notification to the provider and the ~~((county))~~ authority of failure to attain or maintain licensure.

~~((6))~~ (5) Providers failing to attain licensure or whose licensure ~~((has been))~~ is revoked may reapply for licensure no earlier than six months following the date of the department's notification.

(a) The application shall document the actions the provider has taken to correct deficiencies found in the prior licensure review.

(b) If the application demonstrates the provider has made every reasonable effort to correct deficiencies, the department shall schedule a licensure review to evaluate compliance with those standards previously unmet.

~~((7))~~ (6) A license shall be in effect for ~~((two))~~ one year~~((s))~~ or until a review for relicensure ~~((has been))~~ is conducted.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-110 PROVIDER ADMINISTRATION—POLICIES AND PROCEDURES. The provider shall have written policies and procedures for ~~((operations and administration))~~ the delivery of services. The provider's policies and procedures shall ~~((include:~~

- ~~(1) Fiscal administration;~~
- ~~(2) Personnel management;~~
- ~~(3) Affirmative action;~~
- ~~(4) Staff training;~~
- ~~(5) Quality assurance;~~
- ~~(6) Client rights;~~
- ~~(7) Client records;~~
- ~~(8) Client entry, service planning, operations, and~~
- ~~(9) Services))~~ serve to ensure maintenance of minimum standards as established by the department in this chapter.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-115 PROVIDER ADMINISTRATION—GOVERNING BODY. (1) The provider shall have a governing body which shall ~~((be responsible for the provider's:~~

- ~~(1) Policies;~~
- ~~(2) Total budget;~~
- ~~(3) Biennial plan and budget for services proposed for contract with the county authority, and~~
- ~~(4) Contract with the county authority for mental health services))~~ authorize and approve:

- ~~(a) Policies;~~
- ~~(b) Budget and audit; and~~
- ~~(c) Contract with the RSN or county authority for mental health services.~~

(2) The governing body shall designate an administrator.

AMENDATORY SECTION (Amending Order 2474, filed 2/27/87)

WAC 275-56-135 PROVIDER FISCAL ADMINISTRATION—WRITTEN SCHEDULE OF

FEES. The provider, excepting services also licensed under chapter 248-14, 248-16 or 248-25 WAC, shall establish and use a sliding fee schedule based on the resources available to the ~~((client))~~ consumer to pay for mental health services and the provider's actual cost of care.

~~(1) ((Use of the fee schedule shall be approved by)) The department ((as part of the licensing process. Effective April 1, 1987, approval will)) shall only ((be given to)) approve sliding scale fee schedules ((which do)) not ((require)) requiring payment from ~~((individuals))~~ consumers with ~~((an))~~ income levels equal to or below the grant standards for the general assistance program (WAC 388-29-100).~~

(2) The fee schedule shall be accessible to the provider's staff and ~~((clients))~~ consumers.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-150 PROVIDER FISCAL ADMINISTRATION—ACCOUNTING SYSTEM. The provider shall maintain an ~~((appropriate))~~ accounting system ~~((for administration of financial resources.~~

~~(1) The provider shall maintain the accounting system))~~ in accordance with applicable, generally accepted accounting principles (GAAP) and department standards.

~~((2) Accounting records shall clearly identify all revenues by source.~~

~~(3) All expenses shall be recorded in a manner to clearly show the budget category charged:))~~ (1) Financial records, supporting documentation, and statistical reports shall be retained for a period of five years, with the following qualifications:

(a) If any litigation, claim, or audit is started before the expiration of the five-year period, the records shall be retained until all litigation, claims, or audit findings involving the records is resolved.

(b) Records for nonexpendable property acquired with resources from the department shall be retained for five years after final disposition of the property.

(2) The provider shall prepare a formal, written budget of all expected revenues and expenses identifying mental health services for priority populations. The budget shall categorize revenues by source and expenses by types of services and/or program components consistent with GAAP and department standards.

(3) Financial statements shall be prepared at least annually in conformity with generally accepted accounting principles (GAAP) and shall be available to the authority and department upon request.

(4) If the provider has a contract with the RSN or county, the provider shall submit to the authority at least semiannual revenue and expense reports based on department standards. The revenue and expense reports shall include the relationship of the approved budget to actual revenue and expenditure.

(5) The provider's financial operations shall receive an independent audit at least biennially.

(a) The audit shall be conducted in accordance with generally accepted auditing standards (GAAS).

(b) The audit shall be completed within twelve months following the end of the state's biennium.

(c) The RSN or county biennial fiscal audit of the provider may be used to meet the audit requirements of this section.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-170 PERSONNEL MANAGEMENT—PERSONNEL RECORDS. A personnel record shall be kept on file by the provider for each staff member. ~~((The))~~

(1) Clinical staff personnel records shall contain:

~~((1))~~ (a) Documentation verifying education, experience, and clinical training;

~~((2))~~ (b) Verification of required licensure or certification;

~~((3))~~ (c) Job ~~((description))~~ title; and

~~((4))~~ (d) Documentation of continuing education ~~((including in-service training received and training needs, and~~

~~(5) Documentation of the staff member's review of client rights)).~~

(2) The provider shall maintain a job description for each job title.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-175 PERSONNEL MANAGEMENT—STAFF QUALIFICATIONS. The provider shall ensure that all direct treatment services ~~((shall be))~~ are provided and supervised by staff members with the ~~((appropriate))~~ clinical qualifications listed below.

(1) All direct treatment services shall be provided by a mental health professional or under the clinical supervision of a mental health professional as defined ~~((pursuant to))~~ under chapter 71.05 RCW ~~((as follows:~~

(a) A physician or osteopath licensed pursuant to chapter 18.57 or 18.71 RCW, who is board eligible in psychiatry; or

(b) A psychologist licensed pursuant to chapter 18.83 RCW; or

(c) A psychiatric nurse or social worker; or

(d) A person having at least a masters degree in behavioral, nursing sciences, or related field from an accredited college or university and having at least two years' experience in the direct treatment of mentally ill clients under the supervision of a mental health professional; or

(e) A person professionally registered or certificated (e.g., registered nurse, occupational therapist, physical therapist) and having at least three years' experience in working with mentally ill clients under supervision of a mental health professional. Such a person shall be defined as a mental health professional only when working within the skill areas for which he or she is registered or certificated.

(2) A clinical staff member or trainee not meeting the qualifications stated in subsection (1) of this section

shall only provide direct treatment, screening, case management or support services under the following conditions:

(a) ~~The person has been evaluated by a mental health professional and determined to possess the skills and knowledge necessary to work with the client population to be served, and in the identified function or role to be performed; and~~

(b) ~~The service is provided under the supervision of a mental health professional or as part of an organized treatment team;)) and WAC 275-56-015(33).~~

(2) Clinical supervision and consultation for each service component shall be provided by a mental health professional with two years' experience in that service component.

(3) The staff member with overall responsibility for providing clinical services shall be a mental health professional with at least five years' experience in mental health services to priority populations and have documented supervisory training or experience.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-180 PERSONNEL MANAGEMENT—CLINICAL SUPERVISION. The provider shall ensure that all persons providing direct treatment services ((staff)) receive appropriate clinical supervision and/or consultation.

(1) ((Clinical supervision shall be provided by a mental health professional:

(2)) Full-time clinical staff members who are mental health professionals providing direct treatment services shall receive at least one hour ((per)) every two weeks of clinical supervision and/or consultation. Proportionately less time is required for part-time mental health professional staff and volunteers. ((Persons)) Mental health professionals with medical and/or overall clinical responsibilities shall receive ((appropriate)) peer consultation, as needed.

((3) Other) (2) Full-time ((clinical)) nonmental health professional staff members providing direct treatment services shall receive at least two hours per week of clinical supervision from a mental health professional. Proportionately less time is required for part-time staff.

((4) Volunteers and trainees providing direct services, who are mental health professionals, shall receive at least three hours per week of clinical supervision from a mental health professional. Proportionately less time is required for persons providing direct treatment services on a part-time basis.

(5)) (3) Volunteers and trainees providing direct ((treatment)) services, who are not mental health professionals, shall receive at least one hour of clinical supervision from a mental health professional for every ((five)) twenty hours of direct treatment services provided. ((Volunteers, trainees or other persons providing telephone screening or telephone crisis counseling shall not be subject to this subsection, given clinical supervision is available in person, by telephone, or by radio communication at all times:

(6)) (4) Clinical backup by a mental health professional in person, by telephone, or by radio communication shall be available to staff at all times when service is being provided.

((7)) (5) Where required by law, specialized services (e.g., medical, psychiatric, psychological, ((and)) nursing services, occupational therapy, and physical therapy) shall be provided or supervised by ((appropriate)) licensed or credentialed persons in accordance with respective professional standards.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-185 PERSONNEL MANAGEMENT—QUALIFICATIONS APPROPRIATE TO THE NEEDS OF THE ((CLIENT)) CONSUMER POPULATION. The provider shall ensure that the clinical qualifications of persons providing and/or supervising direct treatment services ((staff)) reflect the needs of the ((client)) consumer population.

(1) ((Services to persons acutely mentally ill, chronically mentally ill, or seriously disturbed shall be provided by or under the supervision of a mental health professional with at least two years of experience in treatment of such clients:

(2)) Services directed to children shall be provided by, under the supervision of, or with consultation from a child mental health specialist defined as follows:

(a) A mental health professional having completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to the study of child development and the treatment of seriously disturbed children and their families; and

(b) Having the equivalent of one year of full-time experience in the treatment of seriously disturbed children and their families under the supervision of a child mental health specialist.

((3)) (2) Services directed to the elderly shall be provided by, under the supervision of, or with consultation from a geriatric mental health specialist defined as follows:

(a) A mental health professional having completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to the problems and treatment of the elderly; and

(b) Having the equivalent of one year of full-time experience in the treatment of the elderly, under the supervision of a geriatric mental health specialist.

((4)) (3) Services directed to ethnic minority ((persons)) consumers shall be provided by, under the supervision of, or with consultation from a minority mental health specialist defined as follows:

(a) A mental health professional having ((completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to minority issues and treatment of minority persons, and

(b) Having)) the equivalent of one year of full-time experience in the treatment of ((persons)) consumers in the ethnic minority group ((he or she serves)) served. Such experience shall have been supervised by a mental health ((professional and shall have included consultation with minority providers and/or community leaders

~~who are members of~~) specialist in the minority group served; and

(b) Received sixteen annual hours of related specialized training up to a total of one hundred hours; or

(c) Completed a minimum of one hundred actual hours (not quarter or semester hours) of specialized training devoted to ethnic minority issues and treatment of ethnic minority consumers.

~~((5))~~ (4) Services directed to ((disabled persons)) consumers with a disability shall be provided by, under the supervision of or with consultation from a mental health specialist with special expertise in working with that disabled group.

(a) If the ((client)) consumer is deaf, the specialist shall be a mental health professional knowledgeable of deaf culture and psychosocial problems, and able to communicate ((with the person and be knowledgeable of the special psychosocial problems of the deaf)) fluently in the preferred language system of the consumer.

(b) The specialist for ((developmentally disabled clients)) consumers with developmental disabilities shall have a minimum of one hundred actual hours (not semester or quarter hours) of specialized training devoted to the problem and treatment of the developmentally disabled, or have one year of supervised experience in a developmental disability or special education program, or be a developmental disability or special education professional.

