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DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of September 1992 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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# WASHINGTON STATE REGISTER

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# STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

## 1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PROPOSED**-includes the full text of preproposal comments, original proposals, continuances, supplemental notices, and withdrawals.
- (b) **PERMANENT**-includes the full text of permanently adopted rules.
- (c) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (d) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (e) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (f) **INDEX**-includes a combined subject matter and agency index.

Documents are arranged within each section 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 with a section's material.

## 2. PRINTING STYLE--INDICATION OF NEW OF 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 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.

## 3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) 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.

## 4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one 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.

## 5. 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].

**1992 - 1993**  
**DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION**

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
92-16	Jul 8	Jul 22	Aug 5	Aug 19	Sep 8
92-17	Jul 22	Aug 5	Aug 19	Sep 2	Sep 22
92-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6
92-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
92-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
92-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
92-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
92-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
92-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1993
93-01	Nov 25	Dec 9	Dec 23, 1992	Jan 6, 1993	Jan 26
93-02	Dec 9	Dec 23, 1992	Jan 6, 1993	Jan 20	Feb 9
93-03	Dec 23, 1992	Jan 6, 1993	Jan 20	Feb 3	Feb 23
93-04	Jan 6	Jan 20	Feb 3	Feb 17	Mar 9
93-05	Jan 20	Feb 3	Feb 17	Mar 3	Mar 23
93-06	Feb 3	Feb 17	Mar 3	Mar 17	Apr 6
93-07	Feb 24	Mar 10	Mar 24	Apr 7	Apr 27
93-08	Mar 10	Mar 24	Apr 7	Apr 21	May 11
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93-22	Oct 6	Oct 20	Nov 3	Nov 17	Dec 7
93-23	Oct 20	Nov 3	Nov 17	Dec 1	Dec 21
93-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1994

<sup>1</sup>All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

<sup>2</sup>A 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.

<sup>3</sup>At 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 92-18-006**  
**PROPOSED RULES**  
**MARINE EMPLOYEES' COMMISSION**  
 [Filed August 20, 1992, 4:15 p.m.]

August 20, 1992  
 Louis O. Stewart  
 Commissioner  
 Rules Coordinator

**Original Notice.**

Title of Rule: WAC 316-02-520 Declaratory orders—Rights and disposition, 316-02-820 Commission office address, 316-45-003 Unfair labor practices—Defined, 316-45-020 Unfair labor practice complaints—Time limitations, 316-65-005 Grievance defined, and 316-65-010 Grievance—Who may file.

Purpose: WAC 316-02-520, amendment to correct typographical error, WAC 316-02-820, amendment to update address, WAC 316-45-003, amendment to clarify definition, WAC 316-45-020, new section to eliminate stale issues, WAC 316-65-005, amendment to permit filing grievance and unfair labor practice complaint, and WAC 316-65-010, amendment to specify statutory reference.

Other Identifying Information: Marine Employees Relations Act.

Statutory Authority for Adoption: RCW 47.64.280.

Statute Being Implemented: Chapter 47.64 RCW.

Summary: WAC 316-02-520, 316-02-820, and 316-65-010 are housekeeping, no substantive change; and WAC 316-45-003, 316-45-020, and 316-65-005 are intended to clarify distinctions between grievance arbitrations and resolution of unfair labor practice complaints.

Reasons Supporting Proposal: Some maritime representatives have not understood the distinctions between grievance arbitration and unfair labor practice resolution.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Commissioner Louis O. Stewart, Evergreen Plaza Building, (206) 586-6354.

Name of Proponent: Marine Employees' Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Adoption will increase understanding and therefore diminish technical errors.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 47.64 RCW promotes orderly settlement of labor-management disputes, including arbitration of grievances and resolution of unfair labor practice complaints. The procedures and remedies differ. These rule changes will assist in understanding and effectiveness.

Proposal Changes the Following Existing Rules: Three amendments are only housekeeping/updating. One establishes time limits on unfair labor practice complaints (ULP). Two permit filing both ULP and grievance arbitration and clarify procedures.

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

Hearing Location: Port Commission Conference Room, Third Floor, Pier 66, Seattle, Washington, on October 23, 1992, at 10:30 a.m.

Submit Written Comments to: Louis O. Stewart, Commissioner, P.O. Box 40902, Olympia, WA 98504-0902, by October 23, 1992.

Date of Intended Adoption: October 23, 1992.

**AMENDATORY SECTION** (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

**WAC 316-02-520 Declaratory orders—Rights and disposition.** (1) The petitioner for a declaratory order shall enjoy the same rights, privileges and expectations as in any other proceeding before the commission, except as specifically limited by WAC (~~316-01-500 and 316-01-510~~) 316-02-500 and 316-02-510.

(2) Within fifteen days after receipt of a petition for a declaratory order, the commission or designated examiner shall give notice of the petition to all persons to whom notice is required by law or rule, and may give notice to any other person deemed desirable.

(3) Within thirty days after receipt of a petition for a declaratory order the commission or designated examiner, in writing, shall do one of the following:

(a) Enter an order declaring the applicability of the statute, rule, or order in question to the specified circumstances;

(b) Set the matter for specified proceedings to be held no more than ninety days after receipt of the petition;

(c) Set a specified time no more than ninety days after receipt of the petition by which a declaratory order will be entered; or

(d) Decline to enter a declaratory order, stating the reasons for that action.

(4) The time limits of subsection (3)(b) and (c) of this section may be extended by the commission or designated examiner for good cause.

(5) The commission or designated examiner may not enter a declaratory order that would substantially prejudice the rights of a person who would be a necessary party and who does not consent in writing to the determination of the matter by a declaratory order proceeding.

(6) A declaratory order has the same status as any other order entered in a commission or examiner adjudicative proceeding. Each declaratory order shall contain the names of all parties to the proceeding on which it is based, the particular facts on which it is based, and the reasons for the conclusions.

**AMENDATORY SECTION** (Amending WSR 90-01-115, filed 12/20/89, effective 1/20/90)

**WAC 316-02-820 Commission offices.** The commission maintains its office at (~~Main Floor, S.W. Quadrant,~~) Evergreen Plaza Building, (~~Mailstop FJ 14~~) PO Box 40902, Olympia, Washington 98504-0902. The telephone number is (206) 586-6354.

**AMENDATORY SECTION** (Amending WSR 90-01-118, filed 12/20/89, effective 1/20/90)

**WAC 316-45-003 Unfair labor practices—Defined.** (1) It is an unfair labor practice for ferry system management or its representatives:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by chapter 47.64 RCW;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it: *Provided*, That subject to rules made by the commission pursuant to RCW 47.64.130 and 47.64.280 an employer shall not be prohibited from permitting employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hiring, tenure of employment, or any term or condition of employment, but nothing contained in this subsection prevents an employer from requiring, as a condition of continued employment, payment of periodic dues and fees uniformly required to an exclusive bargaining representative pursuant to RCW 47.64.160: *Provided*, That nothing prohibits ferry system management from agreeing to obtain employees by referral from a lawful hiring hall operated by or participated in by a labor organization;

(d) To discharge or otherwise discriminate against an employee because he has filed charges or given testimony concerning subjects covered by chapter 47.64 RCW;

(e) To refuse to bargain collectively with the representatives of its employees.

(2) It is an unfair labor practice for an employee organization:

(a) To restrain or coerce (i) employees in the exercise of the rights guaranteed by this chapter: *Provided*, That this paragraph does not impair the right of an employee organization to prescribe its own rules with respect to the acquisition or retention of membership therein, or (ii) an employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section;

(c) To refuse to bargain collectively with an employer, when it is the representative of employees subject to RCW 47.64.170.

(3) The rights guaranteed by chapter 47.64 RCW include:

(a) The right of self-organization, including the right to form, join, or assist a labor organization;

(b) The right to bargain collectively through a representative freely chosen by the employees themselves;

(c) The right to engage in other concerted activities for collective bargaining or for mutual aid or protection; or

(d) The right to refrain from concerted activity. The right to refrain from concerted activities is limited to the extent that lawful union security agreements may be enforced.

(4) The expression of any view, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under any of the provisions of this chapter, if the expression contains no threat of reprisal or force or promise of benefit.

NEW SECTION

**WAC 316-45-020 Unfair labor practice complaint—**

**Time limitations.** (1) Unless otherwise specified in statute or rule, a complaint charging an unfair labor practice may not be filed later than one hundred eighty calendar days after the party filing such complaint knew or should have known of the event, activity, or practice alleged to be violations of protected rights under RCW 47.64.130 and WAC 316-45-003. For the purpose of computing timeliness of complaints, each event, activity, or practice in a series of identical or similar practices may be construed as a separate instance: *Provided*, That the commission shall only consider those events, activities, or practices which have occurred no earlier than one hundred eighty days prior to the filing of the complaint unless the statute of limitations are deemed to be tolled pursuant to subsection (3) of this section.

(2) Where the event, activity, or practice is alleged to be a violation of a collective bargaining agreement in addition to violating rights protected by chapter 47.64 RCW, and the complainant chooses also to file a request for grievance arbitration pursuant to RCW 47.64.150, the statute of limitations herein run only after the remedies available in the contractual grievance procedures have been exhausted. The commission may accept the final resolution of the grievance arbitration process and defer to that decision. If the commission determines that the grievance procedure did not satisfactorily resolve the entire charge of unfair labor practice, the commission may resume processing the remaining unfair labor practice issue(s).

(3) The limitation period specified in subsection (2) of this section may be tolled where the charging party did not have actual or constructive knowledge of the alleged unfair labor practice. In the instance that the respondent has engaged in fraudulent concealment and/or deception as to its unlawful conduct, the commission may determine the limitation tolled, both as to the filing of the complaint and as to the remedy.

AMENDATORY SECTION (Amending WSR 90-01-119, filed 12/20/89, effective 1/20/90)

**WAC 316-65-005 Grievance defined.** "Grievance" means a formal statement alleging injury, injustice, or violation of rights granted by rule, statute, ((or)) collective bargaining agreement, or past practice: *Provided*, That any grievance involving alleged violations ((enumerated in RCW 47.64.130 shall)) of rights protected by chapter 47.64 RCW may also be termed "unfair labor practices" and ((shall)) may also be filed and processed under chapter 316-45 WAC: And Provided Further, That because of the limitations on grievance arbitration decisions in RCW 47.64.150, requests for grievance arbitration and unfair labor practice complaints may not be consolidated for hearing and decision.

AMENDATORY SECTION (Amending WSR 90-01-119, filed 12/20/89, effective 1/20/90)

**WAC 316-65-010 Grievance—Who may file.** A statement of grievance may be filed by the department of transportation, an exclusive representative of employees or their agents, an employee, or by the parties jointly, ((in

~~accordance with chapter 47.64 RCW~~) pursuant to RCW 47.64.150.

**WSR 92-18-019**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)  
[Filed August 24, 1992, 4:46 p.m.]

Original Notice.

Title of Rule: Chapter 388-151 WAC, School-age child care center minimum licensing requirements.

Purpose: Promulgate rules for licensing child care centers which care only for school-age children part of the day (usually before and after school).

Statutory Authority for Adoption: Chapter 74.15 RCW.  
Statute Being Implemented: Chapter 74.15 RCW.

Summary: Will facilitate the licensing of school-age centers in schools and similar settings where care is not provided to infants and toddlers.

Reasons Supporting Proposal: A new administrative code chapter is developed to provide standards for day care programs for school-age child care. The needs of school-age children differ radically from those of infants, toddlers, and preschoolers. Care is generally provided in a different setting.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barry Fibel, Children, Youth and Family Services, Office of Child Care Policy, 753-0204.

Name of Proponent: Department of Social and Health Services, governmental.

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

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, 14th and Franklin, Olympia, Washington 98504, on October 27, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118, SCAN 366-0118, by October 27, 1992.

Date of Intended Adoption: October 28, 1992.

August 24, 1992  
Leslie F. James, Director  
Administrative Services

**Chapter 388-151 WAC**  
**SCHOOL-AGE CHILD CARE CENTER MINIMUM**  
**LICENSING REQUIREMENTS**

NEW SECTION

**WAC 388-151-010 Definitions.** As used and defined under this chapter:

(1) "Capacity" means the maximum number of children the licensee is authorized to have on the premises at a given time.

(2) "Child abuse or neglect" means the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under circumstances indicating the child's health, welfare, or safety is harmed thereby.

(3) "Department" means the state department of social and health services (DSHS), the organization vested with the legal authority to regulate and certify school-age child care centers.

(4) "Department of health" means the state department of health.

(5) "License" means a permit issued by the department authorizing by law the licensee to operate a school-age child care center and affirming the licensee meets requirements under licensure.

(6) "Licensee" means the person, organization, or legal entity responsible for operating the center.

(7) "Licensor" means the person employed by the department to regulate and license a school-age child care center.

(8) "Premises" means the building where the center is located and the adjoining grounds over which the licensee has control.

(9) "School-age child" means a child five years of age through twelve years of age attending a public or private school.

(10) "School-age child care center" means a program operating in a facility other than a private residence, accountable for school-age children when school is not in session. It shall meet department licensing requirements, provide adult-supervised care, and a variety of developmentally appropriate activities.

(11) "Staff" means a child care giver or a group of child care givers employed by the licensee to supervise a child served at the center.

NEW SECTION

**WAC 388-151-020 Scope of licensing.** (1) The person or organization operating a school-age child care center shall be subject to licensing as authorized under chapter 74.15 RCW.

(2) The person or organization operating a school-age child care center and qualifying for exemption from requirements of this chapter under RCW 74.15.020(4) shall not be subject to licensure. The person or organization claiming an exemption shall provide the department proof of entitlement to the exemption at the licensor's request.

NEW SECTION

**WAC 388-151-040 Local ordinances and codes.** (1) The department shall issue or deny a license on the basis of the applicant's compliance with school-age child care licensing and procedural requirements.

(2) The licensee or applicant shall be responsible for compliance with city ordinances and county codes, such as zoning and building regulations.

#### NEW SECTION

**WAC 388-151-050 Waivers.** (1) In an individual case, the department, for good cause, may waive a specific requirement and approve an alternate method for the licensee or applicant to achieve the specific requirement's intent if the:

(a) Licensee or applicant submits to the department a written waiver request fully explaining the circumstances necessitating the waiver; and

(b) Department determines waiver approval will not jeopardize the safety or welfare of the child in care or detract from the quality of licensee-delivered services.

(2) The department may approve a waiver request only for a specific purpose or child and for a specific period of time not exceeding the expiration date of the license.

(3) The department may limit or restrict a license issued to a licensee or an applicant in conjunction with a waiver.

(4) The licensee shall maintain on the premises a copy of the department's written waiver approval.

(5) The department's denial of a licensee's or applicant's waiver request shall not be subject to appeal under chapter 34.05 RCW.

#### NEW SECTION

**WAC 388-151-070 Applicant and reapplication for licensing-investigation.** (1) The person or organization applying for a licensee or relicensure under this chapter and responsible for operating the center shall comply with application procedures the department prescribes and submit to the department:

(a) A completed department-supplied application for school-age child care center license, including attachments, ninety or more days before the:

- (i) Expiration of a current license;
- (ii) Opening date of a center;
- (iii) Relocation of a center; or
- (iv) Change of the licensee.

(b) A completed criminal history and background inquiry form for each staff person or volunteer having unsupervised or regular access to the child in care; and

(c) The licensing fee.

(2) In addition to the required application materials specified under subsection (1) of this section, the applicant for initial licensure shall submit to the department:

(a) An employment and education resume of the person responsible for the active management of the center and of the site coordinator;

(b) Diploma or education transcript copies of the director and site coordinator; and

(c) Three professional references each for the licensee, director, and site coordinator.

(3) The applicant for a license under this chapter shall be twenty-one years of age or older.

(4) The department may, at any time, require additional information from the applicant, licensee, staff person, volunteer, member of their household, and other persons

having access to the child in care as the department deems necessary including, but not limited to:

- (a) Sexual deviancy evaluations;
- (b) Substance and alcohol abuse evaluations;
- (c) Psychiatric evaluations;
- (d) Psychological evaluations; and
- (e) Medical evaluations.

(5) The department may perform investigations of the applicant, licensee, staff person, volunteer, member of their household, and other person having access to the child in care as the department deems necessary, including accessing criminal histories and law enforcement files.

(6) The applicant shall conform to rules and regulations approved or adopted by the:

(a) Department of health, promoting the health of the child in care, contained in this chapter; and

(b) State fire marshal's office, establishing standards for fire prevention and protection of life and property from fire, under chapter 212-56A WAC.

(7) The department shall not issue a license to the applicant until the department of health and the state fire marshal's office have certified or inspected and approved the center.

(8) The department may exempt a school site possessing a fire safety certification signed by the local fire official within six months prior to licensure from the requirement to receive an additional fire safety inspection by the state fire marshal's office.

(9) The licensee shall submit a completed plan of deficiency correction to the department of health and the department licensor prior to issuance of the licensee, when required.

#### NEW SECTION

**WAC 388-151-080 Licensed capacity.** (1) The department shall issue the applicant or licensee a license for a specific number of children dependent on the:

- (a) Department's evaluation of the center's premises, equipment, and physical accommodations;
- (b) Number and skills of the licensee, staff, and volunteers; and

(c) Ages and characteristics of the children served.

(2) The department:

(a) Shall not issue the applicant or licensee a license to care for more children than permitted under this chapter; and

(b) May issue the applicant or licensee a license to care for fewer children than the center's maximum capacity.

#### NEW SECTION

**WAC 388-151-090 License denial, suspension, or revocation.** (1) Before granting a license and as a condition for continuance of a license, the department shall consider the ability of the applicant and licensee to meet the requirements of this chapter. If more than one person is the applicant or licensee, the department:

(a) Shall consider their qualifications separately and jointly; and

(b) May deny, suspend, revoke, or not renew the license based on the failure of one of the persons to meet the requirements.

(2) The department shall deny, suspend, revoke, or not renew the license of a person who:

(a) Is a perpetrator of child abuse, or has been convicted of a crime involving child abuse or physical harm to another person, or allows such a person on the premises;

(b) Commits or was convicted of a felony reasonably related to the competency of the person to meet the requirements of this chapter;

(c) Engages in illegal use of a drug or excessive use of alcohol;

(d) Commits, permits, aids, or abets the commission of an illegal act on the premises;

(e) Commits, permits, aids, or abets the abuse, neglect, exploitation, or cruel or indifferent care to a child in care;

(f) Refuses to permit an authorized representative of the department, state fire marshal's office, or department of health to inspect the premises; or

(g) Refuses to permit an authorized representative of the department or the department of health access to records related to operation of the center or to interview staff or a child in care.

(3) The department may deny, suspend, revoke, or not renew a license of a person who:

(a) Seeks to obtain or retain a license by fraudulent means or misrepresentation including, but not limited to:

(i) Making a materially false statement on the application; or

(ii) Omitting material information on the application.

(b) Provides insufficient staff in relation to the number, ages, or characteristics of children in care;

(c) Allows a person unqualified by training, experience, or temperament to care for or be in contact with a child in care;

(d) Violates any condition or limitation on licensure including, but not limited to:

(i) Permitting more children on the premises than the number for which the center is licensed; or

(ii) Permitting on the premises a child of an age different from the ages for which the center is licensed.

(e) Fails to provide adequate supervision to a child in care;

(f) Demonstrates an inability to exercise fiscal responsibility and accountability with respect to operation of the center;

(g) Misappropriates property of a child in care;

(h) Knowingly permits on the premises an employee or volunteer who has made a material misrepresentation on an application for employment or volunteer service;

(i) Refuses or fails to supply necessary, additional department requested information; or

(j) Fails to comply with any provision of chapter 74.15 RCW or this chapter.

(4) The department shall not issue a license to a person who has been denied, suspended, revoked, or not renewed a license to operate a facility for the care of the children or adults, in this state or elsewhere, unless the person demonstrates by clear, cogent, and convincing evidence the person has undertaken sufficient corrective action or rehabilitation to warrant public trust and to operate the center in accordance with the rules of this chapter.

(5) The department's notice of a denial, revocation, suspension, or modification of a license and the applicant's

or licensee's right to a hearing, shall be governed under RCW 43.20.205.

#### NEW SECTION

**WAC 388-151-100 Activity program.** (1) The licensee shall implement an activity program designed to meet the developmental, cultural, and individual needs of the child served. The licensee shall ensure the program contains a range of learning experiences for the child to:

(a) Gain self-esteem, self-awareness, self-control, and decision-making abilities;

(b) Develop socially, emotionally, intellectually, and physically;

(c) Learn about nutrition, health, and personal safety; and

(d) Experiment, create, and explore.

(2) The licensee shall ensure the center's program offers variety and options including a balance between:

(a) Child-initiated and staff-initiated activities;

(b) Free play and organized events;

(c) Individual and group activities; and

(d) Quiet and active experiences.

(3) The licensee shall ensure the center's program affords the child daily opportunities for small and large muscle activities and outdoor play.

(4) The licensee shall operate the center's program under a regular schedule of activities with allowances for a variety of special events. The licensee shall implement a planned program of activities as evidenced by a current, written activity schedule and afford staff classroom planning time.

(5) The licensee shall manage child and staff movements from one planned activity or care area to another to achieve smooth, unregimented transitions by:

(a) Establishing familiar routines;

(b) Contributing to learning experiences; and

(c) Maintaining staff-to-child ratio and group size guidelines.

#### NEW SECTION

**WAC 388-151-110 Learning and play materials.** The licensee shall provide the child a variety of easily accessible, developmentally appropriate equipment and materials of sufficient quantity to implement the center's program. The licensee shall ensure material is culturally relevant and promotes:

(1) Social development;

(2) Communication ability;

(3) Self-help skills;

(4) Large and small muscle development; and

(5) Creative expression.

#### NEW SECTION

**WAC 388-151-120 Staff-child interactions.** (1) The licensee shall furnish the child a nurturing, respectful, supportive, and responsive environment through frequent interactions between the child and staff:

(a) Supporting the child in developing an understanding of self and others by assisting the child to share ideas, experiences, and feelings;

(b) Providing age-appropriate opportunities for growth and development of the child's social and communication skills, including encouraging the child to ask questions;

(c) Helping the child solve problems;

(d) Fostering creativity and independence in routine activities, including showing tolerance for mistakes; and

(e) Treating equally all children in care regardless of race, religion, culture, sex, and handicapping condition.

(2) The licensee shall furnish the child a pleasant and social atmosphere at meal and snack times. Staff shall provide good models for nutrition habits and social behavior.

#### NEW SECTION

**WAC 388-151-130 Behavior management and discipline.** (1) The licensee shall guide the child's behavior based on an understanding of the individual child's needs and stage of development. The licensee shall support the child's developmentally appropriate social behavior, self-control, and respect for the rights of others.

(2) The licensee shall ensure behavior management and discipline practice are fair, reasonable, consistent, and related to the child's behavior. Staff shall not administer cruel, unusual, hazardous, frightening, or humiliating discipline.

(3) The licensee shall be responsible for implementing the behavior management and discipline practices of the center.

(4) The licensee shall prohibit and prevent by any person on the premises:

(a) Biting, jerking, shaking, spanking, slapping, hitting, striking, or kicking the child, or other means of inflicting physical or emotional pain, or causing bodily harm;

(b) The use of a physical restraint method injurious to the child;

(c) The use of a mechanical restraint, locked time-out room, or closet;

(d) The use of verbal abuse; or

(e) The withholding of food as a punishment.

(5) In emergency situations, the staff person competent to use restraint methods may use limited physical restraint when:

(a) Protecting a person on the premises from physical injury;

(b) Obtaining possession of a weapon or other dangerous object; or

(c) Protecting property from serious damage.

(6) The licensee shall document any incident involving the use of physical restraint.

#### NEW SECTION

**WAC 388-151-150 Evening and nighttime care.** (1) For the center offering school-age child care during evening and nighttime hours, the licensee shall, in addition to meeting daytime regulations, adapt the program, equipment, and staffing pattern to meet the physical and emotional needs of the child away from home at night.

(2) The licensee shall maintain the same staff-to-child ratio in effect during daytime care. At all times, staff shall keep the child within continuous visual or auditory range.

#### NEW SECTION

**WAC 388-151-160 Off-site trips.** (1) The licensee may transport or permit the supervised off-site travel of the child to participate in field trips or engage in other off-site activities only with written parent consent.

(2) The parent's consent may be:

(a) For a specific date and trip; or

(b) A blanket authorization describing the full range of trips the child may take. In such case, the licensee shall notify the parent in advance about the trip.

(3) For group field trips, the licensee shall ensure:

(a) Emergency information and medical treatment authorization for each child in the group is present;

(b) A first aid kit is available;

(c) A written list of children participating is maintained; and

(d) Required staff-child ratios are maintained.

#### NEW SECTION

**WAC 388-151-165 Transportation.** When the licensee furnishes transportation for the child in care:

(1) The licensee shall ensure that the motor vehicle is maintained in a safe operating condition and is approved by the Washington state patrol, when applicable;

(2) The licensee or driver shall carry liability and medical insurance;

(3) The driver shall have a current driver's license, valid for the classification of motor vehicle operated, and current first aid and CPR certification;

(4) The licensee shall ensure a minimum of one staff person other than the driver is present in the motor vehicle, when necessary, to ensure staff-to-child ratio compliance; and

(5) The licensee shall ensure the number of passengers does not exceed the seat belt capacity of the motor vehicle.

#### NEW SECTION

**WAC 388-151-170 Parent communication.** (1) The licensee shall orally:

(a) Explain to the parent the center's policies and procedures;

(b) Orient the parent to the center's philosophy, program, and facilities;

(c) Communicate to the parent issues relating to the child's care and individual practices concerning the child's special needs; and

(d) Encourage parent participation in center activities.

(2) The licensee shall give the parent the following written policy and procedure information:

(a) Enrollment and admission requirements;

(b) The fee and payment plan;

(c) A typical activity schedule, including hours of operation;

(d) Meals and snacks served, including guidelines on food bought from the child's home;

(f) Signing in and signing out requirements;

(g) Child abuse reporting law requirements;

(h) Behavior management and discipline;

(i) Nondiscrimination statement;

(j) Religious activities, if any;

- (k) Transportation and field trip arrangements;
- (l) Policy on homework, study time, and space necessary to accommodate these activities;
- (m) Practices concerning an ill child;
- (n) Medication management; and
- (o) Medical emergencies.

**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 388-151-180 Staff pattern and qualifications.**

(1) General qualifications. The licensee, staff, volunteer, and other person associated with the operation of the center who has access to the child in care shall:

- (a) Be of good character;
- (b) Demonstrate the understanding, ability, personality, emotional stability, and physical health suited to meet the cultural, emotional, mental, physical, and social needs of the child in care; and
- (c) Not have committed or been convicted of child abuse or any crime involving harm to another person.

(2) Program director. The licensee shall serve as or employ a director responsible for the overall management of the center's facility and operation. The director shall:

- (a) Be twenty-one years of age or older;
- (b) Serve as administrator of the center, ensuring compliance with licensing requirements;
- (c) Have knowledge of development of school-age children as evidenced by professional references, education, experience, and on-the-job performance;
- (d) Have the management and supervisory skills necessary for the proper administration for the center including:

- (i) Record maintenance;
- (ii) Financial management; and
- (iii) Maintenance of positive relationships with staff, children, parents, and the community.

(e) Employ, provide, or arrange for fulfillment of clerical, accounting, maintenance, transportation, and food service responsibilities so the child care staff is free to concentrate on program implementation and maintaining the required staff-to-child ratio;

(f) Have completed thirty or more college quarter credits in early childhood education/child development, elementary education, or possess an equivalent educational background in courses such as recreation, physical education, education, music, art, home economics, psychology, or social services;

(g) Have two or more years of successful experience working with school-age children as evidenced by professional references and on-the-job performance; and

(h) Have planning, coordination, and supervisory skills to implement a high quality, developmentally appropriate program.

(3) Site coordinator. The licensee may employ a site coordinator responsible for program planning and implementation. The site coordinator shall be under the regular supervision of the program director.

(4) The site coordinator and program director may be one and the same person when qualified for both positions. The site coordinator shall:

- (a) Be twenty-one years of age or older;
- (b) Have completed thirty or more college quarter credits in early childhood education/child development, elementary education, or possess an equivalent educational background in courses such as recreation, physical education, education, music, art, psychology, or social services;
- (c) Serve as staff supervisor;
- (d) Have demonstrated knowledge in:
  - (i) Behavior management skills specific to school-age children;
  - (ii) Program management skills; and
  - (iii) School-age child activity planning and coordinating skills.

(e) Have a minimum of two years experience working with school-age children, or possess equivalent experience.

(5) The program director or site coordinator shall normally be on the premises while the child is in care. If temporarily absent from the center, the director and site coordinator shall leave a competent, designated staff person in charge.

(6) The director and site coordinator may also serve as child care staff when such role does not interfere with the director's or site coordinator's management and supervisory responsibilities.

(7) Center staffing. The licensee may employ a lead school-age child care staff person to be in charge of a child or a group of children. Lead school-age child care staff shall:

- (a) Be eighteen years of age or older;
- (b) Possesses a high school education or equivalent;
- (c) Have school-age child development knowledge and experience; and
- (d) Have the ability to implement the activity program.

(8) The licensee may employ a child care assistant, volunteer, or trainee. The assistant, volunteer, or trainee shall support staff. The school age child care assistant, volunteer, or trainee shall:

- (a) Be sixteen years of age or older; and
  - (b) Care for the child only under direct supervision.
- (9) The licensee shall ensure no person under eighteen years of age is assigned sole responsibility for a group of children. The assistant, eighteen years of age or older, may be assigned sole responsibility for a child or group of children for a brief period of time.

(10) The licensee may count the assistant, volunteer, or trainee in the staff-to-child ratio when that person meets staff requirements.

### NEW SECTION

#### **WAC 388-151-190 Group size and staff-child ratios.**

(1) The licensee shall maintain, at minimum, a 1:15 staff-child ratio and a maximum group size of thirty or fewer children.

(2) The licensee shall conduct activities for each group in a specific classroom or other defined space within a larger area.

(3) The licensee shall ensure each group is under the supervision of a qualified staff person or team of staff.

(4) The department may approve reasonable variations to group size limitations if the licensee maintains required staff-to-child ratios, dependent on:

- (a) Staff qualifications;
- (b) Program structure; and
- (c) Usable space.

(5) The licensee shall ensure staff keep each child within continuous visual or auditory range, except when the child uses the toilet.

(6) When only one staff person is present, the licensee shall ensure a second staff person is readily available in case of an emergency.

**NEW SECTION**

**WAC 388-151-200 Staff development, orientation, and training.** (1) The licensee shall have an orientation system making the employee, volunteer, and trainee aware of program policies and practices. The licensee shall provide staff an orientation including, but not limited to:

- (a) Licensing rules required under this chapter;
- (b) Goals and philosophy of the center;
- (c) Planned daily activities and routines;
- (d) Age-appropriate child guidance and behavior management methods;
- (e) Child abuse and neglect prevention, detection, and reporting policies and procedures;
- (f) Special health and developmental needs of the individual child;
- (g) Fire prevention and safety procedures; and
- (h) Personnel policies.

(2) The licensee shall provide or arrange regular training opportunities for the child care staff to:

- (a) Promote ongoing employee education;
- (b) Enhance practice skills;
- (c) Increase cultural awareness; and
- (d) Accommodate special health and developmental needs of the individual child.

(3) The licensee shall conduct periodic staff meetings for planning and coordination purposes.

(4) The licensee shall ensure:

(a) A staff person with basic, standard, current first aid and cardiopulmonary resuscitation (CPR) training, or department of health approved training is present at all times while the child is in care; and

(b) Staff's CPR training includes methods appropriate for school-age children in care.

(5) The licensee shall provide or arrange appropriate education and training for child care staff on the prevention and transmission of human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS).

(6) The licensee shall ensure the person preparing full meals for the center has a valid food handler permit.

**NEW SECTION**

**WAC 388-151-210 Health care plan.** (1) The licensee shall maintain current written health policies and procedures for staff orientation and use, and for the parent.

(2) The licensee shall ensure the health care plan includes, but is not limited to, information about the center's procedures concerning:

- (a) Communicable disease prevention, reporting, and management;
- (b) Action taken for medical emergencies;
- (c) First aid;

- (d) Care of minor illnesses;
- (e) Medication management;
- (f) General hygiene practices;
- (g) Hand washing practices; and
- (h) Food and food services.

(3) The licensee shall use the services of an advisory physician, physician's assistant, or registered nurse to assist in the development and approval of the center's health care plan.

**NEW SECTION**

**WAC 388-151-220 Health supervision and infectious disease prevention.** (1) Before or on the child's first day of attendance, the licensee shall have on file a record of immunization status.

(2) Staff shall observe the child daily for signs of illness. The licensee shall care for or discharge home the ill child based on the center's policies concerning the ill child.

(3) If a child becomes ill while in care:

(a) The licensee shall furnish a separate care area with an appropriate rest surface and bedding, as needed; and

(b) Staff shall sanitize equipment the child uses if staff suspects the child has a communicable disease.

(4) The licensee may use the separate care room or area for other purposes when not needed for separation of the child.

(5) Staff shall ensure the child washes hands:

- (a) Before the child eats;
- (b) Before the child participates in food activities; and
- (c) After the child's toileting.

(6) Staff shall follow the center's policies for cleaning and disinfecting the environment.

(7) The licensee shall have extra clothing available for circumstances arising during outdoor play.

(8) Staff shall ensure the child does not share personal hygiene or grooming items.

(9) Each center employee, volunteer, and other person having regular contact with the child in care shall have results of a negative tuberculin (TB) skin test, by the Mantoux method, or results of a chest x-ray, on file upon employment, unless such is against medical advice. Periodic retesting is not required.

(10) The licensee shall not permit the person with a reportable communicable disease to be on duty in the center or have contact with the child in care unless a health care provider approves this in writing.

(11) Staff shall wash hands:

- (a) After personal toileting;
- (b) After attending to an ill child;
- (c) After nose blowing;
- (d) After smoking; and
- (e) Before serving or preparing food.

**NEW SECTION**

**WAC 388-151-230 Medication management.** The center may have a policy of not giving medication to the child in care. If the center's health care plan includes giving medication to the child in care, the licensee:

(1) Shall give medications, prescription and nonprescription, only on the written approval of a parent,



person, or agency having authority by court order to approve medical care;

(2) Shall give prescription medications:

(a) Only as specified on the prescription label; or

(b) As authorized, in writing, by a physician or other person legally authorized to prescribe medication.

(3) Shall give the following classifications of nonprescription medications, with written parent authorization, only at the dose, duration, and method of administration specified on the manufacturer's label for the age or weight of the child needing the medication:

(a) Antihistamines;

(b) Nonaspirin fever reducers/pain relievers;

(c) Nonnarcotic cough suppressants;

(d) Decongestants;

(e) Anti-itching ointments or lotions, intended specifically to relieve itching;

(f) Diaper ointments and powders, intended specifically for use in the diaper area of the child; and

(g) Sun screen.

(4) Shall give other nonprescription medication:

(a) Not included in the categories listed in subsection (3) of this section; or

(b) Taken differently than indicated on the manufacturer's label; or

(c) Lacking labeled instructions, only when disbursement of the nonprescription medication is as required under subsection (4) (a), (b), and (c) of this section:

(i) Authorized, in writing, by a physician; or

(ii) Based on established medical policy approved, in writing, by a physician or other person legally authorized to prescribe medication.

(5) Shall accept from the child's parent, guardian, or responsible relative only medicine in the original container, labeled with:

(a) The child's first and last names;

(b) The date the prescription was filled; or

(c) The medication's expiration date; and

(d) Legible instructions for administration, such as manufacturer's instructions or prescription label.

(6) Shall keep medication, refrigerated or nonrefrigerated, in an orderly fashion and inaccessible to the child;

(7) Shall store external medication in a compartment separate from internal medication;

(8) Shall keep a record of medication disbursed;

(9) Shall return to the parent or other responsible party, or shall dispose of medications no longer being taken; and

(10) May, at the licensee's option, permit self-administration of medication by a child in care if the:

(a) Child is physically and mentally capable of properly taking medication without assistance;

(b) Licensee includes in the child's file a parental or physician's written statement of the child's capacity to take medication with assistance; and

(c) Licensee ensures the child's medications and other medical supplies are stored so the medications and medical supplies are inaccessible to another child in care.

#### NEW SECTION

**WAC 388-151-240 Nutrition.** (1) The licensee shall provide food meeting the nutritional needs of the child in care, taking into consideration the child's:

(a) Age and development level;

(b) Cultural background; and

(c) Handicapping condition.

(2) The licensee shall provide only pasteurized milk or pasteurized milk products.

(3) The licensee may serve the school-age child powdered Grade A milk, provided the licensee completes the dry milk mixture, service, and storage in a safe and sanitary manner.

(4) The licensee may furnish the child nutrient concentrates, nutrient supplements, a modified diet, or an allergy diet only with the written permission of the child's health care provider. The licensee shall obtain from the parent or the child's health care provider a written list of foods the child cannot consume.

(5) The licensee shall:

(a) Record food and portion sizes planned and served; and

(b) Post menus showing two weeks or more of food variety before repeating menus.

(6) The licensee may make nutritional substitutions of comparable nutrient value to the menu.

(7) The licensee shall use the following meal pattern to furnish food in age-appropriate servings, providing the child:

(a) Arrives on the premises before 7:00 a.m. access to a breakfast;

(b) In care for one to three hours before or after school a snack; and

(c) Food at intervals not less than two hours and not more than three and one-half hours apart.

(8) The licensee shall furnish the child in care food complying with the meal pattern of the United States Department of Agriculture Child and Adult Care Food Program or the National School Lunch Program.

(9) The child's snacks shall include one or more dairy or protein source provided daily, and contain a minimum of two of the following four components at each snack:

(a) A dairy product;

(b) A protein food;

(c) Bread or bread alternate; or

(d) Fruit or vegetable or juice containing a minimum of fifty percent real juice.

(10) The licensee shall have available food supplies to supplement food deficient in meeting nutrition requirements brought from the child's home.

#### NEW SECTION

**WAC 388-151-250 Kitchen and food service.** (1) The licensee shall ensure the proper storage, preparation, and service of food to meet program needs.

(2) The licensee shall meet food service standards by ensuring:

(a) The staff person preparing full meals has a valid food handler permit;

(b) The staff person preparing and serving meals washes hands before handling food;

(c) Handwashing facilities are located in or adjacent to food preparation areas;

(d) Food is stored in a sanitary manner; especially milk, shell-fish, meat, poultry, eggs, and other protein food sources;

(e) Food requiring refrigeration is stored at a temperature no warmer than forty-five degrees Fahrenheit;

(f) Frozen food is stored at a maximum temperature of zero degrees Fahrenheit;

(g) Refrigerators and freezers are equipped with thermometers and are regularly cleaned and defrosted;

(h) Food is cooked to correct temperatures;

(i) Raw food is washed thoroughly with clean running water;

(j) Cooked food to be stored is rapidly cooled and refrigerated after preparation;

(k) Food is kept in original containers or in clean, labeled containers and stored off the floor;

(l) Packaged, canned, and bottled food with a past expiration date is discarded;

(m) Food in dented cans or torn packages is discarded; and

(n) When food containing sulfiting agents is served, parents are notified.

(3) The child may participate in food preparation as an education activity when:

(a) The licensee makes kitchen equipment inaccessible to the child, except during planned and supervised kitchen activities; and

(b) Staff supervise food preparation activities.

(4) The licensee shall install and maintain kitchen equipment and clean reusable utensils in a safe and sanitary manner by:

(a) Sanitizing reusable utensils in a dishwasher or through use of a three-compartment dishwashing procedure; and

(b) Using only single-use of clean cloths, solely, for wiping food service, preparation, and eating surfaces.

**NEW SECTION**

**WAC 388-151-260 Drinking and eating equipment.**

(1) The licensee shall provide the child single-use cups, individual drinking cups or glasses, or inclined jet-type drinking fountains.

(2) The licensee shall prohibit the center from using bubbler-type drinking fountains and common drinking cups or glasses.

(3) The licensee shall provide the child durable eating utensils appropriate in size and shape for the child in care.

**NEW SECTION**

**WAC 388-151-280 General safety, maintenance, and site.** (1) The licensee shall operate the center:

(a) On an environmentally safe site;

(b) In a neighborhood free from a condition detrimental to the child's welfare; and

(c) In a location accessible to health and emergency service.

(2) The licensee shall ensure that indoor and outdoor premises are in a safe and sanitary condition, free of hazards, and in good repair;

(3) The licensee shall ensure furniture and equipment is safe, stable, durable, and age-appropriate;

(4) The licensee shall maintain a flashlight or other emergency lighting device in working condition;

(5) The licensee shall finish or cover rough or untreated wood surfaces;

(6) The licensee shall maintain one or more telephones in working order, readily accessible to staff and children;

(7) The licensee shall supply bathrooms and other rooms subject to moisture with washable, moisture-impervious flooring;

(8) The licensee shall ensure staff can gain rapid access in an emergency to a bathroom or other room the child occupies;

(9) The licensee shall shield light bulbs and tubes in child-accessible areas;

(10) The licensee shall keep the premises free from rodents, fleas, cockroaches, and other insects and pests;

(11) The licensee shall ensure no firearm or other weapon is on the premises;

(12) The licensee shall maintain adequate storage space for play and teaching equipment, supplies, records, and children's possessions and clothing;

(13) The licensee shall safely store or make inaccessible to the child cleaning supplies, toxic substances, paint, poisons, aerosol containers, and items bearing warning labels;

(14) The licensee shall label a container filled from a stock supply to identify contents;

(15) The licensee shall comply with fire safety regulations adopted by the state fire marshal's office.

**NEW SECTION**

**WAC 388-151-290 Water safety.** (1) The licensee shall maintain the following water safety precautions when the child uses an on-premises swimming pool, wading pool, or natural body of water, or enters the water on a field trip by ensuring:

(a) The on-premises pool or natural body of water is inaccessible to the child when not in use;

(b) During the child's use of a wading pool, an adult with current CPR training supervises the child at all times; and

(c) During the child's use of a swimming pool or natural body of water, a certified lifeguard is present at all times, in addition to required staff.

(2) The licensee shall daily empty and clean portable wading pools, when in use.