~~((6))~~ (5) Where the mental health specialists required under this section are unavailable within the RSN, when established, or county, the ((provider)) authority shall:

(a) Document effort to acquire the services of the required specialists; and

(b) Develop a training program using in-service training or outside resources to assist ((existing staff members)) service providers to acquire necessary skills and experience to serve the needs of the consumer population; and, if a significant ethnic minority, as defined by department guidelines, exists in the county or RSN, the authority shall develop the training program to assist provider staff members to acquire the specialized training and supervision to become qualified specialists; or

(c) Contract or otherwise establish a working relationship with the required specialists to provide all or part of the direct treatment services for these populations or to supervise or provide consultation to staff members providing direct treatment services to these populations.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-195 PERSONNEL MANAGEMENT—AFFIRMATIVE ACTION. The provider shall have an affirmative action program ~~((which complies))~~ complying with Title VII of the Civil Rights Act of 1964, the Equal Pay Act of 1963, Section 504 of the 1974 Rehabilitation Act, the department's affirmative action guidelines, and other applicable federal, state, and local laws and regulations.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-200 PERSONNEL MANAGEMENT—TRAINING ~~((OPPORTUNITIES))~~. The provider shall make training opportunities ~~((shall be made))~~ available to administrative, clinical and clerical staff, and volunteers relevant to their areas of responsibility through in-service programs and/or training offered by outside resources.

(1) Each full-time clinical staff member, including volunteers, shall receive a minimum of ~~((forty))~~ twenty-four hours of training per year without loss of pay. Proportionately less training shall be received by part-time clinical staff and volunteers.

(2) Volunteers, trainees or other nonprofessional persons providing telephone screening or telephone crisis counseling shall receive a minimum of thirty hours of appropriate training prior to providing telephone screening or telephone crisis counseling.

(3) Required training is in addition to routine supervision or consultation.

(4) ~~((Training shall be consistent with needs identified in the individual's personnel file.~~

~~((5) All training received by staff and volunteers shall be documented in the personnel files))~~ The provider shall maintain minimal documentation of all training.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-205 QUALITY ASSURANCE—CASE REVIEW. The provider shall establish and maintain a quality assurance ~~((case review process shall be established for all direct treatment services.~~

~~(1) The quality assurance review shall objectively assess the progress and outcome of treatment.~~

~~(a) The review shall be conducted by a person or persons not participating in treatment of the case under review. The review may be conducted by an outside consultant.~~

~~(b) At least one mental health professional shall participate in the review.~~

~~(c) At least fifteen cases or five percent, whichever is larger, of the provider's open cases shall be randomly sampled every three months and reviewed for quality of care.~~

~~(i) The sample shall be stratified to:~~

~~(A) Represent each mental health service at least every six months;~~

~~(B) Represent at least one case from each primary therapist or case manager every six months.~~

~~(ii) The cases shall represent acutely mentally ill, chronically mentally ill, and seriously disturbed persons appropriate to the service provided.~~

~~(2) The case review shall result in a determination of whether:~~

~~(a) The client's psychosocial, medical and treatment history, mental and medical status, and special assessments support the needs, problems, and diagnosis specified in the individual's service plan.~~

~~(b) Treatment goals follow from identified needs and problems, identify the expected outcome of treatment, and can be realistically achieved;~~

~~(c) Case progress indicates the goals of treatment have been or will be achieved;~~

~~(d) Medication and other services prescribed or assigned are utilized appropriately; and~~

~~(e) The client should continue in treatment.~~

~~(3) Client records shall be accurate and complete and shall contain the information required by this chapter.~~

~~(4) Corrective actions shall be recommended where a case review indicates inappropriate clinical care.~~

~~(a) Corrective action shall be considered for both the service program and the individual client's service plan.~~

~~(b) Recommendations for corrective action shall be submitted to the primary therapist or case manager, his or her supervisor, and other appropriate supervisors.~~

~~(c) Actions taken in regard to an individual client as a result of the review shall be documented in the client's record)) program to enhance consumer care through objective assessment of such care and the correction of identified problems.~~

(1) Problem identification: The quality assurance program shall include identification of important or potential problems, or related concerns, in the care of consumers, including whether:

(a) Treatment goals follow from identified needs and problems, identify the expected outcomes of treatment, and can be realistically achieved;

(b) Case progress indicates the goals of treatment have been or will be achieved; and

(c) Medications and other prescriptive services are appropriate to current need.

(2) Problem assessment: The quality assurance program shall include objective assessment of the cause and scope of the problems or concerns.

(3) Problem correction: The quality assurance program shall include implementation, by appropriate individuals of decisions or actions designed to eliminate identified problems.

(4) Monitoring of problem resolution: The provider shall, through periodic monitoring of the results of the corrective actions taken, assure that the identified problem is eliminated or satisfactorily reduced.

(5) The review shall be conducted by a person or persons not participating in treatment of the case under review.

(6) A mental health professional shall participate in the review.

(7) The quality assurance program shall assure random review of each clinical staff person's work and each service component over twelve months.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-210 ((PROGRAM—EVALUATION)) RESEARCH—REQUIREMENTS. ((The provider shall have a system for determining the degree to which service activities meet its goals and objectives:

(1) The provider shall have an information system providing relevant, accurate, and timely data in order to monitor program goals and objectives. The provider shall

maintain sufficient data to report the Washington state mental health information system minimum data set:

(2) At least one study of provider operations and intended results of services shall be completed annually. The studies shall address priority issues of concern to the provider and be related to its goals and objectives:

(3)) Program evaluation or research involving human subjects shall be conducted in accordance with RCW 71.05.390, and "Guide to DSHS policy on protection of human research subjects," July 1, 1981.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-215 FACILITY CHARACTERISTICS. The provider shall deliver services ((shall be provided)) in a setting safe and conducive to the attainment of ((therapeutic)) ITP goals.

((1)) Provider facilities shall meet federal, state, and local requirements, including building, health, and fire codes.

((2) Group therapy rooms shall be of adequate size to accommodate the groups without crowding:

(3) Rooms used for client services shall be fully enclosed, have closing doors, and shall be reasonably soundproofed to reduce both distracting noises and the possibility of conversations being overheard outside the room:

(4) If physical examinations are routinely performed within the facility, a suitably equipped examination room shall be available:))

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-220 SERVICES ADMINISTRATION—ACCESSIBILITY. ((Services)) The provider shall ((be)) deliver services in an accessible ((in a)) and nondiscriminatory manner and at times and locations ((which facilitate client utilization of services)) that assist consumer use.

(1) Services to priority populations (WAC 275-56-010) shall include alternative locations for service delivery, including home visits, school visits, or visits to other community agencies.

((1)) (2) Services to ((acutely and chronically mentally ill and seriously disturbed clients)) priority population consumers from underserved groups, including minorities, children, the elderly, disabled, and low-income ((persons)) consumers shall be accessible and meet the special needs of these populations.

(a) The provider shall eliminate or substantially reduce physical, communication, and sociocultural barriers to utilization of services.

(b) The provider shall assure access to TTY and certified interpreters for hearing impaired consumers.

(c) Services shall be compatible with the culture and in the language of ethnic minority ((clients)) consumers where a significant ethnic minority population as defined by department guidelines, exists in the RSN or county.

((c)) (d) In-home services shall be available to homebound ((persons)) consumers, where possible.

~~((d))~~ (e) Alternative service delivery models shall be provided, where possible, to enhance utilization by these underserved groups.

~~((2))~~ (3) Services shall be provided regularly on some evenings and/or weekends as determined by ~~((client and potential))~~ consumer needs.

~~((3))~~ (4) In non-RSN counties, if the provider does not offer ~~((appropriate))~~ necessary services, the ~~((client))~~ consumer shall be referred to such services and the provider shall facilitate the referral.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-225 SERVICES ADMINISTRATION—AWARENESS OF SERVICES. The location of the provider and services offered shall be ~~((made known to the public))~~ publicized.

(1) The provider shall maintain listings in ~~((aH))~~ telephone and other public directories of the service area.

(2) The provider shall publish and disseminate brochures and other materials describing services and hours of operation.

(3) ~~((The provider shall publish and disseminate))~~ Bilingual ~~((brochures and other))~~ materials shall be disseminated when there is a significant non-English speaking population in the service area.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-230 SERVICES ADMINISTRATION—~~((CLIENT))~~ CONSUMER RIGHTS. The provider shall maintain written policies and procedures relating to ~~((client))~~ consumer rights, and shall ensure all personnel are informed and adhere to policies and procedures.

(1) ~~((Clients))~~ Consumers, prospective ~~((clients))~~ consumers, and/or legally responsible others shall be informed of ~~((client))~~ consumer rights at admission.

(2) The provider shall post a written statement of ~~((client))~~ consumer rights in public areas. A copy shall be available to ~~((clients))~~ consumers on request. Providers of only telephone services (e.g., crisis lines) shall post the statement of ~~((client))~~ consumer rights in a location visible to staff and volunteers during working hours.

(3) Provider staff shall make information available regarding local advocacy organizations that may assist consumers in understanding their rights.

(4) The statement of ~~((client))~~ consumer rights shall include at least:

(a) The right to receive appropriate care and treatment, employing the least restrictive alternatives available;

(b) The right to be treated with respect and dignity;

(c) The right to receive treatment which is nondiscriminatory and sensitive to differences of race, culture, language, sex, age, national origin, disability, creed, socioeconomic status, marital status, sexual orientation, and ability to pay~~((:))~~;

(d) The right to an individualized ~~((service))~~ treatment plan reflecting problems and/or needs identified for or with the ~~((client:))~~ consumer;

(e) The right to confidentiality as specified in relevant statutes (chapter 71.05 RCW) and regulations (chapter 275-55 WAC and WAC 275-56-240)~~((:))~~;

~~((4))~~ (f) The right to refuse any proposed treatment consistent with chapter 71.05 RCW;

~~((g))~~ (g) The right to review the consumer's case record under conditions specified in WAC 275-56-235(2);

~~((h))~~ (h) The right to receive an explanation of all medications prescribed, including expected effect and possible side effects;

~~((i))~~ (i) The right to be free of any sexual exploitation or harassment;

~~((j))~~ (j) The right to lodge a grievance with the provider if the consumer has reason to believe their rights have been violated. The statement shall include the grievance procedure.

(5) Policies of the provider shall address circumstances where confidentiality shall not be maintained, including at least:

(a) ~~((Where))~~ When there is reason to suspect the occurrence of adult or child abuse or neglect per RCW 26.44.030 and chapter 74.34 RCW;

(b) ~~((Where there is))~~ When the consumer presents a clear threat to do serious bodily harm to self or others; and

(c) To a court under court order~~((:))~~;

~~((d))~~ (d) The right to refuse any proposed treatment consistent with chapter 71.05 RCW;

~~((e))~~ (e) The right to review the client's case record under conditions specified in WAC 275-56-235(2);

~~((f))~~ (f) The right to receive an explanation of all medications prescribed, including expected effect and possible side effects;

~~((g))~~ (g) The right to be free of any sexual exploitation or harassment;

~~((h))~~ (h) The right to lodge a grievance with the provider if the client has reason to believe his or her rights have been violated. The statement shall include the grievance procedure).

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-235 SERVICES ADMINISTRATION—PROTECTION OF ~~((CLIENT))~~ CONSUMER RIGHTS. The provider shall protect and ensure the rights of all ~~((clients))~~ consumers and former ~~((clients))~~ consumers.

(1) ~~((Neither evaluation nor treatment services shall be provided to any person under fourteen years of age without the signed consent of the parent or guardian. In an emergency, such child may be seen for one session without consent of parent or guardian. Parental consent for evaluation or treatment services shall not be necessary in the case of a child referred by child protective services or other public agency because of physical, sexual, or psychological abuse or neglect by a parent or parent surrogate.~~

~~((2))~~ (2) When client, or the parent or guardian of a child thirteen years of age or under, requests review of his or her case record, the provider shall:

~~((a))~~ (a) Grant the request within seven days, except the request need not be granted if the provider knows or has

reason to believe the parent or parent surrogate has been a child abuser or might otherwise harm the child.)) Any minor thirteen years of age or older may request and receive outpatient treatment without consent of the minor's parents. Parental consent for evaluation and treatment services shall not be necessary in the case of a child referred by child protective services or other public agency because of physical, sexual, or psychological abuse or neglect by a parent or parent surrogate.

(2) When the consumer, or the consumer's legally responsible other, requests review of their case records, the provider shall:

(a) Grant the request within seven days, unless the provider knows or has reason to believe the parent or parent surrogate has been a child abuser or might otherwise harm the child;

(b) Review the case record in order to identify and remove any material confidential to another person((-);

(c) In the presence of a staff member, allow the ((client)) consumer sufficient time and privacy to review the record to ((his or her)) their satisfaction. A clinical staff member shall be available to answer questions((-);

(d) Permit the following persons to be present during the review, with the consent of the ((client)) consumer;

(i) Next-of-kin((-);

(ii) ((The family)) Consumer's physician((-or);

(iii) ((The client's)) Consumer's attorney((-); or

(iv) Consumer's advocate;

(e) Document the review session in the ((client's)) consumer's record((-);

(f) Assess a reasonable and uniform charge for reproduction, if so desired.

(3) The written, informed consent of the ((client)) consumer or legally responsible other shall be obtained before:

(a) Use of ((any)) medication((-);

(b) Initiation of ((any)) nonemergency ((service)) treatment plan((-);

(c) Use of ((any)) unusual diagnostic or treatment procedure((-);

(d) Use of ((any)) audio and/or visual device to record the ((client's)) consumer's behavior((-);

(e) The ((client)) consumer serves as a subject for ((any)) research.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-240 SERVICES ADMINISTRATION—CONFIDENTIALITY OF ((CLIENT)) CONSUMER INFORMATION. The provider shall protect the confidentiality of all information relating to ((clients)) consumers or former ((clients)) consumers pursuant to this chapter and chapter 71.05 RCW.

(1) The provider shall disclose no confidential information, including the fact a person is or has been a ((client)) consumer, without ((a current)) the informed consent signed by the ((client)) consumer or legally responsible other except as set forth in subsection (3) of this section.

(2) Standardized forms authorizing release and/or exchange of confidential information shall be used and contain the following:

(a) ((The)) Name of the ((client,)) consumer;

(b) ((The)) Date((-);

(c) ((The)) Name and address of the provider((-);

(d) ((The)) Name and address of the person or entity to whom the information is to be provided((-);

(e) ((The)) Reason for disclosure((-);

(f) ((The)) Specific kind of information to be disclosed((-);

(g) ((The)) Period of time the consent is to be in force((-);

(h) ((The)) Signature of the ((client)) consumer and/or responsible other((-); and

(i) ((The)) Signature of a witness.

(3) Exceptions to subsection (1) of this section are as follows:

(a) Disclosures permitted under relevant statute (chapters 10.77 and 71.05 RCW) or regulations (chapter 275-55 WAC);

(b) To a court under court order;

(c) The fact of admission and any pertinent information and records may be disclosed:

(i) To provider personnel, as needed; however, volunteers and trainees shall have access to ((client)) consumer records only ((to the extent)) as necessary for treatment;

(ii) ((To the extent)) As necessary to make an insurance or medical assistance claim. This shall include the department, RSN, county, and providers authorized by the RSN or their designee;

(iii) To a county-designated mental health professional (chapter 71.05 RCW);

(iv) To a hospital or emergency medical personnel for purposes of dealing with an emergency; and

(v) To law enforcement or public health officers under the following conditions:

(A) Only ((to the extent)) as necessary to carry out the responsibilities of the law enforcement or public health officer;

(B) Such persons shall be responsible for keeping all information confidential ((pursuant to)) under these standards.

(vi) To a certified evaluation and treatment facility (chapter 71.05 RCW) or to facilitate transfer of the consumer from one treatment facility to another provider, limited to the following:

(A) Treatment records required by law;

(B) A summary of all somatic treatments; and

(C) A discharge summary, which may not include the complete treatment record, but may include:

(I) Statement of the consumer's problem;

(II) Treatment goals;

(III) Type of treatment provided; and

(IV) Recommendation for further treatment;

(vii) To the person designated by the RSN or county to track ((the chronically mentally ill)) priority populations. Such disclosures shall be limited to the facts of admission, placement, transfer, discharge or referral of ((chronically mentally ill persons)) priority populations;

(d) Pertinent information must be disclosed, and the provider is obligated to initiate disclosure, under the following conditions:

(i) To child or adult protective services in accordance with RCW 26.44.030 or chapter 74.34 RCW;

(ii) To law enforcement officers and the intended victim when there is a clear (~~and serious~~) threat of homicide or intent to do serious bodily harm to another person (~~or persons~~);

(e) To the extent necessary to use a collection agency or the court system to collect delinquent consumer fees when the consumer has sufficient resources to afford payment;

(f) To an individual or organization as necessary for management or financial audits or program monitoring and evaluation. Such information shall remain confidential and may not be used in a manner which discloses the name or other identifying information about the consumer whose records are being released;

(g) For purposes of research as permitted under chapter 42.48 RCW;

(h) To the department, RSN, county or designee, resource management services responsible for serving the consumer or service providers designated by resource management services as necessary to determine placements, progress, and adequacy of treatment;

(i) To the consumer's counsel or guardian ad litem pursuant to chapter 71.05 RCW;

(j) To a correctional facility or correctional officer who is responsible for the supervision of a consumer who is receiving evaluation and treatment services. Release of records under this subsection is limited to:

(i) Evaluation report provided for a written supervision plan;

(ii) Discharge summary including a record or summary of all somatic treatments at the termination of any treatment provided as part of the supervision plan;

(iii) When an individual is returned from a treatment facility to a correctional facility, the following information shall be disclosed: Any information necessary to establish or implement changes in the individual's treatment plan or the level or the kind of supervision as determined by resource management services. Disclosure shall be made to clinical staff or the supervising corrections officer, as appropriate;

(k) To staff members of the protection and advocacy agency or to staff members of a private, nonprofit corporation for the purpose of protecting and advocating the rights of consumers with mental illness or developmental disabilities. Resource management services may limit the release of information to:

(i) Name, birthdate, and county of residence of the consumer;

(ii) Information regarding whether the consumer was voluntarily admitted, or involuntarily committed;

(iii) Date and place of admission, placement, or commitment;

(iv) Name and address of a guardian of the consumer; and

(v) Date and place of the guardian's appointment.

Any staff member who wishes to obtain additional information shall notify the consumer's resource management services in writing of the request and of the resource management services' right to object. The staff

member shall send the notice by mail to the consumer or guardian's address. If the consumer or guardian does not object in writing within fifteen days after the notice is mailed, the staff member may obtain the additional information. If the consumer or guardian objects in writing within fifteen days after the notice is mailed, the staff member may not obtain the additional information;

(1) Within the department as necessary to coordinate treatment for mental illness, developmental disabilities, alcoholism, or drug abuse of individuals who are under the supervision of the department.

(4) All disclosures made, both with and without the (~~client's~~) consumer's consent, shall be documented in the case record to include:

(a) Date of disclosure;

(b) Person or entity receiving information;

(c) Nature of information disclosed; and

(d) Reasons for disclosure (~~if consent has not been obtained~~);

(5) All consumer records shall be stored in a manner ensuring record security and consumer confidentiality. Records shall be maintained in locked cabinets or be housed in a secure room with a lockable door.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-245 SERVICES ADMINISTRATION—RESOLVING (~~CLIENT~~) CONSUMER GRIEVANCES. The provider shall (~~act promptly to hear and take appropriate steps to resolve client grievances. Procedures shall ensure the involvement of appropriate supervisory and administrative staff, and the governing body, as necessary. Confidential information shall not be disclosed to the governing body pursuant to client grievances without the signed consent of the client~~) establish a formal procedure giving consumers the opportunity to report grievances and have them investigated and resolved promptly, including:

(1) Grievances must be put in writing and be dated and signed by the consumer or their representative;

(2) The names or titles of designated supervisory or administrative staff to whom grievances may be taken;

(3) A staff person shall not participate in accepting, investigating, or deciding any grievance in which they are the object of the grievance;

(4) Consumers may choose a staff member, family member, friend, or other advocate to represent them through the grievance procedure. The provider shall make assistance available to help the consumer initiate the grievance;

(5) A written report of the investigation and initial disposition of the grievance shall be made to the consumer within thirty days;

(6) If dissatisfied, the consumer may appeal decisions of the grievance staff to the administrator. A written report of the administrator's decision shall be made to the consumer within thirty days;

(7) The consumer may appeal the administrator's decision to the provider's governing board. A written report of the governing board's decision shall be made to the consumer within thirty days;

(8) The consumer may appeal the governing board's decision to the county or RSN authority. A written report of the authority's response shall be made to the consumer within thirty days;

(9) There shall be no retaliation, formal or informal, against a grievant;

(10) The provider shall retain full records of all grievances in agency confidential files for five years, but not in a consumer's case records.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-260 SERVICES ADMINISTRATION—INTAKE AND INITIAL EVALUATION. ((At intake a clinical staff member shall assess and document the client's presenting problems, history, mental status, need for additional examinations, and treatment needs.

(1) A formal, standardized application for services shall be completed by or for each client and shall become a part of the client's record.

(2) Information describing client rights and confidentiality of information shall be provided at the time of intake.

(3) The initial evaluation shall include:

(a) A clear statement of the presenting problems preferably in the client's own words and/or the parent's words in the case of a child.

(b) A psychosocial, substance abuse, and medical history.

(c) A history of mental health treatment covering at least the last two years.

(d) For children, a developmental history and assessment of academic background and learning problems.

(e) A mental status examination.

(f) Direct observation of client behavior.

(g) An assessment of the client's current level of functioning, strengths, needs, and problems, a provisional diagnosis (Diagnostic and Statistical Manual, 3rd edition), and a determination as to whether the person is acutely mentally ill, chronically mentally ill or seriously disturbed.

(h) The name and telephone number of the client's present or most recent physician, and the date of the most recent examination or treatment by the physician.

(4) The client shall be referred for a medical examination when determined necessary. All clients aged sixty and over shall be referred for a medical examination, if such examination has not been done within the preceding ninety days.

(5) The need for special psychiatric, psychological, neurological, medical or other examinations, tests or procedures shall be determined. The basis for such decisions shall be documented and appropriate referrals made. Before a diagnosis of primary degenerative dementia with senile or presenile onset is made, assessments shall be completed to rule out all forms of treatable medical or mental disorders.

(6) Fees appropriate to the client's ability to pay shall be established, and the client shall be informed of the fees and of the provider's fee policies during the intake process.)) Upon entry into nonemergency services, a

clinical staff member shall obtain or develop a current assessment and initiate the individualized treatment plan (ITP). The provider may substitute information from other providers so long as it is current as of ninety days prior to initiating the intake.

(1) The following shall be included in the intake:

(a) A standardized application and consent for services completed by or for each consumer as part of the consumer's record;

(b) Written information describing consumer rights and confidentiality of information provided each consumer;

(c) A clear statement of the present problems, preferably in the consumer's own words and/or the parent's words, in the case of a child;

(d) A history of mental health treatment covering at least the last two years;

(e) The name of the consumer's most recent physician, if known;

(f) A mental status exam; and

(g) An initial plan of action oriented to the presenting problems.

(2) A full evaluation, obtained within thirty days, shall include the following additional information:

(a) A psychosocial history, including substance abuse;

(b) A medical history, including an account of medications used during the past six months. The client shall be referred for a medical examination when determined necessary. All clients aged sixty and over shall be referred for a medical examination, if such examination has not been done within the preceding ninety days;

(c) For children, a developmental history and description of any academic or learning problems;

(d) A description of the consumer's current level of functioning, social supports, strengths, and needs;

(e) A provisional diagnosis. Before a diagnosis of primary degenerative dementia with senile or presenile onset is made, assessments shall be completed to rule out all forms of treatable medical or mental disorders; and

(f) A determination on priority population status.

(3) For purposes of outreach to hard-to-serve consumers, any of the above items may be left incomplete, providing that noncompletion and reasons are documented in the record monthly.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-275 SERVICES ADMINISTRATION—DEVELOPMENT OF INDIVIDUALIZED ((SERVICE)) TREATMENT PLAN. Upon entry into nonemergency services, provider staff shall develop an individualized ((service)) treatment plan ((shall be developed for)) (ITP) with each ((client)) enrolled consumer.