(3) The licensee may permit the child to use or access a hot tub, spa tank, or whirlpool only under direct supervision and with written parental permission.

**NEW SECTION**

**WAC 388-151-310 First aid supplies.** (1) The licensee shall maintain on the premises adequate first aid supplies conforming with the center's first aid policies and procedures.

(2) The licensee's first aid supplies shall include unexpired syrup of ipecac which may be administered only on the advice of the physician or poison control center.

NEW SECTION

**WAC 388-151-320 Outdoor play area.** (1) The licensee shall provide a safe and equipped outdoor play area of sufficient size to meet the needs of the child in care:

- (a) Reachable by a safe route and method;
  - (b) Promoting the child's active play, physical development, and coordination;
  - (c) Free of any dangerous condition and affording safe child entry and exit; and
  - (d) Adaptable to the child with special needs.
- (2) The licensee shall ensure the center's activity schedule affords the child sufficient daily time to participate actively in outdoor play.

NEW SECTION

**WAC 388-151-330 Indoor space.** (1) The school-age child care center shall have adequate, usable space indoors, ensuring children are not crowded. The licensee shall ensure a minimum of thirty-five square feet per child of usable space is available.

(2) The school age child care center shall have an identifiable space of its own during hours of operation, which may include moveable furnishings an equipment.

(3) The licensee shall arrange indoor space to encourage a variety of developmentally appropriate activities including:

- (a) Interest areas for focused activities;
- (b) Open areas for large motor activities;
- (c) Areas where children can work individually, in small groups, and in large groups; and
- (d) Private spaces where children can rest, play, and work alone or with a friend.

NEW SECTION

**WAC 388-151-340 Toilets and handwashing sinks.**

(1) The licensee shall supply handwashing sinks and toilets for the child equal to, at minimum, the number the state or local building code requires. Minimum ratios shall be as follows: Toilets: 1:100 boys, 1:35 girls, Urinals: 1:30.

(2) The licensee shall supply the child warm, running water for handwashing at a temperature range no less than eighty-five degrees Fahrenheit and no more than one hundred twenty degrees Fahrenheit.

(3) The licensee shall locate the child's handwashing facilities in or adjacent to rooms used for toileting.

(4) The licensee shall provide toileting privacy for the child.

(5) The licensee shall ensure rooms used for toileting are ventilated to the outdoors.

(6) The licensee shall provide the child with soap and individual towels or other appropriate devices for washing and drying the child's hands and face.

NEW SECTION

**WAC 388-151-380 Program atmosphere.** (1) The licensee shall provide a cheerful environment for the child by placing visually stimulating decorations, pictures, or other attractive materials at appropriate heights for the child in care.

(2) The licensee shall maintain a safe and developmentally appropriate noise level.

(3) The licensee shall locate fixtures and provide lighting intensities promoting visibility and comfort for the child in care.

(4) The licensee shall maintain the temperature within the center at sixty-eight degrees Fahrenheit or more.

(5) The licensee shall regulate the temperature and ventilate the center for the health and comfort of the child in care.

NEW SECTION

**WAC 388-151-390 Discrimination prohibited.** (1) The licensee shall comply with federal and state regulatory and statutory requirements, defined under chapter 49.60 RCW, regarding nondiscrimination in employment practices and client services.

(2) Consistent with state and federal laws, the licensee shall respect and facilitate all rights of the child in care.

NEW SECTION

**WAC 388-151-410 Special requirements regarding american indian children.** When five percent or more of the center's child enrollment consists of Indian children, the licensee shall develop social service resources and staff training programs designed to meet the special needs of such children through coordination with tribal, Indian health service, and Bureau of Indian Affairs social service staff and appropriate urban Indian and Alaskan native consultants.

NEW SECTION

**WAC 388-151-420 Child abuse, neglect, and exploitation.** The license and staff shall protect the child in care from child abuse, neglect, or exploitation, as required under chapter 26.44 RCW.

NEW SECTION

**WAC 388-141-430 Prohibited substances.** (1) During operating hours or when the child is in care, the licensee, staff, and volunteers on center premises or caring for the child off-site shall not be under the influence of, consume, or possess an:

- (a) Alcoholic beverage; or
- (b) Illegal drug.

(2) The licensee shall prohibit smoking in the center and in the motor vehicle when the licensee transports the child. The licensee may permit on premises smoking outdoors, away from the building, when the child is not present.

**Reviser's note:** The above new section was filed by the agency as WAC 388-141-430. This section is placed among sections forming new chapter 388-151 WAC, and therefore should be numbered WAC 388-151-430. Pursuant to the requirements of RCW 34.08.040, the section is published in the same form as filed by the agency.

NEW SECTION

**WAC 388-151-440 Limitations to persons on premises.** (1) During center operating hours or while the child is in care, only the licensee, employee, or volunteer, or an authorized representative of a governmental agency, school district, or an approved adult related to the child in care shall have unsupervised access to the child in care.

(2) The licensee shall allow the parent of a child in care unsupervised access only to the parent's child.

NEW SECTION

**WAC 388-151-450 Child records and information.**

The licensee shall maintain, on the premises, organized and confidential records and information concerning the child in care. The licensee shall ensure the child's record contains, at a minimum:

(1) Registration data:

(a) Name, birth date, dates of enrollment and termination, and other identifying information;

(b) Name, address, and home and business telephone numbers of the parent and other person to be contacted in case of emergency; and

(c) Completed enrollment application signed by the parent, guardian, or responsible relative.

(2) Authorizations:

(a) Name, address, and telephone number of another person authorized to remove the child in care from the center;

(b) Written parental consent for transportation provided by the center, including field trips and swimming, when the child participates in these activities. A parent-signed blanket consent form may authorize the child's off-site travel; and

(c) Written parental consent, or court order, for providing medical care and emergency surgery, except for such care authorized by law.

(3) Medical and health data:

(a) Date and kind of illness or injury occurring on the premises including the treatment given by staff;

(b) Medication given by staff indicating dosage, date, time, and name of dispensing staff person; and

(c) A health history obtained when the licensee or staff enrolls the child for care. The history includes:

(i) The date of the child's last physical examination;

(ii) Allergies;

(iii) Special health or developmental problems and other pertinent health information;

(iv) Name, address, and telephone number of child's health care provider or facility; and

(v) A record of immunization status.

NEW SECTION

**WAC 388-151-460 Program records.**

The licensee shall maintain the following documentation on the premises:

(1) The daily attendance record:

(a) The parent, or other person authorized by the parent to take the child to or from the center, shall sign in the child on arrival and shall sign out the child at departure, using a full, legal signature; and

(b) When the child leaves the center to attend school or other off-site activity as authorized by the parent, the staff person shall sign out the child and sign in the child on return to the center.

(2) A copy of the report sent to the department about the illness or injury to the child in care requiring medical treatment or hospitalization;

(3) The twelve-month record indicating the date and time the licensee conducted the required monthly fire evacuation drills;

(4) A written plan for staff development specifying the content, frequency, and manner of planned training;

(5) Activity program plan records;

(6) A list of the child's allergies and dietary restrictions;

(7) Any incident involving the use of physical restraint;

(8) A record of medication staff gives to the child; and

(9) A record of accidents and injuries.

NEW SECTION

**WAC 388-151-470 Personnel policies and records.**

(1) Each employee and volunteer having unsupervised or regular access to the child in care shall complete and submit to the licensee or director by the date of hire:

(a) An application for employment on a department-prescribed form or its equivalent; and

(b) A criminal history and background inquiry form:

(i) The licensee shall submit this form to the department for the employee and volunteer, within seven calendar days of the employee's first day of employment, permitting a criminal and background history check; and

(ii) The department shall discuss the inquiry information with the licensee or director, when applicable.

(2) The licensee shall have written personnel policies describing staff benefits, if any, duties, qualifications, grievance procedures, pay dates, and nondiscrimination policies.

(3) The licensee shall maintain a personnel record keeping system, having on file for the licensee, staff person, and volunteer:

(a) An employment application including work and education history;

(b) Documentation of criminal history and background inquiry form submission;

(c) A record of Mantoux method tuberculin skin test results, x-ray, or an exemption to the skin test or x-ray;

(d) Documentation on HIV/AIDS education and training;

(e) A record of participation in staff development training;

(f) Documentation of orientation program completion;

(g) Documentation of a valid food handler permit, when applicable; and

(h) Documentation of current first aid and CPR training, when applicable.

NEW SECTION

**WAC 388-151-480 Reporting of death, injury, illness, epidemic, or child abuse.** The licensee or staff shall report immediately:

(1) A death, serious injury requiring medical treatment, or illness requiring hospitalization of a child in care, by telephone and in writing, to the child's parent and the department;

(2) An instance when the licensee or staff has reason to suspect the occurrence of physical, sexual, or emotional child abuse, child neglect, or child exploitation as required under chapter 26.44 RCW, by telephone, to child protective services or local law enforcement; and

(3) An occurrence of food poisoning or communicable disease, as required by the state board of health, by telephone, to the local public health department.

**NEW SECTION**

**WAC 388-151-490 Reporting of circumstantial changes.** A school-age child care center license is valid only for the address, person, and organization named on the license. The licensee shall promptly report to the department a major change affecting the center's classification, delivery of safe, developmentally appropriate services, or continued eligibility for licensure. A major change includes the:

- (1) Center's address, location, space, or phone number;
- (2) Maximum number and ages of children served as compared to current license specifications;
- (3) Change of ownership, chief executive officer, licensee, director, or site coordinator;
- (4) Name of the licensed corporation or name by which the center is commonly known or changes in the center's articles of incorporation and bylaws;
- (5) Occurrence of a fire, major structural change, or damage to the premises; and
- (6) Plans for major remodeling of the center including planned use of space not previously department-approved.

**NEW SECTION**

**WAC 388-151-500 Posting requirements.** (1) The licensee shall post the following items, clearly visible to the parent and staff:

- (a) The center's child care license issued under this chapter;
  - (b) A list of staff names;
  - (c) A typical activity schedule including operating hours;
  - (d) Food menus;
  - (e) Evacuation plans and procedures including a diagram of exiting routes; and
  - (f) Emergency telephone numbers, including 911 and local law enforcement, highlighted and posted by the telephone with the center's address.
- (2) For the staff, the licensee shall post:
- (a) Dietary restrictions for particular children; and
  - (b) Handwashing practices.

**WSR 92-18-020**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)  
[Filed August 25, 1992, 12:55 p.m.]

Original Notice.

Title of Rule: WAC 388-99-020 Eligibility determination—Medically needy in own home.

Purpose: Revises how fluctuating income is treated when determining eligibility for the medically needy program.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Income, in a base period, that falls below the MNIL is subtracted from the total income. This may reduce the amount of spenddown for some families.

Reasons Supporting Proposal: Methodology of counting fluctuating income changes when determining eligibility for the medically needy program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 753-7462.

Name of Proponent: Department of Social and Health Services, governmental.

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

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, 14th and Franklin, Olympia, Washington 98504, on October 6, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118, SCAN 366-0118, by October 6, 1992.

Date of Intended Adoption: October 7, 1992.

August 25, 1992

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 3150, filed 3/11/91, effective 4/11/91)

**WAC 388-99-020 Eligibility determination—Medically needy in own home.** (1) Effective January 1, 1991, the department shall set the medically needy income level (MNIL) at:

(a) One person	\$ 458
(b) Two persons	\$ 575
(c) Three persons	\$ 650
(d) Four persons	\$ 725
(e) Five persons	\$ 833
(f) Six persons	\$ 942
(g) Seven persons	\$1,092
(h) Eight persons	\$1,208
(i) Nine persons	\$1,325
(j) Ten persons and above	\$1,433

(2) The department shall compute countable income by deducting, from gross income, amounts that would be deducted in determining:

(a) AFDC eligibility for families and children in a nondesignated FIP geographic area. The department shall not apply the earned income exemption of thirty dollars plus one-third of the remainder for persons applying solely for medical assistance except for families described under WAC 388-83-130 (2)(a);

(b) SSI/SSP eligibility for aged, blind, or disabled persons; and

(c) FIP eligibility for families and children.

(3) The department shall allow the following ((special)) income disregards:

(a) Health insurance premiums, except Medicare, the person expects to pay during the base period;

(b) An amount equal to the maintenance needs of an ineligible or nonapplying spouse not to exceed the one-person medically needy income level; and

(c) Child care payment amounts allowed as if the person was a FIP enrollee.

(4) If countable income is equal to or less than the appropriate MNIL, the department shall certify the family or person eligible.

(5) Effective August 1, 1992, when countable income for any month or months of the base period is less than the appropriate MNIL, the department shall deduct the difference between the countable income and the MNIL from the total excess countable income for the base period.

(6) If countable income is greater than the appropriate MNIL, the department shall require the applicant to spenddown the excess countable income for the base period. The base period shall be the three-month or six-month period which corresponds to the certification period under WAC 388-99-055.

((6)) (7) The department shall consider the income and resources of the spouse or of the parent of an applicant under eighteen years of age:

(a) In the same household, available to the applicant, whether or not actually contributed; and

(b) Not in the same household, only to the extent of what is actually contributed.

((7)) (8) The department shall consider the financial responsibility of relatives for aged, blind, and disabled, under chapter 388-92 WAC.

((8)) (9) In mixed households, where more than one assistance unit exists, the department shall determine income for the:

(a) AFDC-related assistance unit according to subsections (2)(a) and (3) of this section;

(b) SSI-related assistance unit according to subsections (2)(b) and (3) of this section; and

(c) FIP-related assistance unit according to subsections (2)(c) and (3) of this section.

**WSR 92-18-026**  
**PROPOSED RULES**  
**HORSE RACING COMMISSION**

[Filed August 26, 1992, 10:31 a.m.]

Continuance of WSR 92-15-097.

Title of Rule: WAC 260-32-400 Powers and duties.

Purpose: The amendment will enable a jockey's agent to handle the business of three jockeys at a race meet rather than only two.

Statutory Authority for Adoption: RCW 67.16.040.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Will Bachofner, Olympia, Washington, 459-6462.

Name of Proponent: Washington Horse Racing Commission, governmental.

Hearing Location: SeaTac Red Lion Inn, 18740 Pacific Highway South, Seattle, WA, on September 29, 1992, at 1:00 p.m.

Submit Written Comments to: Will Bachofner, Washington Horse Racing Commission, 3700 Martin Way, Suite 101, Olympia, WA 98506, by September 28, 1992.

Date of Intended Adoption: September 29, 1992.

August 25, 1992

Will Bachofner  
Executive Secretary

**WSR 92-18-029**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Order 91-64—Filed August 26, 1992, 11:56 a.m.]

Continuance of WSR 92-17-075.

Title of Rule: Chapter 173-180C WAC, Facility personnel oil handling training and certification rule.

Purpose: To extend the hearing process with an additional date and location.

Hearing Location: On September 30, 1992, at 6:30 p.m., Public Utilities District #1, 1415 Freeway Drive, Aqua Room, Mt. Vernon, WA; and on October 1, 1992, at 6:30 p.m., SeaTac Fire Dire Department Auditorium, 2929 South 200th Street, SeaTac, WA.

Submit Written Comments to: Paul Heimowitz, P.O. Box 47600, Olympia, WA 98504-7600, by October 9, 1992.

Date of Intended Adoption: December 15, 1992.

August 20, 1992

Fred Olson  
Deputy Director

**WSR 92-18-032**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
(Chiropractic Disciplinary Board)  
[Filed August 26, 1992, 2:12 p.m.]

Original Notice.

Title of Rule: WAC 246-807-300 Scope of practice—Revocation or suspension of license authorized for practice outside of scope.

Purpose: To clarify ESB 6054 and add to existing WAC 246-807-300(2).

Statutory Authority for Adoption: RCW 18.26.110.

Summary: To define chiropractors scope of practice and to include the new practice act regarding extremities.

Name of Agency Personnel Responsible for Drafting: Georgia Robinson-Sage, 7686, 664-8681; Implementation and Enforcement: Connie Glasgow, P.O. Box 47868, Olympia, WA 98504-7868, 586-1931.

Name of Proponent: Department of Health, Chiropractic Disciplinary Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To define chiropractic scope of practice and to include the new practice act regarding extremities.

Proposal Changes the Following Existing Rules:  
Chiropractors are now allowed to do extremity adjusting complementary or preparatory to a spinal adjustment.

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

Hearing Location: WestCoast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98188, on October 15, 1992, at 9:00 a.m.

Submit Written Comments to: Chiropractic Disciplinary Board, P.O. Box 47868, Olympia, WA 98504-7868, by October 8, 1992.

Date of Intended Adoption: October 15, 1992.

August 21, 1992

Yvonne Braeme  
Executive Director

AMENDATORY SECTION (Amending Order 110B, filed 2/20/91, effective 3/23/91)

**WAC 246-807-300 Scope of practice—Revocation or suspension of license authorized for practice outside scope.** (1) The chiropractic disciplinary board finds that over the past few years there has been an increasing number of persons licensed as chiropractors who have been practicing other healing arts while holding themselves out to the public as chiropractors to the detriment of the public health and welfare of the state of Washington and contrary to the legislative directive contained in RCW 18.26.010(5). The board further finds and deems it necessary to carry out the provisions of chapter 18.26 RCW that this rule be adopted to give guidance to members of the profession, and the public, in interpreting for purposes of application by the disciplinary board of RCW 18.26.030, the scope of health care which comes within the definition of chiropractic in RCW 18.25.005 and which is authorized under a license to practice chiropractic in the state of Washington.

(2) RCW 18.25.005 defines the term "chiropractic" for purposes of chapters 18.25 and 18.26 RCW, as that practice of health care which deals with the ~~((detection of subluxations, which shall be defined as any alteration of the biomechanical and physiological dynamics of contiguous spinal structures which can cause neuronal disturbances, the chiropractic procedure preparatory to, and complementary to the correction thereof, by adjustment or manipulation of the articulations of the vertebral column and its immediate articulations))~~ diagnosis or analysis and care or treatment of the vertebral subluxation complex and its effects, articular dysfunction, and musculoskeletal disorders, for the restoration and maintenance of health and recognizing the recuperative power of the body; it includes the use of procedures involving spinal adjustment, and extremity manipulation insofar as any such procedure is complementary or preparatory to a chiropractic spinal adjustment, the use of heat, cold, water, exercise, massage, trigger point therapy, dietary advice and recommendation of nutritional supplementation except for medicines of herbal, animal, or botanical origin, the normal regimen and rehabilitation of the patient, first aid, and counseling on hygiene, sanitation, and preventative measures, physiological therapeutic procedures as traction and light, physical examination, which may include diagnostic x-rays, to determine the ((necessity)) appropriateness of chiropractic

care, or the need for referral to other health care providers, ((the use of x ray and the analytical instruments generally used in the practice of chiropractic)); PROVIDED, That no chiropractor shall prescribe or dispense any medicine or drug, nor practice obstetrics or surgery nor use x-rays or any other form of radiation for therapeutic purposes, colonic irrigation, or any form of venipuncture, nor procedures involving the application of sound, diathermy, or electricity nor treat disorders originating in the extremities ((: PROVIDED, HOWEVER, that the term "chiropractic" as defined in this act shall not prohibit a practitioner licensed under chapter 18.71 RCW from performing accepted medical procedures, except such procedures shall not include the adjustment by hand of any articulation of the spine: AND PROVIDED FURTHER, that nothing herein shall be construed to prohibit the rendering of dietary advice)).

(3) The board finds that the following diagnostic techniques and procedures, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) of this section and in RCW 18.25.005, and, consequently, a license to practice chiropractic does not authorize their use:

(a) The use of x-rays or other forms of radiation for any other reason than to x-ray the human skeleton.

(b) The use of any form of electrocardiogram.

(c) The testing and reduction to mathematical formulae of sputum and/or urine (commonly known as "Reams" testing).

(d) Hair analysis.

(e) ~~((The use of a vasculizer or plethysonograph (commonly known as plethysmography) except for research purposes.~~

~~((f))~~ The use of iridology.

~~((g))~~ (f) The taking of blood samples.

~~((h))~~ (g) Female breast examinations.

~~((i) The use of any form of electromyography except for research purposes, and provided no fee is charged until proper protocol is established and approved by the chiropractic disciplinary board.)~~

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other diagnostic technique or procedure is outside the scope of chiropractic practice.

(4) The board finds that the following treatment procedures or modalities, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) of this section and in RCW 18.25.005 and, consequently, a license to practice chiropractic does not authorize their use:

(a) Ultrasound, diathermy, high voltage galvanic therapy and x-rays or other radiation.

(b) ~~((Colonic irrigation.~~

~~((c) Extremity adjusting~~

~~((d))~~ Electrotherapy

~~((e))~~ (c) The use of a transcutaneous electrical nerve stimulator (TENS).

~~((f))~~ (d) The use of the endonasal technique.

~~((g))~~ (e) The use of any type of casting other than light body casting.

~~((h))~~ (f) The use of meridian therapy, whether known as "acupressure," or the same type of therapy under any

other names unless complementary or preparatory to a chiropractic spinal adjustment.

((+)) (g) The use of hypnosis for any other than relaxation purposes.

((+)) (h) The use of clinical herbology.

(i) treatment of disorders originating in the extremities.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other treatment modalities are outside the scope of chiropractic practice.

**Reviser's note:** The typographical errors 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.

**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 92-18-042  
PROPOSED RULES  
DEPARTMENT OF HEALTH  
(Board of Pharmacy)  
[Filed August 27, 1992, 2:44 p.m.]**

Original Notice.

Title of Rule: Adding methcathinone to Schedule I.

Purpose: To comply with DEA action placing methcathinone in Schedule I.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: RCW 18.64.005.

Summary: The Drug Enforcement Administration has placed the drug methcathinone into Schedule I due to its similarity to amphetamine and methamphetamine, the potential for abuse and the clandestine drug labs that have been encountered. This rule will bring our state into compliance with this action.

Reasons Supporting Proposal: This brings our state into compliance with DEA action.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald H. Williams, 1300 Quince Street, Olympia, WA 98504-7863, 753-6834.

Name of Proponent: Washington State Department of Health, Board of Pharmacy, governmental.

Rule is necessary because of federal law, 21 CFR Part B08.

Explanation of Rule, its Purpose, and Anticipated Effects: The DEA has placed this drug under Schedule I due to its similarity to methamphetamine and amphetamine, its potential for abuse and the clandestine drug labs it has encountered. We are proposing this rule to bring the state into compliance with this federal 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: Sheraton-Tacoma Hotel, 1320 Broadway Plaza, Tacoma, WA, on October 23, 1992, at 10:00 a.m.

Submit Written Comments to: D. H. Williams, 1300 Quince Street S. E., P.O. Box 47863, Olympia, WA 98504-7863, by October 20, 1992.

Date of Intended Adoption: October 23, 1992.

August 21, 1992

Donald H. Williams

Executive Director

**NEW SECTION**

**WAC 246-887-131 Adding methcathinone to Schedule I.** The Washington state board of pharmacy finds that Methcathinone (also called 2-methylamino-1-phenylpropan-1-one, ephedrone, Monomethylpropion, UR 1431) its salts, optical isomers and salts of optical isomers has high potential for abuse and has no medical use in treatment in the United States or lacks accepted safety for use in treatment under medical supervision and hereby places that substance in Schedule I.

**WSR 92-18-043  
PROPOSED RULES  
DEPARTMENT OF HEALTH  
(Board of Pharmacy)  
[Filed August 27, 1992, 2:45 p.m.]**

Original Notice.

Title of Rule: Temporary permits.

Purpose: To establish a procedure for temporary permits for reciprocating pharmacists.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: RCW 18.64.005.

Summary: This rule sets a procedure for issuing a temporary permit for reciprocating pharmacists.

Reasons Supporting Proposal: This would allow the Board of Pharmacy to issue a temporary permit.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: D. Williams, 1300 Quince Street S.E., Box 47863, Olympia, WA 98504-7863, 753-6834.

Name of Proponent: Board of Pharmacy, governmental.

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 Board of Pharmacy to issue a temporary permit to pharmacists who are reciprocating their license from another state after all requirements have been met, but state exam has not been administered.

Proposal does not change existing rules.

No small business economic impact statement required by chapter 19.85 RCW.

Hearing Location: Sheraton-Tacoma Hotel, 1320 Broadway Plaza, Tacoma, WA, on October 23, 1992, at 10:00 a.m.

Submit Written Comments to: D. H. Williams, 1300 Quince Street S.E., P.O. Box 47863, Olympia, WA 98504-7863, by October 20, 1992.

Date of Intended Adoption: October 23, 1992.

August 21, 1992

Donald H. Williams

Executive Director



NEW SECTION

**WAC 246-863-035 Temporary permits.** A temporary permit to practice pharmacy may be issued to an applicant licensed by examination in a state which participates in the licensure transfer process unless there is a basis for denial of the license or issuance of a conditional license. The applicant shall meet all the qualifications, submit the necessary paperwork and fees for licensure transfer, and submit a written request for a permit to practice pharmacy with the temporary permit fee specified in WAC 246-907-030.

Prior to issuance of the permit to practice pharmacy, the board shall receive the following documents:

- (1) A completed Washington pharmacy license application;
- (2) The fee specified in WAC 246-907-030;
- (3) A disciplinary report from the National Association of Boards of Pharmacy (NABP) Clearinghouse;
- (4) Completed NABP "Official Application for Transfer of Pharmaceutic Licensure";
- (5) Proof of seven hours of approved AIDS education.

Such a permit shall expire on the first day of the month following the date of the next jurisprudence examination. In case of failure or nonattendance, the permit shall not be extended.

**WSR 92-18-044**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 (Board of Pharmacy)  
 [Filed August 27, 1992, 2:46 p.m.]

Original Notice.

Title of Rule: Patient medication record systems.

Purpose: This rule defines procedures for use of a computerized patient medication record system.

Statutory Authority for Adoption: RCW 18.64.005.

Statute Being Implemented: RCW 18.64.005.

Summary: The amendments to this rule establish procedures for use of computerized patient medication record systems and procedures.

Reasons Supporting Proposal: To allow pharmacists to set up medication record systems by using computers and to establish procedures when computers go down.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald H. Williams, 1300 Quince S.E., P.O. Box 47863, Olympia, WA 98504-7863, 753-6834.

Name of Proponent: Board of Pharmacy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule defines procedures for use of computerized patient medication record systems and establishes recordkeeping requirements.

Proposal Changes the Following Existing Rules: This removes the rules which required an auxiliary recordkeeping process and defines requirements for computer downtime.

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

Hearing Location: Sheraton-Tacoma Hotel, 1320 Broadway Plaza, Tacoma, WA, on October 23, 1992, at 10:00 a.m.

Submit Written Comments to: Donald H. Williams, 1300 Quince S.E., P.O. Box 47863, Olympia, WA 98504-7863, by October 20, 1992.

Date of Intended Adoption: October 23, 1992.

August 21, 1992  
 Donald H. Williams  
 Executive Director

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-875-001 Purpose.** The purpose of this chapter shall be to insure that a patient medical record system is maintained by all pharmacies and other sites where the dispensing of drugs takes place, in order to insure the health and welfare of the patients served. This system ~~((with)) shall~~ consist of certain patient and prescription information, and shall provide the pharmacist within the pharmacy means to retrieve all new prescription and refill prescription information relevant to patients of the pharmacy. ~~((It shall be designed to provide adequate safeguards against the improper manipulation or alteration of records, and to provide an audit trail.))~~ It may be either a manual system or an automated data processing system for the storage and retrieval of prescription and patient information. ~~((If an automated data processing system is utilized, an auxiliary recordkeeping procedure shall be available for documentation of new and refill prescriptions in case the automated system is inoperative for any reason.))~~ Establishment of a patient medication record system is intended to insure that the information it contains will be reviewed by the pharmacist in a manner consistent with sound professional practice when each prescription is filled.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-875-010 Definitions.** Terms used in this chapter shall have the meaning set forth in this section unless the context clearly indicates otherwise:

(1) "Address" means the place of residence ~~((of the patient))~~.

(2) "Audit trail" means all materials and documents required for the entire process of filling a prescription, which shall be sufficient to document or reconstruct the origin of the prescription order, and authorization of subsequent modifications of that order.

(3) "Auxiliary recordkeeping procedure" means a back-up procedure used to record medication record system data in case of scheduled or unscheduled down-time of an automated data processing system.

(4) "Hard copy of the original prescription" shall include the prescription as defined in RCW 18.64.011(8) and/or the medical records or chart.

(5) "Therapeutic duplication" means two or more drugs in the same pharmacological or therapeutic category which when used together may have an additive or synergistic effect.

(6) "Automated patient medication record system" means an automated data processing system utilizing

computer software and hardware for the purpose of recordkeeping.

(7) "CRT" means cathode ray tube used to impose visual information on a screen.

(8) "Computer" means programmable electronic device capable of multiple functions including but not limited to storage, retrieval, and processing of information.

(9) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of Article II, Chapter 69.50 Uniform Controlled Substance Act.

(10) "Downtime" means that period of time when a computer is not operable.

(11) "Hardware" means the fixed component parts of a computer.

(12) "Prescriber" means a practitioner authorized to prescribe and acting within the scope of this authorization.

(13) "Prescription" means a written order from a practitioner authorized to prescribe and acting within the scope of this authorization or a telephone order reduced to writing by the pharmacist.

(14) "Printout" means a hard copy produced by computer that is sight readable without the aid of any special device.

(15) "Regulatory agency" means the board of pharmacy or any law enforcement agency authorized to enforce chapter 18.64, 69.41, or 69.50 RCW.

(16) "Software" means programs, procedures, and storage of required information data.

(17) "Common data base" means a file or data base created by an automated patient medication record system that enables authorized users to have common access to this file regardless of physical location.

(18) "Drug order" means, in institutional practice/settings, a medication requirement written in the patient's chart for a specific patient which is generally sent by the pharmacy to the nursing station for administration. It is not necessarily reduced to writing as a prescription would be.

(19) "Stop date" means, in institutional settings, the length of time indicated by the prescriber in the drug order to administer the medication. In absence of such a notation, a committee will have determined by policy, the length of administration of drugs by category.

AMENDATORY SECTION (Amending Order 191B [277B], filed 8/30/91 [5/28/92], effective 9/30/91 [6/28/92])

**WAC 246-875-020 Minimum required information in an automated patient medication record system.** ~~((An automated patient medication record system is an electronic system that must have the capability of capturing any data removed on a hard copy of microfiche copy. The hard copy of the original prescription and all documents in the audit trail shall be considered a part of this system.))~~

(1) The responsible pharmacist manager utilizing an automated patient medication record system shall develop a written policy which complies with the following:

(a) Input of drug information shall be performed only by a pharmacist or under the immediate and personal supervision of a pharmacist. The pharmacist shall certify the accuracy of information entered by other personnel and verify the accuracy of the prescription or drug order prior to

the dispensing of the medication. The identity of the pharmacist shall be retained in the record.

(b) Assure that only pharmacists make decisions concerning patient drug utilization.

(c) The automated patient medication record system may not be used as an alternative to the recordation of information directly on the original prescription during the initial filling.

(d) Make arrangements with the supplier of data processing services or materials to assure that the pharmacy continues to have adequate and complete prescription and dispensing records if the relationship with such supplier terminates for any reason. The responsible pharmacist manager shall maintain continuity in the maintenance of records.

(e) Individual pharmacists using a computerized system in the refilling of a prescription shall certify that the information entered into the computer for such a refill is correct by verifying, dating, and signing a hard copy printout of each day's prescription refill date. Such documentation shall be maintained at the pharmacy for at least two years from the date of refill.

(f) Two or more pharmacies may establish and use a common data file or base to maintain required or pertinent dispensing information. Pharmacies using such a common file are not required to transfer prescriptions or information for dispensing purposes between or among pharmacies participating in the same common prescription file or data base. Such common file shall contain complete and adequate records of each prescription and renewals dispensed. When a common data base is used, this shall not be considered a transfer for noncontrolled substances.

(2) In addition to subsection (1) of this section, all automated patient medication record systems must maintain the following information with regard to ambulatory patients:

(a) Patient's full name and address.

(b) A serial number assigned to each new prescription.

(c) The date of all instances of dispensing a drug.

(d) ~~((The identification of the dispenser who filled the prescription.))~~ Transferred prescriptions shall have the original prescription drug order invalidated in the system for filling or refilling, but shall be maintained in the system for refill history purposes and provide an audit trail to the original prescription order from the prescribing practitioner.

(e) The name, strength, dosage form and quantity of the drug dispensed originally and upon each refill.

(f) Any refill instructions by the prescriber.

(g) The prescriber's name, address, and DEA number where required.

(h) The complete directions for use of the drug. The term "as directed" is prohibited pursuant to RCW 18.64.246 and 69.41.050.

(i) Any patient allergies, idiosyncrasies, or chronic condition which may relate to drug utilization. If there is no patient allergy data the pharmacist ~~((should))~~ shall indicate none or "NKA" (no known allergy) on the patient medication record.

(j) Authorization for other than child-resistant containers pursuant to WAC ~~((360-16-270))~~ 246-869-230, if applicable.

~~((2))~~ (k) Whether the drug must be dispensed as written.

(3) In addition to subsection (1) of this section, all automated patient medication record systems must maintain the following information with regard to institutional patients:

(a) Patient's full name.  
 (b) Unique patient identifier.  
 (c) Any patient allergies, idiosyncrasies, or chronic conditions which may relate to drug utilization. If there is no patient allergy data the pharmacist (~~(should)~~) shall indicate none or "NKA" (no known allergy) on the patient medication record.

(d) Patient location.  
 (e) Patient status, for example, active, discharge, or on-pass.  
 (f) Prescriber's name, address, and DEA number where required.

(g) Minimum prescription data elements:  
 (i) Drug name, dose, route, form, directions for use, prescriber.

(ii) Start date and time when appropriate.  
 (iii) Stop date and time when appropriate.  
 (iv) Amount dispensed when appropriate.  
 (v) Patient age and weight when appropriate.

(h) The system shall indicate any special medication status for an individual prescription, for example, on hold, discontinued, self-administration medication, investigational drugs, patient's own medications, special administration times, restrictions, controlled substances.

(i) The system shall indicate on the labeling, and in the system, (for the pharmacist, nursing and/or physician alert) any special cautionary alerts or notations deemed necessary by the (~~(dispenser)~~) pharmacist for the patient safety.

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

**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 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-875-030 Minimum required information in a manual patient medication record system.** A manual patient medication record system consists of the hard copy of the original prescription and a card or filing procedure that contains all data on new and refill prescriptions for a patient. This data must be organized in such a fashion that information relating to all prescription drugs used by a patient will be reviewed each time a prescription is filled.

(1) All manual patient medication record systems must maintain the following information with regard to ambulatory patients:

(a) Patient's full name and address.  
 (b) A serial number assigned to each new prescription.  
 (c) The date of all instances of dispensing a drug.  
 (d) The identification of the dispenser who filled the prescription.  
 (e) The name, strength, dosage form and quantity of the drug dispensed.

(f) The prescriber's name, address and DEA number where appropriate.

(g) Any patient allergies, idiosyncrasies or chronic conditions which may relate to drug utilization. If there is no patient allergy data the pharmacist (~~(should)~~) shall indicate none or "NKA" (no known allergy) on the patient medication record.

(h) Authorization for other than child-resistant containers pursuant to WAC 246-869-230, if applicable.

(2) All manual patient medication record systems must maintain the following information with regard to institutional patients:

(a) Patient's full name.  
 (b) Unique patient identifier.  
 (c) Any patient allergies, idiosyncrasies, or chronic conditions which may relate to drug utilization. If there is no patient allergy data the pharmacist (~~(should)~~) shall indicate none or "NKA" (no known allergy) on the patient medication record.

(d) Patient location.  
 (e) Patient status, for example, active, discharge, or on-pass.

(f) Prescriber's name, address and DEA number where required.

(g) Minimum prescription data elements:  
 (i) Drug name, dose, route, form, directions for use, prescriber.

(ii) Start date and time when appropriate.  
 (iii) Stop date and time when appropriate.  
 (iv) Amount dispensed when appropriate.  
 (v) Patient age and weight when appropriate.

(h) The system shall indicate any special medication status for an individual prescription, for example, on hold, discontinued, self-administration medication, investigational drugs, patient's own medications, special administration times, restrictions, controlled substances.

(i) The system shall indicate on the labeling, and in the system, (for the pharmacist, nursing and/or physician alert) any special cautionary alerts or notations deemed necessary by the (~~(dispenser)~~) pharmacist for the patient safety.

**AMENDATORY SECTION** (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-875-040 Minimum procedures for utilization of a patient medication record system.** Upon receipt of a prescription or drug order, a (~~(dispenser)~~) pharmacist must examine visually or via an automated data processing system, the patient's medication record to determine the possibility of a clinically significant drug interaction, reaction or therapeutic duplication, and to determine improper utilization of the drug and to consult with the prescriber if needed. Any order modified in the system must carry in the audit trail the unique identifier of the person who modified the order. Any change in drug name, dose, route, dose form or directions for use which occurs after an initial dose has been given requires that a new order be entered into the system and the old order be discontinued, or that the changes be accurately documented in the record system, without destroying the original record or its audit trail.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-875-050 Auxiliary recordkeeping procedure.** If an automated data processing system is used to maintain a patient's medication record, an auxiliary recordkeeping procedure must be available for use during downtime when the automated data system is temporarily inoperative due to scheduled or unscheduled system interruption. The auxiliary recordkeeping procedure shall provide for the maintenance of all patient recordkeeping information as required by this chapter. Upon restoration of operation of the automated system the information placed in the auxiliary recordkeeping procedure shall be entered in each patient's records within two working days, after which the auxiliary records may be destroyed. This section does not require that a permanent dual recordkeeping system be maintained.

AMENDATORY SECTION (Amending Order 191B [277B], filed 8/30/91 [5/28/92], effective 9/30/91 [6/28/92])

**WAC 246-875-060 Retrieval of information from an automated system.** All automated patient medication record systems must provide within ~~((72))~~ seventy-two hours, via CRT ~~((or))~~ and hard copy printout, the information required by WAC ~~((360-19-030))~~ 246-875-020 and by 21 CFR § 1306.22(b) ~~((as amended July 1, 1980))~~. Any data purged from an automated patient medication record system must be available within ~~((72))~~ seventy-two hours.

The automated data processing system shall be capable of producing a hard copy printout of an audit trail for all dispensing (original and refill) of any specified strength and dosage form of a drug (by either brand or generic name or both) during a specified time period. Such a printout must include name of the prescribing practitioner, name and address of the patient, quantity dispensed on each refill, date of dispensing for each refill, name or identification code of the dispensing pharmacist, and the number of the original prescription order.

(1) The hard copy printout shall contain all of the information required on the daily hard copy printout as set forth in this chapter.

(2) The hard copy printout shall be supplied by the pharmacy within seventy-two hours of a request from a regulatory agency.

(3) The automated system must be capable of providing a hard copy printout sorted by patient name, drug name, and prescriber name.

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

**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 191B [277B], filed 8/30/91 [5/28/92], effective 9/30/91 [6/28/92])

**WAC 246-875-070 Confidentiality and security of data.** (1) Information contained in patient medication record systems shall be considered to be a part of prescription

records maintained in accordance with RCW 18.64.245 and shall be maintained for a period of at least ~~((five))~~ two years in the same manner as provided for all prescription records (see WAC ~~((360-16-096))~~ 246-869-100).

(2) The information in the patient medication record system which identifies the patient shall be deemed confidential and may be released to persons other than the patient or a pharmacist, or a practitioner authorized to prescribe only on written release of the patient. If in the judgment of the dispenser, the prescription presented for dispensing is determined to cause a potentially harmful drug interaction or other problem due to a drug previously prescribed by another practitioner, the dispenser may communicate this information to the prescribers.

(3) Security codes or systems ~~((must be established on automated medication record systems to prevent unauthorized modification of data))~~ shall be designed to provide adequate safeguards against the improper manipulation or alteration of records, and to provide an audit trail.

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

**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 191B [277B], filed 8/30/91 [5/28/92], effective 9/30/91 [6/28/92])

**WAC 246-875-080 Extension of time for compliance.** The rules regarding patient medication record systems contained in chapter ~~((360-19))~~ 246-875 WAC shall apply to all pharmacists practicing pharmacy in the state of Washington upon the effective date of the chapter unless an extension is granted by the board pursuant to this rule. In order to seek an extension that will allow compliance with this chapter to be delayed, good cause for granting such extension must be shown. The board shall consider requests for extensions and if, in the board's judgment good cause is shown, the board may grant an extension for a period of time, specifying those portions of the rules with respect to which an extension is being granted.

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

**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 92-18-045**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
(Board of Pharmacy)  
[Filed August 27, 1992, 2:48 p.m.]

Original Notice.  
Title of Rule: Prescription drug repackaging.

**Purpose:** Prohibits repackaging drugs from prescription containers from other pharmacies and sets procedure for customized patient medication packages when certain requirements met.

**Statutory Authority for Adoption:** RCW 18.64.005.

**Statute Being Implemented:** RCW 18.64.005.

**Summary:** Prohibits repackaging drugs from prescription containers due to inability to comply with federal requirements and sets procedure for customized patient medication packages.

**Reasons Supporting Proposal:** Consistent with the concept of uniformity where possible with federal regulations for prescription drug repackaging.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Donald H. Williams, 1300 Quince Street S.E., Box 47863, Olympia, WA 98504-7863, 753-6834.

**Name of Proponent:** Board of Pharmacy, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This proposed rule would prohibit repackaging drugs from prescription containers consistent with federal regulations and establishes procedures for the use of med-pack containers.

**Proposal does not change existing rules.**

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

**Hearing Location:** Sheraton-Tacoma Hotel, 1320 Broadway Plaza, Tacoma, WA, on October 23, 1992, at 10:00 a.m.

**Submit Written Comments to:** D. H. Williams, 1300 Quince Street S.E., P.O. Box 47863, Olympia, WA 98504-7863, by October 20, 1992.

**Date of Intended Adoption:** October 23, 1992.

August 18, 1992  
Donald H. Williams  
Executive Director

#### NEW SECTION

**WAC 246-869-235 Prescription drug repackaging—Definitions.** (1) "Unit-dose" means the ordered amount of a drug in an individually sealed package and in a dosage form ready for administration to a particular person by the prescribed route at the prescribed time.