(1) From the assessment, the plan shall identify ((each)) those problems ((or need)) to be addressed in treatment.

(2) The ((plan)) ITP shall contain clearly stated goals for the treatment of those problems.

(a) Each goal shall state the intended ((result to occur)) outcome in ((client)) consumer behavior, skills, attitudes, or circumstances as a result of treatment.

(b) The ~~((plan))~~ ITP shall ~~((specify))~~ contain an expected timeframe for the attainment of goals ~~((and for termination))~~.

~~((3))~~ The plan shall identify the services and specific treatment modalities to be utilized:

~~((a))~~ ~~((c))~~ The ~~((plan))~~ ITP shall include referral for necessary services not offered by the provider.

~~((b))~~ (3) The ITP shall identify the primary therapist and/or case manager responsible for providing and coordinating services ~~((shall be identified))~~.

(4) The ~~((plan))~~ ITP shall ~~((clearly show the relationships between the proposed services, intended results, and needs of the client, including how treatment goals are to be met by the particular modalities and techniques to be utilized))~~ identify the services and strategies to be used to meet the ITP goals.

(5) An assessment and review of progress and updating of the ~~((plan))~~ ITP shall be performed at least every ninety days ~~((in the case of outpatient, day treatment or community support services))~~. For consumers served by the provider over two years, the ITP may be updated every one hundred eighty days.

(a) The primary therapist and/or case manager shall assess with the consumer their progress and need for continued treatment, and where appropriate, modify the ITP and reproject the length of time for goal attainment.

(b) The clinical supervisor shall review, approve, and sign ninety-day summaries prepared by the primary therapist or case manager.

(6) The ~~((client))~~ consumer shall participate in ~~((service))~~ treatment planning and implementation according to ~~((his or her))~~ ability, and the family or significant other shall be involved where available and appropriate to the ~~((client's))~~ consumer's needs.

(7) The ~~((client))~~ consumer or responsible other shall consent to treatment by signing the ~~((initial service plan))~~ ITP and ~~((when significant changes are made in))~~ updates to the plan. In the event the ~~((client))~~ consumer refuses to sign, efforts to obtain signature shall be documented.

(8) The ~~((service plan))~~ ITP shall be completed and a mental health professional shall review and sign the ~~((plan))~~ ITP within thirty days after initiating the ITP. ~~((When appropriate and sufficient staff are available, the initial service plan shall be reviewed and revised as necessary by a multidisciplinary treatment team including individuals licensed under chapter 18.57, 18.71, 18.83 or 18.88 RCW.))~~

(9) For providers contracting with RSNs, the ITP and updates to the ITP shall be consistent with resource management services' ISP.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-285 SERVICES ADMINISTRATION—PROGRESS NOTES ~~((AND REVIEW))~~. ~~((Client progress in meeting goals shall be documented in the case record:))~~

(1) Progress notes shall be recorded in the case and group record as follows:

(a) After every client contact for outpatient services;

~~((b))~~ At least weekly for day treatment services;

~~((c))~~ After each event for emergency services;

~~((d))~~ Providers utilizing a problem-oriented record system may record progress less frequently, provided a narrative summary of client progress is entered in the case record at least every thirty days, and the date and type of each contact is recorded:

(2) Progress notes shall document each service provided, including date, nature of service, progress toward established goals, changes in service plan, referrals, extraordinary events, and be signed by the responsible staff member.

(3) The service plan and progress shall be formally assessed at least every ninety days for outpatient, day treatment, and community support services.

(4) The assessment of progress shall cover course and progress of treatment in relationship to client needs, problems and goals, noting unusual events, assessing current status and need for continued treatment, reprojecting length of treatment, and modifying the service plan, if necessary.

(5) The clinical supervisor shall participate where possible in the formal progress assessment, and in all cases shall review, approve, and sign summaries prepared by the primary therapist or case manager. Consumer progress in achieving treatment goals shall be documented in the case record.

(1) Staff responsible for the provision or coordination of a consumer's treatment shall enter either:

(a) A progress note after each consumer contact; or

(b) A narrative summary of the consumer's progress in the consumer's case record at least monthly. The summary shall include specific progress toward each established goal, changes in treatment plans, referrals and extraordinary events. The responsible staff member shall sign the summary.

(2) The summary shall include specific progress toward each established goal, changes in treatment plans, referrals, and extraordinary events. The responsible staff member shall sign the summary.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-290 SERVICES ADMINISTRATION—TRANSFER AND ~~((TERMINATION))~~ CONTINUITY OF CARE. The provider shall assure continuity of care ~~((shall be assured))~~ and promptly close cases ~~((shall be closed promptly))~~ upon transfer or termination.

(1) ~~((A comprehensive summary shall be prepared by responsible staff))~~ The case manager and/or primary therapist shall prepare a service summary and ~~((shall be made))~~ make it available to the provider assuming primary responsibility for the ~~((client))~~ consumer. ~~((A copy shall be placed in the client's record.))~~

(2) ~~((Cases involving planned transfer and termination shall be closed within fourteen days of final contact.))~~

(3) Planned and/or necessary leaves from treatment for up to ninety days shall be documented in the client's record, and the case need not be closed.

~~(4) Other cases shall be closed within ninety days of the last attempt to contact the client.)~~ The case manager and/or primary therapist shall follow up any unexplained interruptions in ((client)) consumer contacts ((shall be followed up by the primary therapist or case manager, and these attempts documented in the client's record. Special efforts shall be made to contact the client when he or she is thought to be dangerous to self or others or property or gravely disabled, and shall be documented in the client's record)), as clinically appropriate, prior to termination.

(3) The provider shall keep open cases in which the consumer was committed under chapter 71.05 RCW.

(4) Providers contracting with RSNs shall promptly notify resource management services regarding unexplained interruptions. Resource management services shall approve all terminations of enrolled consumers.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-295 SERVICES ADMINISTRATION—MEDICAL RESPONSIBILITY. Medical responsibility shall be vested in a psychiatrist, other physician or osteopath.

(1) A physician licensed to practice ~~((pursuant to))~~ under chapter 18.57 or 18.71 RCW, and at least board eligible in psychiatry, shall be responsible for medical services. ~~((a))~~ Providers unable to recruit a psychiatrist may employ a physician without board eligibility in psychiatry provided:

~~((i))~~ (a) Psychiatric consultation is provided to the physician at least monthly; and

~~((ii))~~ (b) The psychiatrist is accessible in person, by telephone, or by radio communication to the physician for emergency consultation.

~~((iii))~~ The physician participates in at least twenty hours per year of continuing medical education in psychiatry.

~~(b) The provider may divide medical responsibility among a number of physicians employed in part-time staff or consultative roles.)~~

(2) Medications shall be reviewed at least every three months by a physician or advanced registered nurse practitioner with prescriptive authority and within scope of practice per RCW 18.88.280. ~~((A registered nurse or licensed practical nurse))~~

(3) Only staff licensed to do so may administer medications ((under the supervision of a physician. Medications shall be monitored by a physician or registered nurse (WAC 308-120-300)).

~~((3))~~ (4) Medication information shall be maintained in the ((client)) consumer record documenting at least the following for each prescribed medication:

~~((i))~~ (a) Name of medication((:));

~~((ii))~~ (b) Dosage and method of administration((:));

~~((iii))~~ (c) Purpose of medication((:));

~~((iv))~~ (d) Dates prescribed, reviewed and/or renewed((:));

~~((v))~~ (e) Observed effects, interactions, and side effects, including laboratory findings and corrective actions taken for side effects((:));

~~((vi))~~ (f) Reasons for change or termination of medication((:)); and

~~((vii))~~ (g) Name and signature of prescribing person.

~~((4) When a psychiatrist is available, he or she shall participate in multidisciplinary teams responsible for treatment planning and review.)~~

(5) When medical problems are suspected or identified, a psychiatrist or other physician shall be consulted and included in treatment planning ~~((at regular intervals)).~~

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-300 SERVICES ADMINISTRATION—MEDICATION STORAGE. Provider staff shall inspect and inventory medication storage areas ((shall be inspected and inventoried)) at least quarterly ((by the administrator, or designated clinical staff member)).

(1) ~~((A))~~ Medications shall be kept in locked, well-illuminated storage.

(2) ~~((Any))~~ Medications kept in a refrigerator containing other items shall be kept in a separate container with proper security.

(3) No outdated medications shall be retained, and medications shall be disposed of in accordance with regulations of the state board of pharmacy.

(4) Medications for external use shall be stored separately from oral and injectable medications.

(5) Poisonous external chemicals and caustic materials shall be stored separately.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-305 SERVICES ADMINISTRATION—EXTRAORDINARY OCCURRENCES. ~~((There shall be written procedures for the handling, review, and documentation of extraordinary occurrences.~~

~~((1) Procedures shall be established for responding to and))~~ The provider shall write and establish procedures for the objective handling, reviewing, and documenting situations involving:

~~((a) Injury to clients or staff;~~

~~((b))~~ (1) Injury;

(2) Suicide or homicide by a ((client)) consumer;

~~((c) Client))~~ (3) Consumer behavior so bizarre or disruptive as to threaten the program;

~~((d))~~ (4) Disaster or threatened disaster ((of natural or human origin.

(2) Extraordinary occurrences shall be reported to appropriate supervisory staff, administrator, and governing body.

~~((3) Each such occurrence shall be subject to a case review by one or more mental health professionals not participating in the treatment of the client.~~

(a) A corrective action plan to prevent similar occurrences shall be developed where appropriate.

~~((b) The review, correction action plan, and its implementation shall be documented, including entries in the client's record where appropriate); and~~

(5) Abuse.AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-335 SERVICES ADMINISTRATION—CONSUMER RECORD RETENTION AND DESTRUCTION ~~((OF CLIENT RECORDS)). ((Records shall be retained by))~~ The provider ~~((in accordance with WAC 275-56-325 and shall be destroyed))~~ shall retain records and destroy obsolete records in a manner completely eradicating content and ~~((client))~~ consumer names.

(1) ~~((Client))~~ The provider shall retain consumer records ~~((shall be retained))~~ for a period of not less than five years beyond the last contact with the ~~((client))~~ consumer.

(2) When the ~~((client))~~ consumer is a minor, the provider shall retain the record ~~((shall be maintained))~~ for a period of not less than three years beyond the ~~((client's))~~ consumer's eighteenth birthday, or five years beyond the last contact, whichever is the longer period of time.

(3) The provider shall retain a complete termination summary and reports of special assessment and/or examination procedures ~~((shall be retained))~~ for a period of not less than ten years beyond the last contact with the ~~((client))~~ consumer or three years beyond the ~~((client's))~~ consumer's eighteenth birthday, whichever is the longer period of time.

(4) The provider shall retain emergency records such as telephone crisis logs ~~((shall be retained))~~ for not less than two years.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-340 ~~((EMERGENCY))~~ SERVICES—WRITTEN DESCRIPTIONS. ~~((There))~~ The provider shall ~~((be))~~ maintain written descriptions of all ~~((emergency services))~~ components specifying:

- (1) Nature, location, and availability of services;
- (2) ~~((Qualifications of staff;~~
- ~~((3) Client))~~ Consumer needs addressed by these services;
- ~~((4) Usual referral sources and))~~ (3) Procedures; and
- ~~((5) Policies for each emergency service component to include criteria for outreach response;~~
- ~~((6) Policies on responding to referrals, preadmissions screening services, and liaison and communication with state hospitals, and other common referral sources, and other preadmission screening services;~~
- ~~((7))~~ (4) Expected ~~((client))~~ consumer outcomes stated ~~((, as much as possible;))~~ in behavioral terms ~~((, and~~
- ~~((8) Expected service outcome stated in terms of appropriate admission to state hospitals and diversion to less restrictive alternatives)).~~

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-355 EMERGENCY SERVICES ~~((=TWENTY-FOUR HOUR OUTREACH SERVICES)). ((Twenty-four hour))~~ The provider shall

deliver emergency ~~((outreach))~~ services ~~((shall be provided in the home or other community setting. Outreach services shall consist))~~ twenty-four hours per day consisting of ~~((face-to-face))~~ evaluation and treatment of mental health emergencies and crises for acutely mentally ill ~~((persons))~~ consumers of all ages ~~((, and will))~~.