(2) "Unit-of-use" means a sufficient quantity of a drug for one normal course of therapy.

(3) "Lot number," "control number" means any distinctive combination of letters, numbers, or symbols, or any combination of them, from which a complete history of the manufacturer, processing, packing, holding, and distribution of a batch or lot of drug product or other material can be determined.

(4) "Med-pack" means any package prepared by a pharmacist for a specific patient comprising a series of containers and containing two or more prescribed solid oral dosage forms including multifill blister packs.

#### NEW SECTION

**WAC 246-869-245 Prohibited act—Repackaging drugs from prescription containers.** Consistent with the concept of uniformity where possible with the federal regulations for prescription drug repackaging (FDA Compliance Policy Guide 7132b.10), the board hereby adopts the following rule:

Due to the inability to comply with federal requirements on labeling, expiration dating, and lot or control numbering, pharmacies shall not repackage patients' drugs from prescription containers that were previously dispensed by other pharmacies unless they are dispensed in the original manufacturer's container.

#### NEW SECTION

**WAC 246-869-255 Customized patient medication packages.** The board approves the use of med-pack containers in packaging or repackaging of prescription drugs within the same pharmacy, provided that:

(1) The pharmacy keeps the original prescription container at the pharmacy;

(2) That no more than a thirty-one day supply of drugs is packaged;

(3) That the patient's signature for dispensing in a nonchild resistant container is obtained;

(4) That the container's label bear the following information:

(a) Pharmacy name and address;

(b) Patient's name;

(c) Drug name, strength, quantity;

(d) Directions;

(e) Serial prescription numbers; date

(f) Prescriber's name, and pharmacist's initials.

WSR 92-18-046  
PROPOSED RULES  
DEPARTMENT OF HEALTH  
(Board of Pharmacy)  
[Filed August 27, 1992, 3:00 p.m.]

Original Notice.

Title of Rule: Ephedrine restrictions.

**Purpose:** Restricts products which contain ephedrine, which is a drug used in making illegal drugs, and exempts certain products.

**Statutory Authority for Adoption:** RCW 18.64.005.

**Statute Being Implemented:** RCW 18.64.005.

**Summary:** This law identifies ephedrine as a legend drug and lists the products which are exempt from these restrictions.

**Reasons Supporting Proposal:** Ephedrine is a drug used in illegal drugs.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Donald H. Williams, 1300 Quince S.E., P.O. Box 47863, Olympia, WA 98504-7863, 753-6834.

**Name of Proponent:** Board of Pharmacy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes ephedrine as a legend drug and lists products exempt from this restriction. It also establishes a procedure for manufacturers to request exemption for a product.

Proposal Changes the Following Existing Rules: This revision changes the list of exemptions, deleting those which are no longer manufactured and adding others and establishes the procedure for requesting an exemption.

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

Hearing Location: Sheraton-Tacoma Hotel, 1320 Broadway Plaza, Tacoma, WA, on October 23, 1992, at 10:00 a.m.

Submit Written Comments to: Donald H. Williams, 1300 Quince S.E., P.O. Box 47863, Olympia, WA 98504-7863, by October 20, 1992.

Date of Intended Adoption: October 23, 1992.

August 21, 1992  
Donald H. Williams  
Executive Director

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

**WAC 246-883-030 Ephedrine prescription restrictions.** (1) The board of pharmacy, pursuant to RCW 69.41.075, hereby identifies ephedrine, or any of its salts in a solid or aqueous form normally intended for oral administration, in any quantity, as a legend drug subject to the restrictions of RCW 69.41.030.

(2) The following products containing ephedrine or its salts are ~~((exempted from the provisions of this regulation))~~ exempt from subsection (1) of this section:

- ~~(1. AMORDRINE tablet 25 mg (as racemic (Searle) hydrochloride)~~
- ~~2. BRONITIN tablet 24 mg ephedrine (Whitehall)~~
- ~~3. BRONKAID tablet 24 mg (as sulfate) (Breon)~~
- ~~4. BRONKOTABS tablet 24 mg (as sulfate) (Breon)~~
- ~~5. CALCIDRINE SYRUP 4.2 mg/5cc HCl (Abbott)~~
- ~~6. HISTADYL EC ephedrine hydrochloride, 30 mg/30 ml (Lilly)~~
- ~~7. HISTIVITE-D ephedrine sulfate, 30 mg/30 ml (Vitarine)~~
- ~~8. NYQUIL ephedrine sulfate, 8 mg/30 ml (Vicks)~~

- ~~9. PRIMATINE M tablet 24 mg (as hydrochloride) (Whitehall)~~
  - ~~10. QUELIDRINE ephedrine hydrochloride, 5 mg/5 ml (Abbott)~~
  - ~~11. QUIET NITE ephedrine sulfate, 10 mg/30 ml (Rexall)~~
  - ~~12. VERAQUAD tablet 24 mg tablet, 12 mg/5 ml suspension (Knoll) (as hydrochloride))~~
- | <u>TRADE NAME</u>                                      | <u>EPHEDRINE CONTENT</u>           |
|--|------------------------------------|
| 1. <u>AMESAC capsule (Russ)</u>                        | <u>25 mg. ephedrine HCL</u>        |
| 2. <u>AZMA AID tablet (Various, eg Purepac)</u>        | <u>24 mg. ephedrine HCL</u>        |
| 3. <u>BRONC-EASE PLUS (Natur-Pharma)</u>               | <u>25 mg. ephedrine HCL</u>        |
| 4. <u>BRONITIN tablet (Whitehall)</u>                  | <u>24 mg. ephedrine HCL</u>        |
| 5. <u>BRONKAID tablet (Breon)</u>                      | <u>24 mg. ephedrine sulfate</u>    |
| 6. <u>BRONKOTABS tablet (Breon)</u>                    | <u>24 mg. ephedrine sulfate</u>    |
| 7. <u>EFEDRON nasal jelly (Hyrex)</u>                  | <u>0.6% ephedrine HCL in 20 g.</u> |
| 8. <u>PAZO HEMORRHOID suppository (Bristol-Meyers)</u> | <u>0.2% ephedrine sulfate</u>      |
| 9. <u>PRIMATENE tablet (Whitehall)</u>                 | <u>24 mg. ephedrine HCL</u>        |
| 10. <u>PRIMATENE M tablet (Whitehall)</u>              | <u>24 mg. ephedrine HCL</u>        |
| 11. <u>PRIMATENE P tablet (Whitehall)</u>              | <u>24 mg. ephedrine HCL</u>        |
| 12. <u>QUELIDRINE (Abbott)</u>                         | <u>5 mg. ephedrine HCL</u>         |
| 13. <u>TEDRAL tablet (Parke-Davis)</u>                 | <u>24 mg. ephedrine HCL</u>        |
| 14. <u>THEODRINE tablet (Rugby)</u>                    | <u>25 mg. ephedrine HCL</u>        |
| 15. <u>VATRONOL nose drops (Vicks Health Care)</u>     | <u>0.5% ephedrine sulfate</u>      |

Any reformulation of listed products which increases the ephedrine content to more than 25 mg. of ephedrine per solid dosage unit or 25 mg. per 5 ml. of liquid forms shall negate the exemption. The manufacturers of listed products shall notify the board of any reformulation which increases the ephedrine content to more than 25 mg. of ephedrine per solid dosage unit or 25 mg. per 5 ml. of liquid forms prior to distributing that product in the state of Washington.

(3) Manufacturers of products containing 25 mg. or less of ephedrine in combination with other ingredients in therapeutic amounts for solid dosage unit or 25 mg. or less

per 5 ml. of liquid forms may gain exemption from subsection (1) of this section if, prior to the distributing of any such product in the state of Washington, the manufacturer:

(a) Provides the board with the formulation of any such product;

(b) Provides the board samples of all dosage forms in which the product is to be marketed in the packaging in which the product is to be marketed; and

(c) Receives the board's approval to market such product.

**WSR 92-18-058**  
**PROPOSED RULES**  
**PERSONNEL BOARD**  
[Filed August 31, 1992, 2:26 p.m.]

Original Notice.

Title of Rule: WAC 356-05-160 Exchange time, 356-14-220 Salary—Wage and hour records, 356-15-030 Overtime provisions and compensation, 356-15-033 Exchange time—Exceptions work period employees, 356-15-050 Holiday compensation, 356-15-080 Standby compensation, and 356-15-100 Call back for work preceding or following a scheduled workshift.

Purpose: These rules encompass compensation issues relating to overtime, holiday, standby, and call back pay.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal deletes exception work period employees from existing compensation rules and establishes a new section specifically for these employees.

Reasons Supporting Proposal: This proposal will assist agencies in understanding and applying the requirements of the Fair Labor Standards Act rules of the United States Department of Labor.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; 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: These rules proposed for amendment currently address issues of compensation. They outline areas relating to overtime pay, holiday pay, call back pay and standby compensation for all varied work period designations. This proposal will separate exception work period employees from these rules and will establish a new section relating to these work period designations. This is an attempt to assist agencies on the issues relating to, and the understanding of, the requirements to follow the Fair Labor Standards Act rules of the United States Department of Labor.

Proposal Changes the Following Existing Rules: This proposal will delete current language relating to exception work period employees from existing rules and establish a new section relating to this issue. Along with this proposal are some housekeeping changes also.

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, 2nd Floor, Board Room, Olympia, WA, on October 8, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by October 6, 1992.

Date of Intended Adoption: October 8, 1992.

August 31, 1992  
Dee W. Henderson  
Secretary

**[REPEALER]**

The following section of the Washington Administrative Code is repealed:

WAC 356-05-160 Exchange time.

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

**AMENDATORY SECTION** (Amending Order 223, filed 5/22/85)

**WAC 356-14-220 Salary—Wage and hour records.**  
~~((1) Each agency shall maintain records of its employees' overtime accrual and compensation separate from the scheduled work and compensation record. These time records will be subject to review by the director.))~~

~~((2))~~ (1) For its employees covered by the overtime provisions of the FLSA, each agency shall maintain for at least three years records of the wages, hours, and other conditions and practices of employment that it maintains. These records shall be separate from the scheduled work and compensation record and will be subject to review by the director. Although no official forms are required, records shall include:

- Name, home address and birthdate
- Sex and class title
- Hour and day when workweek begins
- Regular hourly pay rate for any week when overtime is worked
- Hours worked each workshift and total hours worked each workweek
- Total daily or weekly or monthly straight time earnings
- Deductions or additions to wages
- Total wages paid each pay period
- Date of payment and pay period covered

These records may be subject to review by the Wage and Hour Division of the U.S. Department of Labor.

~~((3))~~ (2) Disposal of these records will be accomplished in accordance with the provisions of chapter 40.14 RCW.

AMENDATORY SECTION (Amending Order 285 filed 11/24/87, effective 1/1/88)

**WAC 356-15-030 Overtime provisions and compensation.** (1) The following conditions constitute overtime:

(a) For full-time employees, work in excess of the workshift within the work day.

(b) Work in excess of forty nonovertime hours in one workweek or eighty nonovertime hours in a scheduled fourteen consecutive day period as authorized under WAC 356-15-020 (2)(a)(ii).

(c) Work on a holiday (except Sunday when it is within the scheduled workshift). Scheduled work performed on a Sunday which is coincidental with some other state holiday is overtime work.

(d) Work on a scheduled day off.

(e) Time worked in excess of the 28-day work period by law enforcement positions.

(2) Scheduled work period employees shall receive overtime compensation for work which meets subsection (1)(a) through (d) of this section.

(3) Nonscheduled work period employees shall receive overtime compensation for work which meets subsection (1)(b) through (d) of this section and may be paid overtime compensation for work which meets subsection (1)(a) of this section.

(4) Law enforcement positions have a one hundred sixty-hour, twenty-eight-day work period, rather than a forty-hour workweek.

(a) When the combination of credited work hours (vacation, sick leave, holidays, or compensatory time) and actual work hours exceeds one hundred sixty hours, the employee shall be compensated at time and one-half rates in cash or compensatory time at the option of the agency.

(b) Overtime compensation for actual work in excess of one hundred seventy-one hours in a work period may be in the form of compensatory time off if the employee and the agency agree.

(c) Assigned, actual work on a holiday shall be considered as work in excess of one hundred sixty hours.

(d) For the positions receiving assignment pay for an extended work period, the following special provisions apply:

(i) These law enforcement classes or positions have a one hundred seventy-one-hour, twenty-eight-day work period, for which they receive four ranges (approximately ten percent) above the base salary range.

(ii) When the combination of credited work hours and actual work hours exceeds one hundred seventy-one hours, the employee shall be compensated at time and one-half rates. Compensation may be in the form of compensatory time off if the employee and the agency agree.

(iii) Assigned, actual work on a holiday shall be considered as work in excess of one hundred seventy-one hours.

(5) ~~((Exceptions work period employees are not required to be [compensated] [compensation] beyond their regular monthly rate of pay for work which meets subsection (1)(a) through (d) of this section. However, they may be compensated or granted exchange time for any of those conditions if their appointing authority deems it appropriate.~~

~~(a) If overtime compensation is authorized, the appointing authority may fix the rate, not to exceed the overtime rate (WAC 356-05-231). As indicated in subsection (5) of this section, the agency and the employee may agree to use compensatory time off in lieu of cash; in that event, the rules covering liquidation of compensatory time apply.~~

~~(b) Exchange time may be authorized for any number of hours worked beyond the exceptions work period employee's normal hours of work. For those hours authorized, the rate shall be equal hours off for those worked. Exchange time can be accrued to a limit determined by each agency, not to exceed one hundred seventy-four hours. The exchange time accrual for incumbents in the class of youth development and conservation corps camp supervisor only may be increased to four hundred eighty hours by the employing agency.~~

~~(c) Employees must be allowed, and may be required, to use all exchange time in excess of eighty hours prior to each April 1 and October 1, or other semiannual dates fixed by an agency and made known to its employees and the director of personnel by that agency's director. As an exception to the above, the director of personnel may establish a single annual date based on the special needs of the requesting agency. Employees must exhaust their exchange time before using compensatory time or vacation leave unless this would result in a loss of accumulated leave.~~

~~(d) Employee absence on approved exchange time shall be considered as time worked for payroll purposes.~~

~~(e) Exchange time has no cash liquidation value. However, employees voluntarily terminating from state service or transferring to another agency must be offered the opportunity to postpone their cessation of employment by the granting agency until their accumulated, authorized exchange time has been used. Employees who were separated due to a reduction in force or disability separation are entitled to reinstatement of accumulated exchange time if they are rehired on a permanent basis by the granting agency within three years of separation-)) Exceptions work period employees shall not receive overtime compensation.~~

(6) Overtime shall be compensated in accord with the provisions of WAC 356-14-230 through 356-14-265.

(7)(a) Part-time employees whose positions are in job classes designated as scheduled, nonscheduled, or law enforcement shall receive overtime compensation for work which meets subsection (1)(b) or (c) of this section.

(b) Hourly paid employees whose positions are in job classes designated as exceptions are not exempt from the overtime provisions of the Fair Labor Standards Act. For these employees, an agency must determine and notify the employee of the beginning of the workweek, must maintain the wage and hour records identified in WAC 356-14-220, and must pay overtime compensation for actual hours worked in excess of 40 nonovertime hours in a workweek.

NEW SECTION

**WAC 356-15-033 Exchange time—Exceptions work period employees.** Exceptions work period employees are "salaried" under the fair labor standards act and shall not be compensated beyond their regular monthly rate of pay regardless of the number of hours they work unless



specifically authorized under these rules. However, they may be granted exchange time at the discretion of the appointing authority in accordance with this rule.

(1) Exchange time may be authorized for time worked well beyond the normal expectations of the job. The amount of exchange time granted shall not exceed the excessive time worked.

(2) Exchange time can be accrued to a limit determined by each agency, not to exceed twenty-two days.

(3) All exchange time in excess of five days shall be taken by an annual date fixed by the agency director or the time will be lost. Employees may use their exchange time before using vacation or sick leave. Exchange time has no cash liquidation value.

(4) Employee absence on approved exchange time shall be considered as time worked for payroll purposes.

(5) Each agency which chooses to grant exchange time shall develop a written policy consistent with this rule with regard to the authorization of exchange time. The policy must be approved by the director of personnel for consistency with this rule prior to its becoming effective.

**AMENDATORY SECTION** (Amending Order 248, filed 5/28/86, effective 7/1/86)

**WAC 356-15-050 Holiday compensation.** (1) All full-time employees shall be compensated for the days that are designated as holidays, except Sundays, as listed in WAC 356-18-020 and 356-18-030 (2), (3) and (4) at a straight-time rate even though they do not work. In addition(=

~~(a) Scheduled~~), scheduled and nonscheduled work period employees shall be compensated for the hours actually worked on a holiday at the overtime rate.

~~(b) Exception work period employees, while not normally compensated additionally for work performed on a holiday, may be compensated for the hours actually worked on a holiday at a rate not to exceed the overtime rate, when their appointing authority deems it appropriate.)~~

(2) Part-time employees shall be compensated for holidays in accord with WAC 356-18-030(5).

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 381, filed 9/23/91, effective 10/24/91)

**WAC 356-15-080 Standby compensation.** (1) **Requirements:**

(a) An employee is in standby status when not being paid for time actually worked and both of the following conditions exist:

(i) The employee is required to be present at a specified location. The location may be the employee's home or other specific location, but not a work site away from home. When the standby location is the employee's home, and the home is on the same state property where the employee works, the home is not considered a work site.

(ii) The agency requires the employee to be prepared to report immediately for work if the need arises, although the need might not arise.

Note: When the nature of a duty station confines an employee during off duty hours (e.g., a ship), and that confinement is a normal condition of work in the employee's position, standby compensation is not required merely because the employee is confined.

(b) An agency may issue a written policy stating that an employee is in standby status when not being paid for time worked while required to leave a telephone number with the agency or remain in communication with a dispatching authority to respond to a call to begin work in a specified time limit.

(c) Standby status shall not be concurrent with work time.

(2) **Payment:** Any scheduled or nonscheduled work period employee required to stand by shall be paid the hourly standby rate. ~~((Standby pay may be authorized by an agency for exceptions work period employees. Exceptions work period employee standby may be compensated with compensatory time. The compensatory time shall be equal in base salary to the dollar amount of standby pay earned.))~~

(3) **Rate:** The standby hourly rate for each step of any range is calculated by dividing the maximum number of standby hours in a workweek (128 hours) into the difference between that step of the range and the same letter step of the range which is exactly two whole numbers higher. That is: (28 - 26, or 28.3 - 26.3) divided by 128 hours.

**AMENDATORY SECTION** (Amending Order 359, filed 7/13/90, effective 8/13/90)

**WAC 356-15-100 Call-back for work preceding or following a scheduled workshift.** (1) Scheduled work period employees shall be notified prior to their scheduled quitting time either to return to work after departing the worksite or to change the starting time of their next scheduled workshift.

(a) Lack of such notice for such work shall be considered call-back and shall result in a penalty of three hours of pay at the basic salary in addition to all other compensation due. This penalty shall apply to each call.

(b) The appointing authority may cancel a call-back notification to work extra hours at any time but cancellation shall not waive the penalty cited in this subsection.

(c) These provisions shall not apply to the mid-shift interval in a split shift and an employee called back while in standby status.

(2) Nonscheduled~~((exceptions,))~~ and law enforcement work period employees are not normally paid for call-back. However, if the appointing authority deems it appropriate, those employees may receive compensation, not to exceed the penalty cited above, for call-back.

**WSR 92-18-059**

**PROPOSED RULES**

**PERSONNEL BOARD**

[Filed August 31, 1992, 2:29 p.m.]

Original Notice.

Title of Rule: WAC 356-35-010 Disability—Reasonable accommodation—Separation—Appeals.

**Purpose:** This rule describes procedures and entitlements for an employee who needs to be reasonably accommodated or separated from employment due to a disability.

**Statutory Authority for Adoption:** RCW 41.06.040.

**Statute Being Implemented:** RCW 41.06.150.

**Summary:** This proposal adds language to clarify what types of leave an employee may take if they are unable to work, during the process of finding the employee reasonable accommodations.

**Reasons Supporting Proposal:** There are currently no provisions in the rules regarding the kind of leave an employee is allowed to use while efforts are underway to find reasonable accommodations.

**Name of Agency Personnel Responsible for Drafting:** Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; **Implementation and Enforcement:** Department of Personnel.

**Name of Proponent:** Department of Social and Health Services, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This rule currently describes procedures and entitlements for an employee who needs to be reasonably accommodated or separated from employment due to disability. This proposal clarifies the types of leave available to the employee if there are no temporary accommodations while trying to reasonably accommodate the employee. This is intended to follow the leave available to an employee if they are unable to work during the sixty day notification period of a disability separation.

**Proposal Changes the Following Existing Rules:** This proposal adds language to clarify the type of leave available to an employee who is unable to work while the agency finds reasonable accommodations.

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, 2nd Floor, Board Room, Olympia, WA, on October 8, 1992, at 10:00 a.m.

**Submit Written Comments to:** Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by October 6, 1992.

**Date of Intended Adoption:** October 8, 1992.

August 26, 1992  
Dee W. Henderson  
Secretary

**AMENDATORY SECTION** (Amending Order 267, filed 1/2/87)

**WAC 356-35-010 Disability—Reasonable accommodation—Separation—Appeals.** (1) An appointing authority may initiate a disability separation of a permanent employee only when reasonable accommodations cannot be provided. When the employee requests a disability separation, the appointing authority is not required to consider reasonable accommodations.

(2) If the disability prevents performance of an essential function of the current job, and there is no temporary reasonable accommodation available while trying to

reasonably accommodate the employee, the employee shall be allowed to exhaust accrued sick and vacation leave. If there is no paid leave available or if they employee chooses not to use paid leave, the employee shall be placed on authorized leave without pay.

~~((2))~~ (3) When reasonable accommodations cannot be provided, the employee may be separated by the appointing authority after a minimum of sixty calendar days written notice, provided that the employee shall be allowed to exhaust accrued sick leave before separation if the disability prevents attendance at work. If the employee is unable to work due to the disability during the notice period and there is no paid leave available, the absence shall be considered approved leave without pay.

The sixty calendar days notice shall not be required when the employee requests and the appointing authority approves a shorter notice period.

~~((3))~~ (4) For purposes of this rule, determinations of disability shall be made by an appointing authority only at the employee's written request or after obtaining a written statement from a physician or a licensed mental health professional. The appointing authority may require an employee to obtain a medical examination at agency expense from a physician or a licensed mental health professional of the agency's choice. In such cases, the agency shall provide the physician or licensed mental health professional with the specification for the employee's class and a description of the employee's position. Evidence may be requested from the physician or licensed mental health professional regarding the employee's ability to perform the specified duties.

~~((4))~~ (5) Separations due to disability shall not be considered disciplinary actions and shall be appealable to the personnel appeals board. At the time of notification that their employment will be terminated because of disability, such employees shall be informed by the appointing authority of their right to appeal. The appeal must be filed in writing to the personnel appeals board as provided in Title 358 WAC within thirty calendar days after notice of separation is given.

~~((5))~~ (6) During the notice period required by subsection ~~((2))~~ (3) of this section the agency shall inform employees being separated due to disability that they may be eligible for benefits/assistance programs such as employees' insurance plans, Social Security, worker's compensation, veteran's benefits, public assistance, disability retirement, and vocational rehabilitation.

~~((6))~~ (7) The names of permanent employees who have been separated because of disability shall be placed on reduction in force and promotional registers by the director of personnel as provided in WAC 356-26-030 upon submission of a statement from a physician or licensed mental health professional that they are able to perform the duties of the class(es) for which the registers are established.

**WSR 92-18-060**  
**PROPOSED RULES**  
**PERSONNEL BOARD**  
 [Filed August 31, 1992, 2:31 p.m.]

**Original Notice.**

Title of Rule: WAC 356-15-130 Special pay rates.

Purpose: This rule provides special pay ranges for certain classifications that are used to equal or approximate prevailing rate practices found in private industry or other governmental units.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal will increase the special pay rate for the Lottery Commission drawing officials.

Reasons Supporting Proposal: Since the adoption of this rule in 1990, wages of the drawing officials have increased. Therefore, the Lottery Commission requests the rate be increased.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, 586-1770; Implementation and Enforcement: Department of Personnel.

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: This rule provides special pay ranges for certain classifications that are used to equal or approximate prevailing rate practices found in private industry or other governmental units. This proposal will increase the rate of pay provided to drawing officials of the Washington State Lottery. The average hourly rate of pay for these employees has increased since this rule was adopted in 1990. Therefore, lottery requests the current special pay rate for these employees be increased to \$25.00 per hour.

Proposal Changes the Following Existing Rules: This proposal increases the rate of pay provided for drawing officials of the Washington State Lottery.

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, 2nd Floor, Board Room, Olympia, WA, on October 8, 1992, at 10:00 a.m.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, by October 6, 1992.

Date of Intended Adoption: October 8, 1992.

August 26, 1992  
 Dee W. Henderson  
 Secretary

**AMENDATORY SECTION** (Amending Orders 373 and 373A, filed 6/13/91 and 7/11/91, effective 7/14/91 and 8/11/91)

**WAC 356-15-130 Special pay ranges.** These ranges are used to equal or approximate prevailing rate practices found in private industry or other governmental units. An affected class is identified either by a letter designation following the basic salary range number or by a letter

designation preceding a number. In the latter case, a special salary schedule will be used for such classes.

(1) **"E" range:** This range is used for classes having a prevailing pay range which is shorter than Washington's standard ranges. An "E" range is a standard range with the first four steps removed. Thus, the first step of such a range is the same as Step E of the standard range having the same range number. Periodic increases through the steps of this range are made at the same time intervals as through standard ranges, i.e., a two-step increase after six months at Step E and two annually thereafter up to the maximum step of the range.

(2) **"L" range:** This special range is used only for the class of liquor store clerk (0628). The "L" range was designed to more closely parallel the prevailing pay structure for retail clerks in private industry. Periodic increases through the steps of the "L" range are made at the same time intervals as through a standard range. Normal progression is Steps A, D, G and K, which represents ten percent per periodic increase.

(3) **"T" range:** Used only for the classes of institution teachers. These ranges are constructed by identifying Step K of the correspondingly numbered regular state ranges as "Step 10" of the "T" range; the lower nine steps of the "T" range are each two regular-range steps (approximately 5%) apart. Advancement through these ranges is at the rate of one step per year.

(4) **"V" range:** Used only for the classes of teachers of the deaf or blind and principals, school for the deaf or blind. "V" ranges are the same as the current ranges of Vancouver, Washington School District #37 for certificated employees of similar background and experience. Advancement through the range is at the rate of one step per year.

(5) **"I" range:** This range is always ten ranges higher than the range approved for lottery district sales representative or lottery telemarketing representative 1 and 2 and it may be applied only to those classifications. Use of this range is limited to sales incentive programs which: (1) May not exceed thirteen weeks for any program; (2) may not exceed four programs in any consecutive twelve months; (3) require achievement of specific goals which are set for each program by the lottery, such goals to be in excess of normal performance standards for the class.

The lottery is authorized to compensate individual employees on the "I" range for not more than three months as a result of any one sales incentive program, with the number of months stipulated in the incentive program announcement. Within these limits, movement of any employee to and from the "I" range will be at the discretion of the lottery, and shall be from and to the same step, subject to change by the employee's periodic increment date.

(6) **"N" range:** This range is used for classes requiring licensure as a registered nurse and having a prevailing pay range which is longer than Washington's standard ranges. An "N" range is a standard range, steps A through K, with five added steps, L through P. Periodic increases through step K of these ranges are made at the same intervals as through standard ranges. Thereafter, an employee receives a one-step increase each year up to the maximum step of the range.

(7) "**J**" range: This range consists of the single rate of twenty-five dollars per hour. Use is limited to lottery employees who volunteer and are selected for lottery drawing duty as one of the following: (a) The lottery drawing official (LDO); (b) the lottery security official (LSO); or (c) the headquarters drawing official (HDO), as described under lottery procedures.

Employees performing these functions during their normal working shift will not be eligible for "J" range compensation. Employees performing these functions outside of their shift will be compensated by the "J" rate on an hourly basis with a two-hour minimum per drawing period.

(8) "**D**" range: This range is a single level hourly rate equivalent to one-half of step A of range 29. It is payable to employees who have dog handler assignments, and only while they are off duty, but are still required to care for the dog in their charge (usually at home). Work time to be paid at D range includes, but is not limited to time required for daily feeding, exercising, grooming, and emergency health care of the dog, and care and cleaning of the kennel.

**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 92-18-061**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed August 31, 1992, 2:36 p.m.]

Original Notice.

Title of Rule: Chapter 16-604 WAC, Public livestock markets—Health, brands and weights and measures.

Purpose: To define a market veterinarian and describe his duties, establish 18 months as minimum age for MCI backtag, and delete outdated portions.

Statutory Authority for Adoption: RCW 16.36.040 and 16.36.096.

Statute Being Implemented: Chapter 16.36 RCW.

Summary: Changes the market veterinarian to a private practitioner and not a deputy state veterinarian in the markets, establishes a minimum age for backtagging cattle for brucellosis tracing via the federal market identification program and deletes other portions that are outdated and not applicable today.

Reasons Supporting Proposal: Update WAC to reflect current public livestock activities.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dr. Robert W. Mead, P.O. Box 42577, Olympia, 98504, (206) 753-5040.

Name of Proponent: Food Safety/Animal Health Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will permit private practicing veterinarians to be market veterinarians eliminating the need for them to be deputy state veterinarians. It also establishes a minimum

age for application of the MCI backtag. Several portions are also outdated and will be eliminated.

Proposal Changes the Following Existing Rules: Eliminate use of a deputy state veterinarian, define a market veterinarian, establish a minimum age for backtag application, and delete outdated portions dealing with swine and swine movement.

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

Hearing Location: Department of Agriculture, 1111 Washington Street, Second Floor Conference Room, Olympia, WA 98504, on October 6, 1992, at 10:30 a.m.

Submit Written Comments to: Dr. Robert W. Mead, P.O. Box 42577, Olympia, WA 98504-2577, by October 2, 1992.

Date of Intended Adoption: October 6, 1992.

August 31, 1992

John Daly  
 Assistant Director

AMENDATORY SECTION (Amending Order 1102, filed 11/18/68)

**WAC 16-604-009 Definitions.** For the purposes of this order:

(1) "Market" means public livestock market as defined in RCW 16.65.010(1).

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

(3) "Director" means the director of the department or his duly authorized representative.

(4) "Licensee" means any person licensed to operate a market.

(5) "Livestock" except as used in the brand inspection regulations of this order means all cattle, horses, mules, swine, sheep, goats, poultry and rabbits.

(6) "Livestock" as used in the brand inspection regulations of this order means all cattle of whatever species, breed or age.

(7) "Lot" means livestock of one ownership.

(8) "Market veterinarian" means a graduate veterinarian licensed in the state of Washington accredited by USDA and employed by a public livestock market.

**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.

AMENDATORY SECTION (Amending Order 1174, filed 12/15/70)

**WAC 16-604-020 Facilities and sanitation.** ((+)) Licensees shall provide facilities and sanitation for the prevention of livestock diseases at their public livestock markets, as follows:

((+)) (1) The licensee shall be responsible for the moving and yarding of livestock necessary for brand inspection. Personnel employed by the salesmarket will be required to sort and designate any apparent unhealthy animals before they are admitted into trade channels.

((+)) (2) The floors of all pens and alleys that are part of a public livestock market shall be constructed of concrete or similar impervious material and kept in good repair, with

a slope of not less than one-fourth inch per foot to adequate drains leading to an approved system: *Provided*, That the director may designate certain pens within such public livestock markets as feeding and holding pens and the floors and alleys of such pens shall not be subject to the aforementioned surfacing requirements.

~~((e))~~ (3) Feeding and holding pens maintained in an area adjacent to a public livestock market shall be constructed and separated from such public livestock market, in a manner prescribed by the director, in order to prevent the spread of communicable diseases to the livestock sold or held for sale in such public livestock market.

~~((d))~~ (4) All yards, chutes and pens used in handling livestock shall be constructed of such material which will render them easily cleaned and disinfected, and such yards, pens and chutes shall be kept clean, sanitary and in good repair at all times, as required by the director.

~~((e))~~ (5) Sufficient calf pens of adequate size to prevent overcrowding shall be provided, and such pens when used shall be cleaned and disinfected no later than the day subsequent to each sale.

~~((f))~~ (6) All swine pen facilities shall be covered and when used shall be cleaned and disinfected no later than the day subsequent to each sale.

~~((g))~~ (7) A water system carrying a pressure of forty pounds and supplying sufficient water to thoroughly wash all pens, floors, alleys and equipment shall be provided.

~~((h))~~ (8) Sufficient quarantine pens of adequate capacity shall be provided. Such pens shall be used to hold only cattle reacting to brucellosis and tuberculosis or to quarantine livestock with other contagious or communicable diseases and shall be:

~~((i))~~ (a) Hard surfaced with concrete or similar impervious material and shall be kept in good repair.

~~((ii))~~ (b) Provided with separate watering facilities.

~~((iii))~~ (c) Painted white with the word "quarantine" painted in red letters not less than four inches high on such quarantine pen's gate.

~~((iv))~~ (d) Provided with a tight board fence not less than five and one-half feet high.

~~((v))~~ (e) Cleaned and disinfected not later than one day subsequent to the date of sale.

To prevent the spread of communicable diseases among livestock, the director shall have the authority to cause the cleaning and disinfecting of any area or all areas of a public livestock market and equipment or vehicles with a complete coverage of disinfectants approved by the director.

~~((2) For the purpose of tracing dealer consigned livestock to herds of origin for health purposes, the certificate of permit (S.F. No. 4847) will be the accepted document for transferring tracing information to the director at the market. The dealer shall:~~

~~(a) Record on the back of the state copy of the certificate of permit signed by the original owner the number(s) of the back tag(s) applied at the salesyard and submit this copy to the director before the animal is offered for sale at the market.~~

~~(b) Exceptions—this section does not apply to dairy cattle under twenty months of age nor beef cattle under twenty four months of age.)~~

AMENDATORY SECTION (Amending Order 1174, filed 12/15/70)

**WAC 16-604-025 Health regulations.** (1) The director shall require such testing, treating, identifying, examining and record keeping of livestock by a ~~((deputy state))~~ market veterinarian and/or livestock market as in the director's judgment may be necessary to prevent the spread of brucellosis, tuberculosis, ~~((paratuberculosis, hog cholera))~~ or any other infectious, contagious or communicable disease among the livestock of this state.

(2) For livestock health purposes, the director shall establish procedures for inspection of livestock markets for compliance with sanitary requirements and to observe livestock being handled. Such inspections shall be conducted by animal health inspection personnel working under the jurisdiction of the director. Such inspectors will not issue health certificates, perform "private treaty work" or engage in functions other than those in connection with surveillance for communicable, infectious animal diseases and sanitary measures. Operators of markets ~~((may))~~ shall arrange with ~~((private veterinary practitioners))~~ a market veterinarian to perform animal health inspections, issue health certificates or certificates of veterinary inspection, perform private treaty work, and perform any testing, quarantine, or movement restrictions of animals as directed by the director of agriculture or required by federal law, etc. Departmental inspectors will work in cooperation with any ~~((such private veterinary practitioners))~~ market veterinarians in performing yard inspections.

(3) Markets handling swine shall be required to ~~((provide veterinary health inspection of all swine received, handled or sold. This action is required under Joint State-Federal Cooperative Program for the eradication of hog cholera and to maintain the status as a hog cholera state))~~ identify all boars and sows with official identification. Markets must comply with chapters 16-54 and 16-80 WAC and Title 9, Code of Federal Regulations, Parts 71 and 76, when handling swine for market.

~~(4) ((All animals consigned to market from out of state must be accompanied by an official health certificate signed by an accredited veterinarian in the state of origin. Such animals not so accompanied shall be announced in the ring as illegal entry livestock and may leave the yard to points in Washington under quarantine at destination.~~

~~(5))~~ No livestock may leave the market for points outside the state of Washington without first ~~((obtaining an official health certificate))~~ meeting the requirements of the state of destination and Title 9, Subchapter C, Code of Federal Regulations.

~~((6))~~ (5) Any animal or animals which have been found by the inspector to be diseased or unhealthy shall be handled in accordance with instructions of a veterinarian as to disposition. He may require they be marked "slaughter only" and be sold only to immediate slaughter; require they be sold "as is" with an announcement; require they be returned to consignor with or without quarantine; or require they be held under quarantine in the yard.

~~((7))~~ (6) Brucellosis.

~~(a) ((All cattle originating from a brucellosis free herd, area or state are exempt from brucellosis testing.~~

~~(b) All female cattle, bulls and goats originating from less than a brucellosis free herd, area, or state shall be accompanied by an official health certificate and must be negative to a brucellosis test within thirty days prior to entry into the state of Washington. Steers, spayed heifers and official vaccinates of the dairy breeds under twenty months of age, and official vaccinates of the beef breeds under twenty four months of age are exempt from the testing requirements.~~

~~(c) Cattle may be shipped to Washington markets specifically approved under Title 9, Part 78, CFR, without health certificates or brucellosis testing, and may be moved from the approved market to a licensed slaughter establishment for immediate slaughter or to a registered quarantined feed lot after veterinary inspection. Cattle so consigned are exempt from brucellosis test requirement. Cattle moved from the approved market to other than a licensed slaughter establishment or a registered quarantine feed lot must meet Washington import regulations and moved on official health certificate issued by the market veterinarian.~~

~~(d)) Animal health requirements as prescribed in chapters 16-54 and 16-86 WAC shall be met for animals entering or released from the public livestock markets. Those public livestock markets that are not specifically approved as per Title 9, Part 78, Subchapter C, Code of Federal Regulations that wish to provide brucellosis blood testing as approved by the director shall comply with the facilities requirements for specifically approved saleyards. Specifically approved yards (Title 9, Part 78, Code of Federal Regulations) can accept cattle and bison from out-of-state without meeting the import requirements provided that all Washington state animal health requirements are met at the yard upon arrival. Those yards not specifically approved can receive from out-of-state only those cattle and bison that have met all animal health requirements prior to entering the state.~~

~~(b) Animals released from Washington markets to points outside the state shall be in compliance with Federal Interstate Regulations and must meet the import requirements of the ((receiving)) state of destination.~~

~~((e)) (c) Saleyards brucellosis reactors will be:~~

~~(i) Tagged with reactor identification tags in the left ear and branded "B" on the left jaw.~~

~~(ii) Placed in a "quarantine pen."~~

~~(iii) Sold at the close of the regular sale to licensed slaughterer or their designated agent operating under federal or state inspection or return to the farm of origin under a written quarantine.~~

~~(iv) The market veterinarian shall issue ((ADE)) VS Form 1-27 on all suspects or reactors immediately after their sale or detection and the ((pink copy (duplicate))) original copy must accompany the animals to slaughter or back to the farm of origin. The ((original copy is)) pink and yellow copies are to be mailed immediately to the ((supervisor of animal industry)) state veterinarian, Olympia, and the ((triplicate)) green copy mailed immediately to the ((veterinary meat inspector in charge of the slaughtering establishment to which the reactors are consigned)) destination of shipment or shall accompany shipment.~~

~~(v) All brucellosis reactors ((must be)) consigned and transported directly to a licensed slaughtering establishment~~

for immediate slaughter((-and)) cannot be transported with any animals not so consigned. All trucks and railway cars or other conveyances used for the transportation of such reactors shall be cleaned and disinfected at destination under state and federal supervision.

~~((vi) Heifer calves of dairy breeds three to eight months (90-239 days) of age or heifer calves of beef breeds three to eleven months (90-299 days) of age may be vaccinated at the market for brucellosis upon request at no state federal expense.~~

~~(8) Tuberculosis. Tuberculosis reactors will be handled as in subdivision (e), item (ii), (iii), (iv), and (v), this order, after being identified by a reactor identification tag in the left ear, and branded "T" on the left jaw.))~~

~~(7) For the purpose of tracing dealer consigned livestock to herds of origin for health purposes, the certificates of permit (S.F. No. 4847) will be the accepted document for transferring tracing information to the director at the market.~~

~~Exceptions - this section does not apply to dairy cattle under twenty months nor beef cattle under twenty-four months of age.~~

~~(8) All livestock markets shall officially identify all sexually intact cattle and bison over eighteen months of age with an official backtag prior to being presented for sale. Records of the backtags applied to the animal indicating seller, buyer, and brucellosis vaccination status if animal is a female shall be maintained by the market for a period of one year.~~

~~(9) Immediate slaughter livestock.~~

~~(a) Livestock purchased through a market for slaughter in the state of Washington may be consigned only to a licensed slaughtering establishment, ((registered quarantined)) restricted feed lot, or another market for sale for immediate slaughter. Such animals will be cleared from the market on Washington state ((slaughter)) cattle brand certificate and must reach the declared point of destination at slaughter establishment or ((registered quarantined)) restricted feed lot within ten days of first being declared immediate slaughter livestock. Identification tags may not be removed and clearance papers must be presented with the animals at declared point of destination and livestock shall not be diverted to any other point.~~

~~(b) Cattle that have been declared immediate slaughter cattle shall not be commingled with cattle not so declared.~~

~~(c) No Washington state ((slaughter)) cattle brand certificate will be issued at any market unless the purchaser first certifies the exact name and address of the destination of such domestic animals or animal and such animals are identified to herd of origin in a manner prescribed by the director.~~

~~(10) Health of swine.~~

~~(a) Intrastate consignments. Washington swine that are healthy, unexposed to any contagious or infectious disease and not under quarantine may enter and leave any market in the state after veterinary inspection.~~

~~(b) Interstate consignments. (i) Slaughter swine. Swine not known to be affected with or exposed to infectious or communicable swine diseases may be moved into the state without health certificate to a recognized slaughtering center, public stockyards under federal supervision or livestock market specifically approved under Part 76, Title 9, Code of Federal Regulations for immediate slaughter, and may not be~~

diverted enroute. The waybills or certificates for shipment must state for "slaughter only."