(1) ~~((Be provided in accordance with written protocol;~~

~~((2) Be provided promptly after screening and dispatch, and document any decision not to respond;~~

~~((3))~~ Components of emergency services include:

(a) Telephone emergency services; and

(b) Crisis stabilization and outreach services.

(2) All emergency services shall:

(a) Seek to stabilize the emergency or crisis situation and provide ~~((immediate or continuing))~~ treatment and support in the least restrictive, clinically appropriate environment available;

~~((4))~~ (b) Be closely coordinated with the RSN or county's involuntary treatment system, and draw upon the resources of that system as needed;

~~((5) Utilize))~~ (c) Use and mobilize ~~((all))~~ other necessary community emergency resources;

~~((6))~~ (d) Be appropriate to the age of the ~~((person))~~ consumer, and involve family and significant others when indicated and possible;

~~((7))~~ (e) Refer, when appropriate, to other services of the provider or to other resources. When a consumer receiving emergency services is determined to be a priority consumer (WAC 275-56-010) and in need of further treatment, the provider shall maintain continuity of care through transfer to other services of the provider or referral to other appropriate providers and resources. For providers contracting with RSNs, the provider shall refer nonenrolled priority consumers to resource management services according to resource management services' referral criteria;

~~((8))~~ (f) Provide follow-up on emergency contacts to maintain stabilization and ~~((to))~~ ensure referrals are carried out and needed services and linkages are provided; and

~~((9))~~ (g) Document all contacts and the contact's disposition, including any significant departures from written ~~((protocol))~~ procedures. Emergency records shall document the following:

(i) Consumer name, address, and telephone number, when appropriate;

(ii) Name and telephone number of person or agency making initial contact (if other than consumer), when appropriate;

(iii) Time of initial contact;

(iv) Responsible staff;

(v) Time and location of outreach;

(vi) Nature of emergency;

(vii) Summary of services provided; and

(viii) Referrals or other disposition, including to resource management services.

(3) Telephone emergency services shall:

(a) Respond promptly to calls and provide information, referral, or immediate counseling to assist the caller in resolving the emergency;

(b) Facilitate access to other emergency services in the community, as necessary;

(c) Document all telephone contacts and disposition; and

(d) Ensure that emergency telephone numbers be prominently listed in telephone directories in areas served by the provider.

(4) Crisis stabilization and outreach services to consumers shall:

(a) Be conducted face-to-face;

(b) Be provided promptly after screening and dispatch; and

(c) Document disposition, including decisions not to respond, and referrals made.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-365 ((EMERGENCY—SERVICES—))PREADMISSION SCREENING SERVICES. In non-RSN counties, the provider shall deliver screening ((shall be provided)) services for voluntary admission to state hospitals. Information, screening, and assessment shall be provided to ((persons)) consumers on referral or at their own request to determine need for and appropriateness of admission to a state hospital.

(1) ((Information and assistance shall be provided in the same manner and subject to applicable standards for emergency services:

(2) All common referral sources shall be informed of the availability of preadmission screening services and requested to utilize these services in lieu of direct referral to a state hospital.

(3) Assessments shall include face-to-face or telephone contact with the client and discussion with the referral source when possible.

(4)) The availability of appropriate alternatives shall be explored and discussed with ((client)) the consumer and referral source. Admission to a less restrictive and/or less costly alternative shall be facilitated where appropriate.

((5) Screening services shall utilize state hospitals when the following conditions are met:

(a) The client meets standards for involuntary commitment under chapter 71.05 RCW;

(b) The client will accept voluntary admission;

(c) No appropriate alternative is available to the client; and

(d) The state hospital serving the county agrees to admit the client.

(6) Pre-admission)) (2) Preadmission screening of involuntary ((clients)) consumers shall be performed subject to chapter 71.05 RCW and chapter 275-55 WAC.

(3) Staff shall be trained in assessing clinical status, severity of disturbance, and availability of less restrictive and/or less costly alternatives.

(4) The provider shall maintain a record of all preadmission screening services. The record shall document:

(a) Consumer name;

(b) Referring agency or person;

(c) Referral information, including evidence of appropriateness for involuntary detention;

(d) Services provided; and

(e) Recommendations and disposition.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-385 OUTPATIENT SERVICES((—SERVICE DELIVERY)). (1) The provider shall deliver outpatient services ((shall be provided)) to ((acutely and chronically mentally ill and seriously disturbed persons)) priority populations when appropriate to their treatment needs.

((1) Outpatient services shall include the following modalities:

(a) Individual therapy;

(b) Group therapy;

(c) Family therapy;

(d) Marital or couples therapy;

(e) Medication evaluation and monitoring; and

(f) Activities therapy.

(2) Outpatient services shall be provided in accordance with written protocol. Significant departures from protocol shall be documented in the client's record.

(3)) (2) Outpatient services to underserved groups ((minorities, children, elderly, disabled, and low-income persons within the priority populations)) (WAC 275-56-010(2)) shall, ((where)) when possible((, include alternative models of service delivery such as:

(a) Services in a location and environment appropriate to the clientele;

(b) Outreach services such as home visits, school visits or visits to other community agencies; and)) provide alternative service delivery models, which:

(a) Emphasize and incorporate the values and norms of the group served; and

((c)) (b) Use services offered by natural caregivers or traditional healers.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-400 DAY TREATMENT SERVICES—SERVICE DELIVERY. The provider shall deliver day treatment services ((shall be provided)) on a regular basis to ((acutely and chronically mentally ill and seriously disturbed persons)) priority populations needing this type of service.

(1) Day treatment services shall be provided ((in accordance with written protocol. Significant departures from protocol shall be documented in the client's record)) by adequate numbers of staff, as follows:

(a) One clinical staff member shall be present in all day treatment sessions conducted by the provider;

(b) Minimum staff-to-consumer ratios for day treatment sessions shall be maintained as follows:

(i) One clinical staff member for every five consumers thirteen years of age and under, with supervision or consultation from a child mental health specialist;

(ii) One clinical staff member for every six consumers aged fourteen through seventeen, with supervision or consultation from a child mental health specialist; and

(iii) One clinical staff member for every twelve consumers aged eighteen and over, and with supervision or consultation from a geriatric mental health specialist in sessions serving primarily elderly consumers.

(2) Day treatment services shall be available to ((clients)) consumers at least three times weekly and may be provided in either the provider's facility or outside that facility.

(3) Day treatment services shall be planned and structured activities designed for:

(a) Maintaining ((clients)) consumers in an environment less restrictive than an inpatient setting ((through)) by structuring ((of)) their day and leisure time((-));

(b) Developing daily living, social, and prevocational skills ((to-increase)) increasing the likelihood of ((clients)) consumers engaging in productive activities, and attaining the capacity for independent or semi-independent living((-); and

(c) Assisting ((clients)) consumers in making the transition from acute inpatient services or serving as an alternative to inpatient care.

(4) ((The provider shall maintain formal agreements or working relationships and coordinate services where possible with other persons, agencies or facilities serving day treatment clients.))

Each day treatment program shall provide or arrange for the following service components, with the particular mix determined by consumer need:

(a) Training in basic living and social skills;

(b) Vocational habilitation or rehabilitation, including prevocational services;

(c) Sheltered work, training, or education;

(d) Activities, including socialization and recreation; and

(e) Therapeutic community or milieu therapy.

(5) Day treatment services shall be age-appropriate as follows:

(a) Services to school-age children shall include or arrange for suitable educational and developmental programs;

(i) Children with special educational needs shall be provided with special educational programs by cooperative arrangements with schools; and

(ii) Day treatment shall be scheduled to permit regular school attendance for consumers able to function in a regular school setting.

(b) Services to children shall include parent involvement, when possible; and

(c) Services to elderly shall include attention to medical and nutritional needs and shall arrange for emergency medical services during all hours of operation.

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-425 CONSULTATION AND EDUCATION SERVICES((=SERVICE DELIVERY)). The provider shall deliver consultation and education services ((shall be provided)) to assist others in the community to understand and care for ((acutely and chronically mentally ill and seriously disturbed persons)) priority populations.

~~(1) ((Case consultation shall be available to staff of other services, including inpatient and residential facilities, and other community care givers as a means of developing or improving service delivery for the priority populations:~~

~~((2)) The following components may be provided:~~

~~(a) Case consultation to other providers to assist them in the care of priority consumers;~~

~~(b) Program consultation to other entities to assist in program design and planning for treatment and support services for ((acutely and chronically mentally ill and seriously disturbed persons)) priority populations;~~

~~((b)) (c) Continuing education programs and training for community caregivers to develop and/or increase their skills in providing mental health services to the priority populations and underserved groups;~~

~~((c)) (d) Information and education for the public about mental health issues and services through various public media (newspapers, television, radio), and presentations to community groups; and~~

~~((d)) (e) Educational services for families of ((acutely and chronically mentally ill and seriously disturbed persons)) priority populations.~~

~~((3)) (2) Records shall be maintained of all consultation and education services provided.~~

AMENDATORY SECTION (Amending Order 1957, filed 4/7/83)

WAC 275-56-445 ((COMMUNITY SUPPORT)) CASE MANAGEMENT SERVICES((=SERVICE DELIVERY)). The provider shall deliver a program of ((community support)) case management services ((shall be provided to acutely and chronically mentally ill persons to assist such persons in living in the community)) to priority populations to help maintain consumers at their highest possible level of functioning.

~~(1) ((Services shall be provided in accordance with written protocol. Any significant departure from protocol shall be documented in the client's record.)) Each consumer shall have one case manager who shall assist the enrolled consumer to achieve goals identified in the ISP (in RSNs) and ITP by:~~

~~(a) Coordinating and/or developing necessary support services on the consumer's behalf, including:~~

~~(i) Mental health;~~

~~(ii) Residential;~~

~~(iii) Social;~~

~~(iv) Vocational;~~

~~(v) Health;~~

~~(vi) Educational; and~~

~~(vii) Income management;~~

~~(b) Providing direct services in the natural environment, including:~~

~~(i) Living skills training;~~

~~(ii) Medication monitoring;~~

~~(iii) Accessing housing; and~~

~~(iv) Accessing social supports;~~

~~(c) Consulting with, providing information to, and assisting other significant persons (e.g., family, landlord, clergy, police, physician, attorney) to be supportive and act in the best interests of the consumer;~~

(d) Participating with other treatment staff and providers in treatment and discharge planning for the enrolled consumer.

(2) ~~((Acutely and chronically mentally ill persons seeking or referred for community support services shall be screened, admitted to the service, and assigned a case manager if appropriate.))~~ For providers contracting with an RSN, the case manager shall periodically review the ISP and coordinate its revision and updates with resource management services and other providers.

(3) In non-RSN counties, provider staff shall attempt to contact referred ~~((clients))~~ consumers within two working days ~~((of the client's release))~~ after referral from a state mental health facility, certified evaluation and treatment facility (chapter 71.05 RCW), or other inpatient psychiatric facility in order to describe and offer community support and other available services.

(4) Resource management services when established, or case management services in non-RSN counties, shall maintain a liaison with state mental health facilities, certified evaluation and treatment facilities (chapter 71.05 RCW) and other local inpatient psychiatric facilities to be informed of the status of consumers, former consumers, and potential consumers needing community support services.

(a) When an enrolled consumer is in an inpatient facility, the case manager shall contact facility staff and the consumer at least weekly.