(ii) Feeder and breeder swine - must have originated from states in Phase IV or ~~((hog cholera))~~ Phase V pseudorabies free status and/or comply with the entry requirements as stated in chapter 16-54 WAC. Animals must be accompanied by official health certificate stating that they are clinically free of symptoms of infectious and contagious disease or exposure thereto, unless consigned to a market approved under Part 76, Title 9, CFR. The consignor and consignee will be properly listed with exact mailing addresses clearly shown. Such hogs must not come in contact with hogs from states of unlike status prior to or during shipment, and must have been transported in one continuous movement. ~~((Swine from an area less than Phase IV status will not be accepted at a livestock market.))~~

(c) Swine brucellosis. All interstate swine over six months of age entering public livestock markets to be sold for breeding purposes must have been tested and found negative to brucellosis within thirty days prior to entry or originate in a validated brucellosis free herd. Swine not in compliance will not be sold as breeder swine. Swine originating from a herd where brucellosis is known to exist will not be sold as breeder swine.

~~((d) Handling of all swine at the market.~~

~~(i) Swine destined for movement to states other than Washington must meet the requirements of Title 9, CFR and the current import requirements of the receiving state before being released from the market.~~

~~(ii) When the health status inspection at the market reveals suspected evidence of cholera, the entire lot shall be returned to premise of origin under quarantine, or quarantined in an "isolation pen" pending disposition in a manner approved by the director. Cleaning and disinfecting of pens and vehicles must be carried out in a manner approved by the director.))~~

## WSR 92-18-062

### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed August 31, 1992, 2:41 p.m.]

#### Original Notice.

Title of Rule: Chapter 16-54 WAC, Rules relating to the importation of animals into the state of Washington.

Purpose: To set import requirements recognizing various stages of state pseudorabies classifications, set import requirements for captive wildlife and exotic animals, set health certificate requirements, establish import requirements for testing for equine viral arteritis in horses, brucellosis ovis in sheep and identification and testing of Mexican cattle.

Statutory Authority for Adoption: RCW 16.36.040 and 16.36.096.

Statute Being Implemented: Chapter 16.36 RCW.

Summary: Allows recognition of national pseudorabies program and establishes various testing and health certificate requirements for captive wildlife, exotic animals, horses, cattle and sheep.

Reasons Supporting Proposal: National pseudorabies eradication program. Protects Washington animals from disease conditions in various species being imported into the state.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dr. Robert W. Mead, P.O. Box 42577, Olympia, WA, (206) 753-5040.

Name of Proponent: Food Safety/Animal Health Division, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes requirements for animals imported into this state. Captive wildlife and exotic animals are defined as well as testing requirements. Stallions and semen will require equine viral arteritis testing, rams will need a brucella ovis test, Mexican cattle will need to be tuberculosis tested, recognize the various stages of the pseudorabies eradication program for swine importation and definition of an official health certificate.

Proposal Changes the Following Existing Rules: Defines animal, captive and exotic species, official health certificate. Adds requirements for captive and exotic species, horses, sheep and swine. Recognizes stages of National Pseudorabies Eradication Program.

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

Hearing Location: Department of Agriculture, 1111 Washington Street, Second Floor Conference Room, Olympia, WA 98504, on October 6, 1992, at 10:30 a.m.

Submit Written Comments to: Dr. Robert W. Mead, P.O. Box 42577, Olympia, WA 98504-2577, by October 2, 1992.

Date of Intended Adoption: October 6, 1992.

August 31, 1992

John Daly

Assistant Director

#### AMENDATORY SECTION (Amending Order 1964, filed 2/5/88)

**WAC 16-54-010 Definitions.** For purposes of this chapter:

(1) "Director" means the director of agriculture of the state of Washington or his duly authorized representative.

(2) "Breeding cattle" shall be those females and bulls not consigned to a federally inspected slaughter establishment ~~((or)),~~ a restricted feedlot, or other authorized slaughter only channel.

(3) "Official brucellosis test" means blood samples are to be tested only by cooperating state-federal laboratories or by such persons as may be authorized by state of origin animal health officials to conduct the standard agglutination tests or the card test. All samples initially tested at other than cooperating state-federal laboratories shall be promptly submitted and confirmed at the cooperating state-federal laboratory.

(4) "Official calthood vaccinate" means a female bovine animal vaccinated between the ages of four and twelve months (one hundred twenty days to three hundred sixty-five days) with an approved brucella vaccine.



(5) "Class free and Class A, B, and C states" means states as classified by the current federal brucellosis eradication uniform methods and rules.

(6) "Stage I, II, III, IV, or V Pseudorabies state" means states as classified by the current federal pseudorabies eradication Uniform Methods and Rules.

(7) "Official health certificate" means a legible certificate of veterinary inspection executed on an official form of the state of origin or of the Animal and Plant Inspection Service (APHIS), United States Department of Agriculture (USDA), by a licensed and accredited veterinarian or a veterinarian approved by the proper official of APHIS, USDA.

(8) "Animal" means any animal species except fish and insects.

(9) "Domestic animal" means any farm animal raised for the production of food and fiber or companion animal or both.

(10) "Farm animal" means any species which have normally and historically been kept and raised on farms in Washington, the United States, or elsewhere and used or intended for use as food, fiber, breeding, or draft and which may be legally kept for such use in Washington.

AMENDATORY SECTION (Amending Order 1540, filed 10/17/77)

**WAC 16-54-020 Illegal importation.** (1) All ~~((domestic))~~ animals being shipped into this state must have met requirements of Title 9, Code of Federal Regulations, in effect at the time of movement or importation from foreign countries and in addition thereto must meet all the applicable laws, rules and regulations of the state of Washington pertaining to animal health and care of animals.

(2) It shall be unlawful for any person, firm or corporation to import any ~~((domestic))~~ animal ~~((or any nonaquatic animal kept in a household or premises thereof or for public display into this state))~~ unless in compliance with the requirements set forth hereafter in this order, and regulations relating to importation into and movement within the state of Washington of poultry ~~((and))~~, hatching eggs and wildlife. No ~~((domestic))~~ animal ~~((or any nonaquatic animal kept in a household or premises thereof or for public display))~~, including poultry and wildlife, that is affected with any infectious or communicable disease shall be imported into the state unless written permission for the importation is obtained from the director.

AMENDATORY SECTION (Amending Order 1918, filed 3/25/87)

**WAC 16-54-030 Health certificate.** (1) All animals entering Washington shall be accompanied by an official health certificate except:

(a) Dogs and cats originating in Washington and visiting Canada for thirty days or less.

(b) Those classes of animals specifically exempted in laws or regulations of this state.

(2) ~~((<sup>2</sup>))~~Official health certificate~~((=" means a legible certificate executed on an official form of the state of origin or of the Animal Health Division, United States Department of Agriculture, by a licensed and accredited veterinarian or a veterinarian approved by the proper official of the Animal~~

~~Health Division, United States Department of Agriculture, and))~~ shall contain the following information:

(a) Date of inspection. All health certificates void after thirty days, except breeding cattle forty-five days from date of issue: *Provided*, The director may give special exemption for show animals.

(b) Names and addresses of the consignor and consignee.

(c) Certification that the animals are apparently free from evidence of infectious and communicable disease.

(d) Test or vaccination status when required.

(e) Description of each animal to include species, breed, age, sex, tag or tattoo and for cattle, only an official ear tag will be accepted or if registered, the registry name, number and tattoo for individual identification.

(f) Certification of disinfection of cars and trucks when required.

(g) An owner/agent statement which says "the animals in this shipment are those certified to and listed on this certificate" and is signed and dated by the owner, agent, or veterinarian.

(3) All health certificates shall be approved by the livestock sanitary official of the state of origin and a copy shall be forwarded immediately to the department of agriculture, Olympia, Washington.

NEW SECTION

**WAC 16-54-035 Certification of health—Wild and exotic animals.** (1) An official interstate health certificate or certificate of veterinary inspection stating that all listed animals are free from clinical symptoms of infectious or communicable disease shall be prepared and issued by an accredited veterinarian licensed in the state of origin for all captive wild and exotic animals and shall contain the following:

(a) Common and scientific name(s) of the animals.

(b) Number of animals.

(c) Appropriate description of animals by criteria such as sex, age, weight, coloration.

(d) Permanent individual animal identification.

(e) Date of anticipated shipment.

(f) Name and address of consignor and consignee.

(g) Origin of shipment.

(h) Signature of veterinarian and owner or agent.

(i) Permit number issued by the Washington state veterinarian.

(2) Tests or qualifications required for wild and exotic animals prior to entry into the state of Washington:

(a) Brucellosis. The interpretation of brucellosis test results on captive wild or exotic animals shall be held by the Washington state veterinarian. Serologic testing must be conducted in accordance with state/federal brucellosis protocol within thirty days prior to entry for the following categories of captive wild or exotic animals over six months of age.

(i) *Brucella abortus*.

(A) Camelidae: Such as vicuna, guanaco.

(B) Cervidae: Such as elk, caribou, moose, reindeer, deer.

(C) Giraffidae: Such as giraffe, okapi.

(D) Bovidae: Such as antelopes, wild cattle (gaur, banteng, kaupre, yak), bison (American bison, also refer to



WAC 16-54), European bison, buffalo (Asian water buffalo, tamaraw, lowland anoa, mountain anoa, African buffalo), wild sheep (bighorn sheep, dalls sheep, mouflon, argoli, uriol, blue sheep, barbary sheep, red sheep), wild goats (rocky mountain goat, ibex, walia ibex, west caucasion tur, east caucasion tur, spanish ibex, markhor).

(ii) *Brucella suis*.

(A) Suidae: Wild swine (European wild boar, bearded pig, Jovan pig, pygmy hog, wart hog, giant forest pig, Babirusa, African bush pig, peccaries).

(B) Caribou, reindeer (*Brucella suis* Biovar 4).

(iii) *Brucella ovis*. All wild sheep and goats must be tested and found negative to *B. ovis* within thirty days prior to entry.

(b) Tuberculosis (*Mycobacterium bovis* and *Mycobacterium tuberculosis*) a skin test or other approved test must be conducted in accordance with federal tuberculosis protocols within thirty days prior to entry into Washington for the following categories of captive wild exotic animals. Animals under six months of age that are nursing, negative tested dams may be excluded from the test requirements.

(i) Ceropithecidae: Old world primates.

(ii) Hylobotidae: Gibbons or Lessor apes.

(iii) Pongidae: Great apes.

(iv) Bovidae: Such as antelopes, wild cattle, wild sheep and wild goats.

(v) Cervidae: Such as elk, caribou, moose, reindeer, deer must be from herds not known to be affected with or exposed to tuberculosis and comply with the following *Mycobacterium bovis* testing requirements:

(A) Be negative to a 0.1 ml single cervical tuberculin test within thirty days prior to importation and originate from a herd which has had a negative complete herd test of all eligible animals using the 0.1 ml single cervical test and all additions to the herd have been tested negative by the same test procedure; or

(B) Be negative to a 0.1 ml single cervical tuberculin test within thirty days prior to importation and be isolated at the destination for one hundred and twenty days after arrival and retested for *M. bovis* after the isolation period using the 0.1 ml single cervical test.

(vi) Giraffidae: Giraffe, okapi must be tested by a single cervical test.

(c) Animals that show positive reaction on a skin test may be tested by additional approved skin tests, microbiological cultures, radiographs or serology to fully assess the status in regard to tuberculosis and to confirm or deny the possibility of a false positive reading of the skin test. Final decision on the entry of such animals will be made by the Washington state veterinarian.

(d) For all captive wild or exotic animals not listed in (b) of this subsection, the following statement signed by the owner or agent shall be placed on the health certificate. "To my knowledge the animals listed herein are not infected with tuberculosis and have not been exposed to animals infected with tuberculosis during the past twelve months."

(e) Pseudorabies: Tested negative within thirty days of import. Held in quarantine for thirty to sixty days pending retest post entry.

Suidae: All wild swine.

(f) Equine Infectious Anemia: Tested negative on an approved test for equine infectious anemia within six months prior to entry for all wild horses, asses and hybrids.

(g) Elaphostrongylinae: *Parelaphostrongylus tenuis* (meningeal worm) and *Elaphostrongylus cervis* (muscle worm).

All cervidae must be examined prior to entry into Washington state for Elaphostrongylinae infection in the absence of anthelmintic treatment that could mask detection of the parasite.

(i) Cervidae which have resided for at least six months west of a line through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas must have a negative fecal exam for dorsal-spined larvae made by an approved laboratory using the Baermann technique. Animals tested shall be certified to have not been treated with or exposed to anthelmintics, including ivermectin (IVOMEC R) for at least thirty days prior to testing.

(ii) Cervidae which have resided for less than six months west of a line through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and Texas or from east of that line shall be held in preentry quarantine for thirty to sixty days and two fecal tests for dorsal-spined larvae made by an approved laboratory using the Baermann technique. The first test must be conducted at least thirty days and not more than forty days before the second test. During this period, which shall be at least thirty days, test animals must be held in quarantine and isolated from all other cervidae not included in the shipment. Animals so tested shall be certified to have not been treated with or exposed to anthelmintics including ivermectin (IVOMEC R) during the time period beginning at least thirty days before the first fecal test and extending to at least one hundred eighty days after importation. Fecal samples of at least thirty grams per sample are to be collected by an accredited veterinarian from the rectum and identified to the animal by the official animal identification number. If any animal tests positive to either of the two fecal tests, the entire consignment may not be imported into Washington.

Postentry animals must be held for one hundred eighty days in on-site quarantine and they must be available for inspection by the director of agriculture during this time. Thirty, sixty, ninety, one hundred twenty, one hundred fifty, and one hundred eighty days after arrival, fecal samples must be tested by the Baermann technique in an approved laboratory and found negative for dorsal-spined larvae; animals that test positive must be removed from the state or destroyed.

The quarantine site must be prepared and inspected prior to the entrance of the imported animals to prevent the presence of the gastropod intermediate hosts of Elaphostrongylinae larvae by:

(A) Keeping the animals on a hard surface, such as asphalt or concrete; or

(B) Spraying a four-meter wide tract around the perimeter of the holding compound with a molluscicide and also spraying within the quarantine area. The perimeter tract has to be treated once every five days and within twenty-four hours of precipitation (10 mm or more) to ensure the gastropod population is kept to zero within the compound.

(h) Rabies: Any mammal of the order carnivora that has been taken from the wild may not enter the state if a diagnosis of rabies has been made in the state of origin during the past twelve months.

(i) Qualifications, specific tests, or statements required for birds prior to entry into the state of Washington:

Pullorum and Fowl Typhoid.

(A) Commercial game birds and their eggs unless going directly to slaughter, must originate from a producer who is participating in the pullorum-fowl typhoid control phase of the National Poultry Improvement Plan (NPIP) or the birds must test serologically negative for pullorum and fowl typhoid within the past thirty days. In the case of eggs and hatchling birds, negative serologic tests for pullorum and fowl typhoid from a breeder flock not participating in the NPIP must be shown negative within the past thirty days. Serum testing or NPIP member status are also required for the following species: Bobwhite quail (*Colinus virginianus*), Coturnix quail (*Coturnix coturnix*), pure or hybrid Ring-necked pheasant (*Phasianus colchicus*), Chukar (*Alectoris chukar*), Hungarian partridge (*Perdix perdix*), Wild turkey (*Meleagris gallopavo*).

(B) In lieu of pullorum and fowl typhoid testing for certain other birds, the following statement can be placed on the health certificate: "To my knowledge, birds listed herein are not infected with pullorum or fowl typhoid and have not been exposed to birds infected with pullorum or fowl typhoid during the past twelve months." This statement should be signed by the owner or the owner's representative. This rule would apply to the following birds: All Galliformes except those listed in (i)(A) of this subsection; all Anseriformes.

(j) Mycoplasmosis.

All wild turkeys of the species *Meleagris gallopavo* and their eggs, unless going directly to slaughter must originate from a producer who is participating in the mycoplasmosis control phase of the NPIP or the birds must have tested serologically negative for *Mycoplasma gallisepticum* and *M. synoviae* within the past thirty days. In the case of eggs and hatchling birds, the breeder flock must be an NPIP participant or must have tested negative in the past thirty days.

(k) Duck Plague (Duck Virus Enteritis, D.V.E.) and Avian Cholera.

The statement, "To my knowledge, birds listed herein are not infected with duck plague or avian cholera and have not been exposed to birds known to be infected with duck plague or avian cholera within the past one hundred eighty days." must be written on the health certificate of all Anseriformes entering the state. The statement must be signed by the owner or the owner's representative.

Exotic Newcastle Disease (viscerotropic, velogenic viruses) and Psittacosis.

(i) The statement, "To my knowledge, birds listed herein are not infected with exotic Newcastle disease or psittacosis and have not been exposed to birds known to be infected with exotic Newcastle disease or psittacosis within the past thirty days," must be written on the health certificate of all psittacine birds entering the state. The statement must be signed by the owner or the owner's representative.

(ii) While in transit or while being offered for sale, the following birds which have been repeatedly associated with

introductions of exotic Newcastle disease must be identified with a numbered leg band or other approved method of identification:

Yellow naped Amazon parrot (*Amazona ochrocephala auropalliata*).

Mexican double yellow head parrot (*Amazona ochrocephala oratrix*).

Mexican red head parrot (*Amazona viridigenalis*).

Spectacled Amazon parrot (*Amazona albifrons albifrons*).

Yellow cheeked Amazon parrot (*Amazona autumnalis autumnalis*).

Green conure (*Aratinga holochlora*, *A. strenua*, *A. leucophthalms*).

Military macaw (*Ara militaris*).

Lilac crowned Amazon parrot (*Amazona finschi*).

**AMENDATORY SECTION** (Amending Order 1778, filed 11/24/82)

**WAC 16-54-071 Domestic equine.** (1) Domestic equine animals shall be accompanied by an official health certificate stating that they are free from clinical symptoms of infectious and communicable disease. All equine over six months of age must have a record of a negative test for the diagnosis of equine infectious anemia made within six months prior to entry. Horses moving to Washington from Oregon are excluded from test requirements.

(2) Breeding stallions or their semen shall be tested negative for equine viral arteritis (EVA) within ninety days of import. Positive stallions or semen may be imported with a certifying statement on the health certificate that the consignee has been advised and consents to the shipment. All positive stallions or semen entering Washington shall be moved on a permit issued by the office of the state veterinarian and may be subject to quarantine.

**AMENDATORY SECTION** (Amending Order 2021, filed 11/30/89, effective 12/31/89)

**WAC 16-54-082 Domestic bovine animals.** All domestic bovine animals (including bison) entering Washington shall be moved on a permit issued by the office of the state veterinarian. All domestic bovine animals (including bison) shall meet the following requirements:

(1) Tuberculosis. All beef and dairy cattle must originate from herds not under quarantine in a not less than modified accredited area. The state veterinarian may require a negative tuberculosis test within thirty days of import for cattle (including bison) from the states classified as modified accredited or accredited free if *Mycobacterium bovis* (*M. bovis*) has been cultured from a herd in that state within the previous twelve months. All Mexican cattle imported from Mexico within three years of date of importation to Washington must show proof of a tuberculosis retest at least one hundred twenty days after import to the United States. Such cattle without proof of retest must be held on the premises of destination in Washington and kept separate from all other cattle for not less than one hundred twenty nor more than one hundred eighty days from the date of entry and retested for tuberculosis during the one hundred twenty to one hundred eighty-day period.

(2) Brucellosis health certificate requirements. All domestic bovine animals (including bison), except those consigned to restricted feedlots, ((~~or~~)) to federally inspected slaughter plants for immediate slaughter, or beef breed cattle ((~~or~~)), slaughter only dairy breed cattle, or dairy breed cattle from Oregon, Montana, and Idaho consigned to a state-federal approved livestock market, shall be accompanied by an official interstate health certificate and shall meet the following requirements:

(a) Brucellosis test.

(i) Cattle from class free and A states.

(A) Sexually intact heifers from brucellosis quarantined herds in class free and A states shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter plant.

(B) Cattle other than those referred to in (a)(i)(A) of this subsection from class free or A states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Officially vaccinated dairy cattle under twenty months of age and officially vaccinated beef cattle under twenty-four months of age.

(IV) Cattle from a certified brucellosis free herd.

(V) Cattle from selected brucellosis free states designated by the Washington state veterinarian.

(ii) Cattle from Class B or C states.

(A) Sexually intact ((~~heifers~~)) females from other than certified brucellosis free herds in states classified B or C by the USDA shall not be imported into the state of Washington except for immediate slaughter at a federally inspected slaughter establishment.

(B) ((~~Cattle other than those referred to in (a)(ii)(A) of this subsection~~)) Sexually intact males from Class B states which are test eligible, unless destined for a restricted feedlot or for immediate slaughter at a federally inspected slaughter establishment, must be negative to an official brucellosis test conducted within thirty days prior to date of entry and held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(C) ((~~Cattle other than those referred to in (a)(ii)(A) of this subsection~~)) Sexually intact males from Class C states which are test eligible must be negative to two official brucellosis tests conducted prior to entry at least sixty days apart, the second test to be conducted within thirty days of entry. Those cattle shall be held on the premises of destination and kept separate from all other cattle for retest not less than forty-five nor more than one hundred twenty days from the date of the second negative preentry test. Cattle not considered test eligible include:

(I) Calves under six months of age.

(II) Steers and spayed heifers.

(III) Cattle from a certified brucellosis free herd.

(iii) Beef cattle eligible for brucellosis testing coming from class free or A states or dairy cattle coming from Idaho, Montana, or Oregon may be moved to state-federal approved livestock markets in Washington to meet entry health requirements.