(b) The case manager shall participate in treatment and discharge planning for both voluntary and involuntary patients in inpatient facilities when those patients are enrolled consumers of the provider or are accepted for case management services. In RSNs, the case manager shall have primary responsibility for discharge planning for enrolled involuntary patients.

(5) The provider shall establish and maintain working relationships with:

(a) County-designated mental health professionals (chapter 71.05 RCW);

(b) Community services offices (CSO);

(c) Social Security and employment security offices;

(d) Division of vocational rehabilitation;

(e) Residential services;

(f) Advocate and self-help groups; and

(g) Other entities needed to implement the ISP.

(6) Where supported living services (WAC 275-56-485) are provided under case management services, such services shall meet the requirements of WAC 275-56-485.

NEW SECTION

WAC 275-56-465 REGIONAL SUPPORT NETWORK RESIDENTIAL SERVICES—GENERAL REQUIREMENTS. (1) The RSN, when established, shall ensure consumer access to a full range of residential services, including:

(a) Crisis respite services;

(b) Supported living services;

(c) Supervised living services;

(d) Long-term rehabilitative services;

(e) Long-term adaptive services; and

(f) Evaluation and treatment services under chapter 71.05 RCW.

(2) The RSN shall emphasize the availability of non-facility homes for consumers and provision of support services to consumers in those homes.

(3) The RSN shall emphasize stability of living situation for consumers in the least restrictive residence.

(4) Each residential service shall ensure:

(a) Sufficient supports to minimize the likelihood of hospitalization;

(b) Planned assistance to consumers making residential transitions;

(c) Twenty-four hour access to:

(i) Consultation from a mental health professional;

(ii) Crisis response system (WAC 275-56-089);

(iii) Emergency medical services;

(iv) Prescription services; and

(v) Medication administration;

(d) An assessment of level of functioning;

(e) Approval by resource management services (WAC 275-56-087) for placements in and transfers from residential services; and

(f) Notification to resource management services, when a consumer is discharged due to an emergency or disappearance. Staff shall document efforts taken within forty-eight hours to locate the consumer and encourage return to the residential program.

NEW SECTION

WAC 275-56-475 REGIONAL SUPPORT NETWORK RESIDENTIAL SERVICES—CRISIS RESPITE SERVICES. (1) The RSN shall provide crisis respite services as a component of both the crisis response system and residential services.

(2) A mental health professional authorized by resource management services shall approve access to crisis respite services.

(3) Services shall be made available to individuals experiencing an acute crisis regardless of age or enrollment status in community support or residential services.

(4) If the consumer is currently enrolled in community support services, then the case manager shall be responsible for the coordination of follow-up services per WAC 275-56-445.

(5) For unenrolled individuals, staff shall remain responsible until the crisis is resolved or the individual is transferred to needed services. Following resource management services criteria, staff shall refer unenrolled priority population individuals to resource management services.

(6) The consumer's case manager, or CRS staff shall make reasonable efforts to engage and involve significant others during the period of crisis respite.

(7) Crisis respite staff shall be trained in the treatment of individuals experiencing a mental health crisis.

(8) Crisis respite services are exempt from WAC 275-56-465 (4)(d).

NEW SECTION

WAC 275-56-485 REGIONAL SUPPORT NETWORK RESIDENTIAL SERVICES—SUPPORTED

LIVING SERVICES. (1) Provider staff shall provide care to consumers in the consumer's home in the community, an adult family home licensed under chapter 388-76 WAC, or for children, an alternative foster home licensed under chapter 388-73 WAC. Supported living services may be provided under case management services (WAC 275-56-445) so long as those services comply with requirements of this section.

(2) Supported living services staff shall assist consumers in locating and accessing homes in the community, including:

(a) An inventory of housing stock available to participating consumers, or adult family homes licensed under chapter 388-76 WAC, or alternative foster homes licensed under chapter 388-73 WAC; and

(b) Agreements with landlords, as needed, to assure continued housing, including during crises for consumer tenants.

(3) The program shall include:

(a) Assurance of ongoing medication services;

(b) Availability of supported living staff for twenty-four hour, seven-day-per-week coverage of crisis situations; and

(c) Regularly scheduled contacts with consumers for independent living training and support. Service length and frequency shall vary depending on consumer need.

(4) Clinical staff shall receive training in the treatment of consumers in independent or foster care settings.

(5) The program shall maintain an average caseload of no more than twenty consumers per clinical staff member.

(6) Routine staff coverage shall include evening and weekend hours.

NEW SECTION

WAC 275-56-495 REGIONAL SUPPORT NETWORK RESIDENTIAL SERVICES—SUPERVISED LIVING SERVICES. (1) Supervised living services shall be licensed under chapter 248-16 WAC.

(2) The provider shall assure the availability of and encourage participation in a minimum of fourteen hours per week of varied, planned activities to help foster independence and self-reliance. Such services may be provided by either the provider or outside resources.

(3) Clinical staff shall receive training in the treatment of consumers in residential settings.

(4) The provider shall maintain staffing levels which ensure twenty-four hour, seven-day-per-week safety and supervision of program participants.

(a) The provider shall ensure an average of at least one full time equivalent (FTE) clinical staff member for every twenty consumers from 3:00 p.m. to 9:00 p.m., and at least one clinical staff member at all other times.

(b) Staff shall be available and awake at all times.

(c) The provider shall identify one staff person to assume clinical responsibility on each shift.

(d) Facilities with fewer than thirty consumers may be exempt from WAC 275-56-175(2) if staff have daily access to a mental health professional for clinical consultation under WAC 275-56-180.

(e) Supervised living services may be exempt from WAC 275-56-175(3).

NEW SECTION

WAC 275-56-505 REGIONAL SUPPORT NETWORK RESIDENTIAL SERVICES—LONG-TERM REHABILITATIVE SERVICES. (1) Long-term rehabilitative services for children shall be licensed under chapter 248-23 WAC. Long-term rehabilitative services for adults shall be licensed under chapter 248-25 or 248-16 WAC. Long-term rehabilitative services licensed under chapter 248-16 WAC shall also meet the following requirements:

(a) A physician shall authenticate a comprehensive health assessment and medical history completed within fourteen days after admission unless a comprehensive health assessment performed within the previous ninety days is available upon admission.

(b) The provider shall establish written policy and procedures to guide staff in:

(i) Summoning of internal or external resource agencies, poison center, police, fire department;

(ii) Immediate actions required when consumer behavior is violent or assaultive;

(iii) Regular documented rehearsals of safe, effective staff action when a consumer is violent or assaultive;

(iv) Regular documented rehearsal of a fire and disaster plan; and

(v) Safe transportation of residents, including:

(A) Assuring facility-owned vehicles used for consumer transport are in safe operating condition with records of preventive maintenance;

(B) Facility authorization, including a requirement for a current driver's license, for each driver of facility-owned vehicle transporting consumers;

(C) Mandatory use of seat belts or other safety devices;

(D) Observation of maximum vehicle passenger capacity; and

(E) Description of circumstances when residents are transported in vehicles not owned or operated by the facility.

(c) Each facility shall have an agreement with a pharmacist to advise on matters relating to the practice of pharmacy, drug utilization, control, and accountability. The provider shall establish, with the written approval of a physician and pharmacist, written policies and procedures addressing:

(i) Procuring;

(ii) Prescribing;

(iii) Transcription of orders;

(iv) Use of standing orders. A physician shall order all drugs brought into the facility for consumer use;

(v) Dispensing;

(vi) Administering;

(vii) Self-administration of medication;

(viii) Recording drug administration in the consumer record;

(ix) Storage; and

(x) Disposal of drugs, including control or disposal of drugs brought into the facility by residents.

(d) The provider shall maintain a current drug reference readily available for use by staff.

(e) The provider shall establish written policies and procedures addressing infection control for consumers and staff, including a current system for:

- (i) Investigating;
 - (ii) Reporting (in accordance with chapter 248-100 WAC);
 - (iii) Isolation of residents, should isolation be necessary and medically appropriate; and
 - (iv) Reviewing and recording infections.
- (f) When medical and nursing supplies and equipment are washed, disinfected, handled, or stored, the facility shall provide utility and storage areas designed and equipped for these functions and ensuring segregation of clean and sterile supplies and equipment from contaminated supplies and equipment.

(g) The provider shall account for consumer allowances, earnings, and expenditures including:

- (i) Informing each consumer of any responsibility for the cost of care or treatment per law or rule; and
 - (ii) Permitting a discharged resident to take the balance of his or her money; or
 - (iii) Fully informing the consumer when his or her money is transferred to another facility or organization as permitted by state or federal law.
- (h) The facility shall comply with chapter 212-43 WAC standards for fire protection.

(2) Provider staff shall offer, encourage, and document participation in a minimum of twenty-eight hours per week of activities provided during the day, evening and weekend hours, including:

- (a) Therapeutic community;
- (b) Self-care and daily living skills;
- (c) Medication management and education;
- (d) Socialization skills;
- (e) Communication skills;
- (f) Recreation/leisure skills;
- (g) Exercise; and
- (h) Vocational opportunities, as appropriate.

(3) Clinical staff shall receive training in the treatment of consumers in residential settings, including the management of assaultive or self-destructive behavior.

(4) The provider shall maintain staffing levels which ensure twenty-four hour, seven-day-per-week safety and supervision of program participants.

(a) The provider shall ensure an average of at least .60 full time equivalent (FTE) clinical staff members for each consumer served.

(b) The provider shall employ a psychiatric nurse (WAC 275-56-015(33)) who is responsible for all nursing functions.

(c) At least two staff shall be available at all times.

(d) The provider shall identify one staff person to assume clinical responsibility on each shift.

NEW SECTION

WAC 275-56-515 REGIONAL SUPPORT NETWORK RESIDENTIAL SERVICES—GERIATRIC LONG-TERM REHABILITATIVE SERVICES. (1) Geriatric long-term rehabilitative services shall meet all of the requirements under WAC 275-56-505. However,

geriatric long-term rehabilitative facilities shall be exempt from WAC 275-56-505(1) if licensed under chapter 248-14 WAC.

(2) Staff shall have access to twenty-four hour consultation from a geriatric specialist (WAC 275-56-185).

(3) A nurse shall be on the premises at all times. Facilities with over fifty consumers shall have at least two nurses on the premises at all times.

(4) Clinical staff shall receive training in the treatment of geriatric consumers in residential settings.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 275-56-030 COUNTY ADMINISTRATION AND PLANNING—AVAILABILITY AND ACCESSIBILITY OF REQUIRED MENTAL HEALTH SERVICES FOR ACUTELY MENTALLY ILL, CHRONICALLY MENTALLY ILL, AND SERIOUSLY DISTURBED PERSONS.

WAC 275-56-120 PROVIDER ADMINISTRATION—DESIGNATION OF ADMINISTRATOR.

WAC 275-56-125 PROVIDER ADMINISTRATION—ORGANIZATIONAL STRUCTURE.

WAC 275-56-130 PROVIDER FISCAL ADMINISTRATION—FISCAL POLICIES AND PROCEDURES.

WAC 275-56-140 PROVIDER FISCAL ADMINISTRATION—PROCEDURES TO MAXIMIZE REVENUES.

WAC 275-56-145 PROVIDER FISCAL ADMINISTRATION—BUDGET OF EXPECTED REVENUES AND EXPENSES.

WAC 275-56-155 PROVIDER FISCAL ADMINISTRATION—DOCUMENTATION AND RETENTION OF ACCOUNTING TRANSACTIONS.

WAC 275-56-160 PROVIDER FISCAL ADMINISTRATION—FISCAL MANAGEMENT SYSTEM REPORTING.

WAC 275-56-165 PROVIDER FISCAL ADMINISTRATION—INDEPENDENT AUDIT OF FINANCIAL OPERATIONS.

WAC 275-56-190 PERSONNEL MANAGEMENT—ADMINISTRATIVE QUALIFICATIONS.

WAC 275-56-250 SERVICES ADMINISTRATION—POLICIES AND PROCEDURES FOR PROVIDER OPERATIONS.

WAC 275-56-255 SERVICES ADMINISTRATION—SCREENING AND INFORMATION AND REFERRAL.

WAC 275-56-265 SERVICES ADMINISTRATION—DRUG USE PROFILE.

WAC 275-56-270 SERVICES ADMINISTRATION—COORDINATION OF SERVICE.

WAC 275-56-280 SERVICES ADMINISTRATION—GROUP SERVICE PLAN.

WAC 275-56-310 SERVICES ADMINISTRATION—POLICIES AND PROCEDURES RELATED TO CLIENT RECORDS.

WAC 275-56-315 SERVICES ADMINISTRATION—CONTENT OF CLIENT RECORDS.

WAC 275-56-320 SERVICES ADMINISTRATION—OUTPATIENT GROUP RECORDS.

WAC 275-56-325 SERVICES ADMINISTRATION—TELEPHONE AND OUTREACH EMERGENCY SERVICES RECORDS.

WAC 275-56-330 SERVICES ADMINISTRATION—SECURITY OF CLIENT RECORDS.

WAC 275-56-345 EMERGENCY SERVICES—STAFFING.

WAC 275-56-350 EMERGENCY SERVICES—TWENTY-FOUR HOUR TELEPHONE SERVICES.

WAC 275-56-360 EMERGENCY SERVICES—CRISIS INTERVENTION SERVICES.

WAC 275-56-370 EMERGENCY SERVICES—RECORD OF PREADMISSION SCREENING SERVICES.

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WAC 275-56-380 OUTPATIENT SERVICES—STAFFING.

WAC 275-56-390 DAY TREATMENT SERVICES—WRITTEN DESCRIPTIONS.

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WAC 275-56-415 CONSULTATION AND EDUCATION SERVICES—WRITTEN DESCRIPTIONS.

WAC 275-56-420 CONSULTATION AND EDUCATION SERVICES—STAFFING.

WAC 275-56-430 COMMUNITY SUPPORT SERVICES—WRITTEN DESCRIPTIONS.

WAC 275-56-435 COMMUNITY SUPPORT SERVICES—STAFFING AND CASE MANAGEMENT.

WAC 275-56-440 COMMUNITY SUPPORT SERVICES—COORDINATION WITH INPATIENT FACILITIES AND OTHER AGENCIES.

WAC 275-56-450 COMMUNITY SUPPORT SERVICES—RECORD OF COMMUNITY SUPPORT SERVICES.

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
- PREP = Preproposal comments
- 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
- S = Supplemental notice
- 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.

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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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173-340-430	NEW-P	90-02-098	180-78-194	REP	90-02-074	220-55-086	AMD	90-03-068
173-340-500	NEW-W	90-02-097	180-78-194	REP	90-02-104	220-55-150	NEW	90-03-068
173-340-500	NEW-P	90-02-098	180-78-195	REP	90-02-074	220-56-105	AMD-P	90-02-112
173-340-510	NEW-W	90-02-097	180-78-195	REP	90-02-104	220-56-115	AMD-P	90-02-112
173-340-510	NEW-P	90-02-098	180-78-197	REP	90-02-074	220-56-125	AMD-P	90-02-112
173-340-520	NEW-W	90-02-097	180-78-197	REP	90-02-104	220-56-126	AMD-P	90-02-112
173-340-520	NEW-P	90-02-098	180-78-198	REP	90-02-074	220-56-127	NEW-P	90-02-112
173-340-530	NEW-W	90-02-097	180-78-198	REP	90-02-104	220-56-128	AMD-P	90-02-112
173-340-530	NEW-P	90-02-098	180-78-199	REP	90-02-074	220-56-160	AMD-P	90-02-112
173-340-540	NEW-W	90-02-097	180-78-199	REP	90-02-104	220-56-165	AMD-P	90-02-112
173-340-540	NEW-P	90-02-098	180-86-003	NEW	90-02-076	220-56-175	AMD-P	90-02-112
173-340-550	NEW-W	90-02-097	180-86-005	NEW	90-02-076	220-56-180	AMD-P	90-02-112
173-340-550	NEW-P	90-02-098	180-86-010	NEW	90-02-076	220-56-190	AMD-P	90-02-112
173-340-560	NEW-W	90-02-097	180-86-012	NEW	90-02-076	220-56-195	AMD-P	90-02-112
173-340-560	NEW-P	90-02-098	180-86-015	NEW	90-02-076	220-56-197	AMD-P	90-02-112
173-340-600	NEW-W	90-02-097	180-86-020	NEW	90-02-076	220-56-205	AMD-P	90-02-112
173-340-600	NEW-P	90-02-098	180-86-030	NEW	90-02-076	220-56-230	NEW-P	90-02-112
173-340-610	NEW-W	90-02-097	180-86-035	NEW	90-02-076	220-56-235	AMD-P	90-02-112
173-340-610	NEW-P	90-02-098	180-86-040	NEW	90-02-076	220-56-240	AMD-P	90-02-112
173-340-700	NEW-W	90-02-097	180-86-050	NEW	90-02-076	220-56-282	AMD-P	90-02-112
173-340-700	NEW-P	90-02-098	180-86-055	NEW	90-02-076	220-56-307	NEW-P	90-02-112
173-340-800	NEW-W	90-02-097	180-86-065	NEW	90-02-076	220-56-310	AMD-P	90-02-112
173-340-800	NEW-P	90-02-098	180-86-070	NEW	90-02-076	220-56-320	AMD-P	90-02-112
173-340-810	NEW-W	90-02-097	180-86-075	NEW	90-02-076	220-56-330	AMD-P	90-02-112
173-340-810	NEW-P	90-02-098	180-86-085	NEW	90-02-076	220-56-350	AMD-P	90-02-112
173-340-820	NEW-W	90-02-097	180-86-090	NEW	90-02-076	220-56-380	AMD-P	90-02-112
173-340-820	NEW-P	90-02-098	180-86-095	NEW	90-02-076	220-56-38000F	NEW-E	90-03-007
173-340-830	NEW-W	90-02-097	180-86-097	NEW	90-02-076	220-56-38000G	REP-E	90-03-027
173-340-830	NEW-P	90-02-098	180-86-100	NEW	90-02-076	220-56-38000G	NEW-E	90-03-076
173-340-840	NEW-W	90-02-097	180-86-105	NEW	90-02-076	220-56-400	AMD-P	90-02-112
173-340-840	NEW-P	90-02-098	180-86-110	NEW	90-02-076	220-57-140	AMD-P	90-02-112
173-340-850	NEW-W	90-02-097	180-86-115	NEW	90-02-076	220-57-160	AMD-P	90-02-112
173-340-850	NEW-P	90-02-098	180-86-120	NEW	90-02-076	220-57-220	AMD-P	90-02-112
173-340-860	NEW-W	90-02-097	180-86-130	NEW	90-02-076	220-57-242	NEW-P	90-02-112
173-340-860	NEW-P	90-02-098	180-86-135	NEW	90-02-076	220-57-260	AMD-P	90-02-112
173-340-870	NEW-W	90-02-097	180-86-140	NEW	90-02-076	220-57-270	AMD-P	90-02-112
173-340-870	NEW-P	90-02-098	180-86-145	NEW	90-02-076	220-57-290	AMD-P	90-02-112
173-340-880	NEW-W	90-02-097	180-86-150	NEW	90-02-076	220-57-315	AMD-P	90-02-112
173-340-880	NEW-P	90-02-098	180-86-155	NEW	90-02-076	220-57-328	NEW-P	90-02-112
173-340-890	NEW-W	90-02-097	180-86-160	NEW	90-02-076	220-57-465	AMD-P	90-02-112
173-340-890	NEW-P	90-02-098	180-86-165	NEW	90-02-076	220-57-497	NEW-P	90-02-112
173-342-010	NEW	90-03-020	180-86-170	NEW	90-02-076	220-57-505	AMD-P	90-02-112
173-342-020	NEW	90-03-020	180-86-175	NEW	90-02-076	220-57-515	AMD-P	90-02-112
173-342-030	NEW	90-03-020	180-86-180	NEW	90-02-076	220-57-530	NEW-P	90-02-112
173-342-040	NEW	90-03-020	180-86-185	NEW	90-02-076	220-57A-080	AMD-P	90-02-112
173-342-050	NEW	90-03-020	180-86-200	NEW	90-02-076	220-57A-180	AMD-P	90-02-112
174-168-010	NEW-W	90-03-037	180-87-001	NEW	90-02-075	220-69-220	AMD	90-03-068
174-168-020	NEW-W	90-03-037	180-87-003	NEW	90-02-075	220-69-237	AMD	90-03-068
180-75-005	AMD	90-02-073	180-87-005	NEW	90-02-075	220-69-238	AMD	90-03-068
180-75-018	REP	90-02-073	180-87-010	NEW	90-02-075	220-69-260	AMD	90-03-068
180-75-019	REP	90-02-073	180-87-015	NEW	90-02-075	220-69-264	AMD	90-03-068
180-75-020	REP	90-02-073	180-87-020	NEW	90-02-075	224-12-090	AMD-P	90-03-091
180-75-025	REP	90-02-073	180-87-025	NEW	90-02-075	230-02-010	AMD	90-03-064
180-75-026	REP	90-02-073	180-87-030	NEW	90-02-075	230-04-020	AMD	90-03-064
180-75-027	REP	90-02-073	180-87-035	NEW	90-02-075	230-04-190	AMD	90-03-064
180-75-030	REP	90-02-073	180-87-040	NEW	90-02-075	230-04-270	AMD	90-03-064
180-75-033	REP	90-02-073	180-87-045	NEW	90-02-075	230-50-012	AMD-P	90-03-060
180-75-034	REP	90-02-073	180-87-050	NEW	90-02-075	230-50-012	AMD-E	90-03-061
180-75-035	REP	90-02-073	180-87-055	NEW	90-02-075	230-60-010	AMD	90-03-064
180-75-037	REP	90-02-073	180-87-060	NEW	90-02-075	230-60-020	REP	90-03-064
180-75-038	REP	90-02-073	180-87-065	NEW	90-02-075	230-60-025	AMD	90-03-064
180-75-039	REP	90-02-073	180-87-070	NEW	90-02-075	232-12-054	AMD	90-03-092

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
232-28-61728	NEW	90-02-070	275-56-145	REP	90-03-113	292-12-050	NEW-P	90-03-095
232-28-61729	NEW	90-02-071	275-56-150	AMD	90-03-113	292-12-060	NEW-P	90-03-095
232-28-61730	NEW-E	90-03-072	275-56-155	REP	90-03-113	292-12-070	NEW-P	90-03-095
232-28-61802	NEW-E	90-02-067	275-56-160	REP	90-03-113	292-12-080	NEW-P	90-03-095
232-28-61803	NEW-E	90-02-068	275-56-165	REP	90-03-113	292-12-090	NEW-P	90-03-095
232-28-61804	NEW-E	90-02-069	275-56-170	AMD	90-03-113	292-12-110	NEW-P	90-03-095
232-28-61805	NEW-E	90-02-066	275-56-175	AMD	90-03-113	292-12-120	NEW-P	90-03-095
232-28-712	REP	90-03-083	275-56-180	AMD	90-03-113	292-12-130	NEW-P	90-03-095
232-28-713	NEW	90-03-083	275-56-185	AMD	90-03-113	292-12-140	NEW-P	90-03-095
248-19-220	AMD	90-02-093	275-56-190	REP	90-03-113	292-12-150	NEW-P	90-03-095
248-98-001	AMD-P	90-02-072	275-56-195	AMD	90-03-113	292-12-160	NEW-P	90-03-095
248-98-003	NEW-P	90-02-072	275-56-200	AMD	90-03-113	292-12-170	NEW-P	90-03-095
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248-98-010	AMD-P	90-02-072	275-56-210	AMD	90-03-113	296-06-010	AMD-P	90-02-089
248-98-015	NEW-P	90-02-072	275-56-215	AMD	90-03-113	296-06-020	AMD-P	90-02-089
248-98-020	AMD-P	90-02-072	275-56-220	AMD	90-03-113	296-06-030	AMD-P	90-02-089
248-98-025	NEW-P	90-02-072	275-56-225	AMD	90-03-113	296-06-040	AMD-P	90-02-089
248-98-030	AMD-P	90-02-072	275-56-230	AMD	90-03-113	296-06-080	AMD-P	90-02-089
248-98-035	NEW-P	90-02-072	275-56-235	AMD	90-03-113	296-06-090	AMD-P	90-02-089
248-98-040	AMD-P	90-02-072	275-56-240	AMD	90-03-113	296-06-100	AMD-P	90-02-089
248-98-045	NEW-P	90-02-072	275-56-245	AMD	90-03-113	296-06-110	AMD-P	90-02-089
248-98-050	AMD-P	90-02-072	275-56-250	REP	90-03-113	296-06-120	AMD-P	90-02-089
248-98-060	AMD-P	90-02-072	275-56-255	REP	90-03-113	296-06-130	AMD-P	90-02-089
248-98-080	AMD-P	90-02-072	275-56-260	AMD	90-03-113	296-06-140	AMD-P	90-02-089
248-98-085	NEW-P	90-02-072	275-56-265	REP	90-03-113	296-06-150	AMD-P	90-02-089
248-98-090	AMD-P	90-02-072	275-56-270	REP	90-03-113	296-06-170	AMD-P	90-02-089
248-98-095	NEW-P	90-02-072	275-56-275	AMD	90-03-113	296-06-990	REP-P	90-02-089
248-98-098	NEW-P	90-02-072	275-56-280	REP	90-03-113	296-06-99001	REP-P	90-02-089
248-98-100	AMD-P	90-02-072	275-56-285	AMD	90-03-113	296-24-020	AMD	90-03-029
248-98-102	NEW-P	90-02-072	275-56-290	AMD	90-03-113	296-24-102	NEW	90-03-029
248-98-104	NEW-P	90-02-072	275-56-295	AMD	90-03-113	296-24-10203	NEW	90-03-029
248-98-110	AMD-P	90-02-072	275-56-300	AMD	90-03-113	296-24-12009	AMD	90-03-029
248-98-120	AMD-P	90-02-072	275-56-305	AMD	90-03-113	296-24-15001	AMD	90-03-029
248-98-130	NEW-P	90-02-072	275-56-310	REP	90-03-113	296-24-16507	AMD	90-03-029
248-98-135	NEW-P	90-02-072	275-56-315	REP	90-03-113	296-24-16515	AMD	90-03-029
248-98-998	NEW-P	90-02-072	275-56-320	REP	90-03-113	296-24-16517	AMD	90-03-029
248-98-999	REP-P	90-02-072	275-56-325	REP	90-03-113	296-24-20503	AMD	90-03-029
248-100-016	AMD-P	90-02-095	275-56-330	REP	90-03-113	296-24-20700	AMD-P	90-03-093
248-106-001	NEW	90-02-094	275-56-335	AMD	90-03-113	296-24-550	AMD	90-03-029
248-106-010	NEW	90-02-094	275-56-340	AMD	90-03-113	296-24-58513	AMD	90-03-029
248-106-020	NEW	90-02-094	275-56-345	REP	90-03-113	296-24-75009	AMD	90-03-029
248-180-010	NEW	90-03-052	275-56-350	REP	90-03-113	296-24-76503	AMD	90-03-029
248-180-020	NEW	90-03-052	275-56-355	AMD	90-03-113	296-24-78007	AMD	90-03-029
275-56-005	AMD	90-03-113	275-56-360	REP	90-03-113	296-24-81003	AMD	90-03-029
275-56-010	AMD	90-03-113	275-56-365	AMD	90-03-113	296-24-81005	AMD	90-03-029
275-56-015	AMD	90-03-113	275-56-370	REP	90-03-113	296-24-82503	AMD	90-03-029
275-56-016	NEW	90-03-113	275-56-375	REP	90-03-113	296-24-870	AMD-P	90-03-093
275-56-017	NEW	90-03-113	275-56-380	REP	90-03-113	296-24-87001	AMD-P	90-03-093
275-56-020	AMD	90-03-113	275-56-385	AMD	90-03-113	296-24-87003	REP-P	90-03-093
275-56-025	AMD	90-03-113	275-56-390	REP	90-03-113	296-24-87005	REP-P	90-03-093
275-56-030	REP	90-03-113	275-56-395	REP	90-03-113	296-24-87007	REP-P	90-03-093
275-56-035	AMD	90-03-113	275-56-400	AMD	90-03-113	296-24-87009	AMD-P	90-03-093
275-56-040	AMD	90-03-113	275-56-405	REP	90-03-113	296-24-87011	NEW-P	90-03-093
275-56-042	NEW	90-03-113	275-56-410	REP	90-03-113	296-24-87013	NEW-P	90-03-093
275-56-043	NEW	90-03-113	275-56-415	REP	90-03-113	296-24-87015	NEW-P	90-03-093
275-56-050	AMD	90-03-113	275-56-420	REP	90-03-113	296-24-87017	NEW-P	90-03-093
275-56-055	AMD	90-03-113	275-56-425	AMD	90-03-113	296-24-87019	NEW-P	90-03-093
275-56-060	AMD	90-03-113	275-56-430	REP	90-03-113	296-24-87031	NEW-P	90-03-093
275-56-065	AMD	90-03-113	275-56-435	REP	90-03-113	296-24-87033	NEW-P	90-03-093
275-56-070	AMD	90-03-113	275-56-440	REP	90-03-113	296-24-87035	NEW-P	90-03-093
275-56-075	AMD	90-03-113	275-56-445	AMD	90-03-113	296-24-87037	NEW-P	90-03-093
275-56-080	AMD	90-03-113	275-56-450	REP	90-03-113	296-52-417	AMD	90-03-029
275-56-085	AMD	90-03-113	275-56-465	NEW	90-03-113	296-52-419	AMD	90-03-029
275-56-087	NEW	90-03-113	275-56-475	NEW	90-03-113	296-52-461	AMD	90-03-029
275-56-088	NEW	90-03-113	275-56-485	NEW	90-03-113	296-52-473	REP	90-03-029
275-56-089	NEW	90-03-113	275-56-495	NEW	90-03-113	296-52-477	AMD	90-03-029
275-56-090	AMD	90-03-113	275-56-505	NEW	90-03-113	296-52-481	AMD	90-03-029
275-56-095	AMD	90-03-113	275-56-515	NEW	90-03-113	296-52-509	AMD	90-03-029
275-56-100	AMD	90-03-113	292-08-010	NEW-P	90-03-095	296-52-510	NEW	90-03-029
275-56-105	AMD	90-03-113	292-08-020	NEW-P	90-03-095	296-54-569	AMD-P	90-03-093
275-56-110	AMD	90-03-113	292-08-030	NEW-P	90-03-095	296-62-07007	REP-P	90-03-093
275-56-115	AMD	90-03-113	292-08-040	NEW-P	90-03-095	296-62-07107	AMD-P	90-03-093
275-56-120	REP	90-03-113	292-08-050	NEW-P	90-03-095	296-62-07314	AMD	90-03-029
275-56-125	REP	90-03-113	292-12-010	NEW-P	90-03-095	296-62-07507	AMD	90-03-029
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275-56-135	AMD	90-03-113	292-12-030	NEW-P	90-03-095	296-62-07517	AMD-P	90-03-093
275-56-140	REP	90-03-113	292-12-040	NEW-P	90-03-095	296-62-07521	AMD	90-03-029

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296-62-07531	AMD-P	90-03-093	308-1241-100	NEW-P	90-02-102	316-85-001	NEW-P	90-03-040
296-62-07540	AMD	90-03-029	308-1241-110	NEW-P	90-02-102	316-85-010	NEW-P	90-03-040
296-62-07544	AMD	90-03-029	308-1241-120	NEW-P	90-02-102	316-85-020	NEW-P	90-03-040
296-62-3110	AMD-P	90-03-093	308-1241-130	NEW-P	90-02-102	316-85-030	NEW-P	90-03-040
296-99-015	AMD	90-03-029	308-1241-140	NEW-P	90-02-102	316-85-040	NEW-P	90-03-040
296-99-050	AMD	90-03-029	308-124J-010	NEW-P	90-02-102	316-85-050	NEW-P	90-03-040
296-116-185	AMD-P	90-03-096	308-124J-020	NEW-P	90-02-102	316-85-060	NEW-P	90-03-040
296-116-300	AMD-P	90-03-097	308-124J-030	NEW-P	90-02-102	316-85-070	NEW-P	90-03-040
296-155-225	AMD-P	90-03-093	308-124J-040	NEW-P	90-02-102	316-85-080	NEW-P	90-03-040
296-155-227	NEW-P	90-03-093	308-124J-050	NEW-P	90-02-102	316-85-090	NEW-P	90-03-040
296-155-480	AMD-P	90-03-093	308-124J-060	NEW-P	90-02-102	316-85-100	NEW-P	90-03-040
296-155-485	AMD	90-03-029	308-124J-070	NEW-P	90-02-102	332-30-166	AMD	90-02-085
296-155-48533	AMD	90-03-029	308-124J-080	NEW-P	90-02-102	332-130-030	AMD-P	90-03-066
296-155-505	AMD	90-03-029	308-128B-060	REP	90-03-098	332-130-070	AMD-P	90-03-066
296-155-675	AMD	90-03-029	308-128B-080	AMD	90-03-099	332-130-080	AMD-P	90-03-066
296-155-680	AMD	90-03-029	308-320-010	NEW	90-02-060	332-130-090	AMD-P	90-03-066
296-155-690	AMD	90-03-029	308-320-010	NEW-E	90-02-061	356-05-210	AMD	90-03-044
296-155-692	REP	90-03-029	308-320-020	NEW	90-02-060	356-07-030	AMD-C	90-03-048
296-155-694	AMD	90-03-029	308-320-020	NEW-E	90-02-061	356-14-240	AMD-P	90-03-102
296-155-697	AMD	90-03-029	308-320-030	NEW	90-02-060	356-15-060	AMD-P	90-03-102
296-155-725	AMD	90-03-029	308-320-030	NEW-E	90-02-061	356-15-125	AMD-P	90-03-102
296-155-730	AMD	90-03-029	308-320-040	NEW	90-02-060	356-22-010	AMD-C	90-03-102
296-350-030	AMD-P	90-03-093	308-320-040	NEW-E	90-02-061	356-22-11001	REP-C	90-03-047
308-11-030	AMD-P	90-03-107	308-320-050	NEW	90-02-060	356-22-111	NEW-C	90-03-047
308-12-326	AMD	90-03-032	308-320-050	NEW-E	90-02-061	356-22-120	AMD-C	90-03-047
308-13-150	AMD	90-03-031	308-320-060	NEW	90-02-060	356-30-145	AMD-C	90-03-045
308-20-107	AMD-P	90-03-018	308-320-060	NEW-E	90-02-061	356-30-180	AMD-C	90-03-045
308-20-140	AMD-P	90-03-018	308-320-070	NEW	90-02-060	356-30-190	AMD-C	90-03-045
308-20-155	AMD-P	90-03-018	308-320-070	NEW-E	90-02-061	356-30-280	AMD-C	90-03-045
308-20-210	AMD-P	90-03-018	308-320-080	NEW	90-02-060	356-30-320	AMD-C	90-03-045
308-29-045	AMD-P	90-03-107	308-320-080	NEW-E	90-02-061	356-34-110	REP-P	90-03-101
308-30-030	AMD-P	90-03-107	308-320-090	NEW	90-02-060	356-34-113	REP-P	90-03-101
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