(iv) Should brucellosis infection occur in the state of Washington as a result of importation of infected animals, all future importations from the state of origin shall be required to meet import regulations of the next lower classification. State regulatory officials of that state shall be notified and the lower classification entry requirement will be in effect for twelve months following notification to the state of origin.

(b) Brucellosis calfhood vaccinates—female dairy cattle. All female dairy cattle must be identified as official brucellosis calfhood vaccinates before entry. Except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Those cattle consigned directly to a federally inspected slaughter plant.

(iii) Those cattle consigned directly to a restricted feedlot.

(iv) Spayed heifers.

(c) Brucellosis calfhood vaccinates—female beef cattle. All female beef breed cattle must be identified as official brucellosis vaccinates before entry, except the following classes of cattle are exempt from this requirement:

(i) Calves under four months of age.

(ii) Registered female beef ((breed)) cattle born before January 1, 1983, with age verification by registration papers.

(iii) Cattle sold or consigned to a restricted feedlot.

(iv) Cattle sold or consigned to a federally inspected slaughter plant.

(v) Cattle sold or consigned to a public livestock market for immediate slaughter only.

(vi) Spayed heifers.

(vii) Cattle from a certified brucellosis free country where vaccination is prohibited by law: *Provided*, That the state veterinarian, upon being assured that to allow such cattle to enter would not create any jeopardy to the livestock industry of the state of Washington, may issue a special permit for such entry.

(3) Scabies. The office of the state veterinarian may require that any cattle from a known infected area be dipped at an official dipping facility within ten days of entry and, except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days, be accompanied by an official interstate health certificate. Ivermectin may be used as an alternative to the dipping procedure for beef and nonlactating dairy animals.

(4) Vesicular stomatitis. The office of the state veterinarian may require that:

(a) Any cattle be accompanied by an official interstate health certificate except those consigned to a federally inspected slaughter plant for immediate slaughter within fourteen days;

(b) Dairy breed cattle be held separate and apart from all other cattle for a period of seven days at the point of destination and rechecked by an accredited veterinarian at the end of that period; except that dairy breed cattle from known infected areas shall not be allowed entry into the state; and

(c) Beef breed cattle from known infected areas be held separate and apart from all other cattle for a period of thirty days either prior to entry or at the point of destination or both.

(5) Temporary grazing permits. Herd owners desiring to move cattle into Washington for temporary grazing purposes must obtain a prior permit from the office of the state veterinarian: *Provided*, That the state veterinarian may, if deemed necessary, require a brucellosis herd test and/or an official health certificate for any cattle entering the state for grazing purposes. Applicants must also file an approved herd plan with the office of the state veterinarian to phase out all brucellosis nonvaccinates in the herd prior to January 1, 1988. Grazing permits shall be for one specified season only and shall be valid for movement to only that destination declared on the permit. A copy of the permit shall accompany any vehicle transporting cattle into the state for such temporary grazing purposes.

AMENDATORY SECTION (Amending Order 1172, filed 12/15/70)

**WAC 16-54-090 Goats.** Goats except those for immediate slaughter, shall be accompanied by a health certificate stating they are clinically free from infectious and communicable disease (~~and a record of a negative brucellosis and tuberculosis test made~~). Dairy goats shall be tested negative for brucellosis within thirty days prior to date of entry. Goats under six months of age are exempt from brucellosis test requirement.

AMENDATORY SECTION (Amending Order 1430, filed 2/9/76)

**WAC 16-54-101 Sheep.** Sheep except those for immediate slaughter, shall be accompanied by a health certificate stating they are clinically free from infectious and communicable disease and in addition shall comply with the following requirements which shall be stated on the health certificate:

(1) Originate from a (~~state~~) flock in which no (~~scabies or~~) scrapie has existed for (~~one~~) three years.

(2) All breeding rams six months of age and over must have a negative ELISA test for brucella ovis within thirty days prior to entry into Washington and be palpated and certified free of brucella ovis or be from a brucella free flock. Each ram must be individually identified with an individual eartag or registration tattoo. This number, along with the test results and date of test, must be entered on the health certificate which must accompany the animal(s).

AMENDATORY SECTION (Amending Order 1780, filed 12/23/82)

**WAC 16-54-111 Swine.** (1) Slaughter swine. Swine not known to be affected with or exposed to infectious or communicable diseases may be moved into the state without health certificate to a federally inspected slaughter establishment or public livestock market specifically approved under Part 76, Title 9, Code of Federal Regulations for immediate slaughter and shall not be diverted enroute for any purpose. The waybills or certificates for movement must state "for immediate slaughter (~~only~~)." Saleyards

receiving for slaughter only swine may not offer such swine for sale for any other purpose without meeting all health certificate and test requirements and receive a permit from the state veterinarian.

(2) Feeder and breeder swine.

(a) Swine must be accompanied by a permit issued by the department of agriculture state veterinarian, or the state veterinarian's representative, and an official health certificate stating they are clinically free from infectious and contagious disease or exposure thereto. The consignor and consignee will be properly listed with exact mailing address and destination clearly shown. The name and address of the consignee for pet swine shipments will be verified prior to issuance of the permit to import and a written quarantine will be issued pending post entry pseudorabies testing.

(b) Swine brucellosis. All swine imported for breeding purposes over six months of age entering the state of Washington must be tested and found negative to brucellosis within thirty days prior to entry or originate in a validated brucellosis free herd or state or area. Swine from herds where brucellosis is known to exist will not be admitted.

(c) Swine pseudorabies. All swine being imported into the state of Washington must be:

(i) Tested and found negative to pseudorabies within thirty days prior to the date of importation, and

(ii) Isolated and held in quarantine at the point of final destination until retested and found negative to pseudorabies at least (~~twenty-one~~) thirty days and not more than sixty days after the date of importation.

(d) The following classes of swine are exempt from these pseudorabies test requirements:

(i) Swine originating from a pseudorabies qualified negative herd where the qualifying test has been conducted within sixty days of shipment and all new additions since the test have been tested negative.

(ii) Swine being shipped directly to a federally inspected slaughter establishment for immediate slaughter.

(iii) Direct shipment from a stage IV or V state/area.

(iv) Swine from a country determined to be free of pseudorabies.

#### NEW SECTION

**WAC 16-54-135 Llamas.** All llamas imported into Washington shall be accompanied by a health certificate stating that the animals are free from signs or exposure to infectious or contagious disease. Llamas six months of age and over must be tested negative for brucellosis and tuberculosis not more than thirty days prior to entry. The tuberculosis test is to be performed just caudal to the elbow joint in a similar manner to the single strength single cervical test.

AMENDATORY SECTION (Amending Order 1172, filed 12/15/70)

**WAC 16-54-150 Penalty.** Penalty provisions. Revised Code of Washington (RCW 16.36.110) provides: A violation of or a failure to comply with any chapter or any rule adopted under this chapter shall be a gross misdemeanor. Each day upon which a violation occurs shall constitute a separate violation. Any person violating the provisions of RCW 16.36.005, 16.36.020, 16.36.030,

16.36.103, 16.36.105, 16.36.107, 16.36.108 or 16.36.109 may be enjoined from continuing such violation.

**WSR 92-18-063**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Filed August 31, 1992, 2:44 p.m.]

**Original Notice.**

**Title of Rule:** Chapter 16-86 WAC, Rules relating to brucellosis, tuberculosis and scrapie in cattle, goats and sheep.

**Purpose:** To only permit cattle that are vaccinated for brucellosis to be sold for breeding purposes except registered cattle with proof of age, born before January 1, 1983.

**Statutory Authority for Adoption:** RCW 16.36.040 and 16.36.096.

**Statute Being Implemented:** Chapter 16.36 RCW.

**Summary:** Eliminate cattle born before January 1983 except for mandatory brucellosis vaccinates as it exists in present WAC and allowing only those with proof of age to change ownership for the purpose of breeding cattle.

**Reasons Supporting Proposal:** Eliminate the need for age determination by estimation using the teeth as a guide.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Dr. Robert W. Mead, P.O. Box 42577, Olympia, 98504, (206) 753-5040.

**Name of Proponent:** Food Safety/Animal Health Division, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The rule will allow only cattle vaccinated for brucellosis to be sold for breeding purposes thus eliminating those cattle born before January 1, 1983, unless age can be proven with registration papers.

**Proposal Changes the Following Existing Rules:** Elimination of an exception to mandatory vaccination. Change of ownership for breeding purposes.

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

**Hearing Location:** Department of Agriculture, 1111 Washington Street, Second Floor Conference Room, Olympia, WA 98504, on October 6, 1992, at 10:30 a.m.

**Submit Written Comments to:** Dr. Robert W. Mead, P.O. Box 42577, Olympia, WA 98504-2577, by October 2, 1992.

**Date of Intended Adoption:** October 6, 1992.

August 31, 1992

John Daly  
Assistant Director

**AMENDATORY SECTION** (Amending Order 1964, filed 2/5/88)

**WAC 16-86-015 Washington cattle sale requirements.** (1) Effective January 1, 1984, within thirty days prior to any change of ownership and in a manner prescribed by the state veterinarian, all dairy breed cattle shall be tested negative for brucellosis. The following classes of cattle are exempt from this test requirement:

- (a) Calves under four months of age.
- (b) Cattle sold or consigned to a restricted feedlot.
- (c) Cattle sold or consigned to a federally inspected slaughter plant.

(d) Steers and spayed heifers.

(e) Official calfhood vaccinates under twenty months of age and not parturient or post parturient.

(2) All female cattle shall be officially vaccinated against brucellosis and bear a legible vaccination tattoo prior to being sold or introduced into any herd in the state of Washington. This rule does not apply to the following:

(a) Calves under four months of age. Female calves under four months acquired by any herd and natural female additions must become official calfhood vaccinates, as provided for in this chapter, to be sold for any purpose other than those set forth in (c), (d), (e), or (f) of this subsection.

(b) Registered female beef ((breed)) cattle born before January 1, 1983.

(c) Cattle sold or consigned to a restricted feedlot.

(d) Cattle sold or consigned to a federally inspected slaughter plant.

(e) Cattle sold or consigned to a public livestock market for immediate slaughter only.

(f) Spayed heifers.

(3) Any dairy breed female cattle over eight months of age which are not exempted in subsection (2) of this section and which are found not to be vaccinated against brucellosis upon consignment to a public livestock market, shall be identified by branding with an "S" brand on the left hip prior to sale and released from the market. After "S" branding, the nonvaccinated cattle may be released by the director on a VS1-27 Form or other official permit to any of the following destinations:

(a) A restricted feedlot.

(b) A federally inspected slaughter plant.

(c) Another public livestock market for immediate slaughter only.

(d) Upon specific approval by the state veterinarian, nonvaccinated cattle "S" branded at a public livestock market may be returned to the farm of origin where they must remain until released by the state veterinarian for consignment to one of the destinations listed under (a), (b), or (c) of this subsection.

(4) Any dairy breed female cattle consigned to a public livestock market for probable slaughter, but whose status is later changed by the buyer, shall be identified by "S" branding and released by the department only as set forth in subsection (3) of this section, if found not to be vaccinated for brucellosis. Any buyer who fails to deliver "S" branded cattle to the destination declared by the buyer or his agent shall be guilty of a violation of this chapter. Whenever necessary, the department shall make the final determination of the vaccination status of any eligible cattle.

(5) All Washington cattle shall be individually identified and permanently recorded as to herd of origin prior to being sold or consigned for slaughter. Such identity shall be transferred to the blood sample taken for MCI test purposes. These records shall be made available to the department upon request. Except the following classes of cattle shall be exempt from this requirement:

(a) Cattle under twenty-four months of age. (Not parturient or post parturient.)

(b) Steers and spayed heifers.

**WSR 92-18-064**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)  
[Filed August 31, 1992, 3:42 p.m.]

Continuance of WSR 92-18-019.

Title of Rule: Chapter 388-151 WAC, School-age child care center minimum licensing requirements.

Purpose: Promulgate rules for licensing child care centers which care only for school-age children part of the day (usually before and after school).

Name of Proponent: Department of Social and Health Services, governmental.

Hearing Location: Spokane County Health District, Auditorium, West 1101 College Avenue, Spokane, WA 99201-2095, on October 19, 1992, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Mailstop 5805, Department of Social and Health Services, Olympia, 98504, FAX 664-0118, SCAN 366-0118, by October 19, 1992.

Date of Intended Adoption: October 28, 1992.

August 31, 1992  
Leslie F. James, Director  
Administrative Services

**WSR 92-18-070**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
[Filed September 1, 1992, 9:14 a.m.]

Original Notice.

Title of Rule: WAC 314-12-180 Suspension notices, posting or advertising of—Other closing notices prohibited.

Purpose: To instruct the public about suspension procedures and to clarify what business activities a liquor licensee may conduct when their liquor license privileges have been suspended.

Statutory Authority for Adoption: RCW 66.08.010.

Statute Being Implemented: RCW 66.24.010, 66.24.120, and 66.08.150.

Summary: This rule applies to all licensees of the board, both retail and nonretail. The rule tells about posting a notice with the reason license suspension, clarifies that no other reason should be given for the suspension, and states what activities a business may participate in when there is no liquor service.

Reasons Supporting Proposal: This rule gives the public and board employees clear directions on what are acceptable business practices during a period of suspension and informs the public about license suspension notices.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, 1025 East Union, 586-6701; Implementation and Enforcement: Gary W. Gilbert, 1025 East Union, 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 board suspends retail and nonretail liquor licenses, this rule will give guidance for suspension of all licenses. The rule restates language that was previously in WAC 314-16-170 and further adds some specific language from past board policy and practice. By putting past policy and practice into rule form, the public and board employees have clear directions on what are acceptable notices and business practices during a period of liquor license suspension.

Proposal Changes the Following Existing Rules: Change clarifies business activities that can occur on a licensed business during a period of suspension.

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

Hearing Location: Capital Plaza Building 5th Floor Board Room, 1025 East Union, Olympia, WA 98504, on October 14, 1992, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information Office, 1025 East Union, Olympia, WA 98504, by October 13, 1992.

Date of Intended Adoption: October 14, 1992.

August 31, 1992  
Paula O'Connor  
Chairman

NEW SECTION

**WAC 314-12-180 Suspension notices, posting or advertising of—Other- Closing notices prohibited.** (1) Licensees are required to maintain compliance with all liquor laws and regulations during any period of suspension. Whenever the board shall suspend the license of any 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, stating that the license or licenses have been suspended by order of the board because of violation of the Washington State liquor act or the regulations.

(2) During the period of suspension:

(a) No person shall remove, alter, cover, or in any way disturb the posted notice(s) of suspension;

(b) Place, permit or allow to be placed in, at, or upon the licensed premises, any notice or statement of reasons or purpose indicating that the premises have been closed for any reason other than as stated in the notice of suspension; PROVIDED FURTHER, that the prohibition of this subsection shall apply to any nearby or adjacent property, such as a parking lot area that is owned by or under the control of the licensee.

(c) Neither the licensee nor his/her or its employees shall advertise, either by newspaper, radio, television, handbill, brochure, flyer or by any means whatever, that the licensed premises are closed for any reason(s) other than those stated in the Board's suspension notices.

(3) A retail liquor licensee may operate the business during the period of suspension provided there is no sale,

delivery, service, consumption, removal or receipt of liquor. Further, no banquet permit or special occasion function may be held on the premises during a period of liquor license suspension.

(4) A nonretail licensee may operate the business during the period of suspension provided there is no sale, delivery, service, consumption, removal or receipt of liquor. Further, no manufacturer may receive any agricultural products used in the production of alcohol, crush fruit, or bottle alcohol during a period of suspension. A manufacturer of alcohol may do whatever is necessary as a part of the manufacturing process to keep current stock on hand at the time of the suspension from spoiling or becoming unsaleable during a suspension provided it does not include bottling the product.

**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 92-18-071**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
[Filed September 1, 1992, 9:15 a.m.]

Original Notice.

Title of Rule: WAC 314-16-170 Suspension notices, posting of other closing notices prohibited.

Purpose: To delete this rule in its entirety and replace it with a new proposed rule, WAC 314-12-180.

Statutory Authority for Adoption: RCW 66.08.010.

Statute Being Implemented: RCW 66.24.010, 66.24.120, and 66.08.150.

Summary: This rule is being deleted since it applies only to retail licensees. The new rule being proposed to replace it applies to all licensees of the board.

Reasons Supporting Proposal: The board suspends retail and nonretail liquor licenses, but there is no guidance in the rules for suspension of nonretail licensees. By moving this rule to chapter 314-12 WAC that applies to all licensees and adding specific language, the public and board employees have directions on what is acceptable during a suspension.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, 1025 East Union, 586-6701; Implementation and Enforcement: Gary W. Gilbert, 1025 East Union, 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 board suspends retail and nonretail liquor licenses, but there is no guidance in the rules for suspension of nonretail licensees. By moving this rule to chapter 314-12 WAC that applies to all licensees and adding some specific language, the public and board employees have clear directions on what are acceptable business practices during a period of liquor license suspension.

Proposal changes the following existing rules: Change eliminates existing rule.

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

Hearing Location: Capital Plaza Building, 5th Floor Board Room, 1025 East Union, Olympia, WA 98504, on October 14, 1992, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, 1025 East Union, Olympia, WA 98504, by October 13, 1992.

Date of Intended Adoption: October 14, 1992.

August 31, 1992

Paula O'Connor

Chairman

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 314-16-170 Suspension notices, posting of other closing notices prohibited.

**WSR 92-18-072**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
[Filed September 1, 1992, 9:16 a.m.]

Original Notice.

Title of Rule: WAC 314-12-115 Expired card of identification is not valid proof of age.

Purpose: The purpose of this rule is to clarify existing statutes. The rule further assists in protecting public health, safety and welfare by requiring youthful appearing persons who wish to purchase or possess liquor, or enter a licensed location which is open only to persons 21 years of age or over, must have a current identification card.

Statutory Authority for Adoption: RCW 66.08.010.

Statute Being Implemented: RCW 66.20.160, 66.20.170, and 66.16.040.

Summary: The rule explains that in order to be accepted as identification, a card of identification must be current, i.e. not expired.

Reasons Supporting Proposal: Requiring acceptable identification to be current assists the licensees and the public from providing liquor, erroneously, to persons under 21 years of age.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, 1025 East Union, 586-6701; Implementation and Enforcement: Gary W. Gilbert, 1025 East Union, 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 rule explains that in order to be accepted as identification, a card of identification must be current, i.e. not expired. Its purpose is to clarify existing statutes. Will assist licensees and the public from providing liquor, erroneously, to persons under 21 years of age.

Proposal does not change existing rules.

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



Hearing Location: Capital Plaza Building, 5th Floor Board Room, 1025 East Union, Olympia, WA 98504, on October 14, 1992, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information Office, 1025 East Union, Olympia, WA 98504, by October 13, 1992.

Date of Intended Adoption: October 14, 1992.  
 August 31, 1992  
 Paula O'Connor  
 Chairman

NEW SECTION

**WAC 314-12-115 Expired card of identification is not valid for proof of age.** (1) For purposes of RCW 66.16.040 and Rcw 66.20.170, a "Card of Identification" must be current for it to be acceptable as proof of age of a purchaser of alcoholic beverages or to frequent a cocktail lounge or tavern. "Current" means the card of identification is not expired and has not been officially invalidated.

(2) An expired Washington Driver's License which has been invalidated, together with a temporary Washington Driver's License which is current and for the same person pictured and described in the invalidated Washington Driver's License with a photo, will be acceptable identification for liquor service.

**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 92-18-073  
 PROPOSED RULES  
 LIQUOR CONTROL BOARD**  
 [Filed September 1, 1992, 9:17 a.m.]

Original Notice.

Title of Rule: WAC 314-16-055 Entertainment—Hours permitted.

Purpose: To clarify what activities may occur at liquor licensed establishments.

Statutory Authority for Adoption: RCW 66.08.010.

Statute Being Implemented: RCW 66.28.080.

Summary: The rule explains that a liquor licensee must request board permission to have music, dancing or entertainment in a licensed premises, and thus puts into rule form past board policy.

Reasons Supporting Proposal: The proposal puts into rule form board policy as required by the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gary W. Gilbert, 1025 East Union, 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 rule clarifies that music, dancing and entertainment may be conducted in liquor licensed premises with board approval.

Proposal does not change existing rules.

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

Hearing Location: 5th Floor Board Room, 1025 East Union, Olympia, WA 98504, on October 14, 1992, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information Office, 1025 East Union, Olympia, WA 98504, by October 13, 1992.

Date of Intended Adoption: October 14, 1992.  
 August 31, 1992  
 Paula O'Connor  
 Chairman

NEW SECTION

**WAC 314-16-055 Entertainment — Hours permitted.** Music, dancing or entertainment may be conducted on any licensed premises between the hours of 6:00 a.m. and 2:00 a.m., provided the licensee or applicant obtains prior Board approval and complies with the provisions of RCW 66.28.080. The Board may approve exceptions to the hours such music, dancing or entertainment may be conducted where it can be demonstrated to the satisfaction of the Board that such a variance will not adversely impact public safety. Any municipality may fix later starting hours or earlier ending hours than those specified in this rule; provided, however, that such later starting hours or earlier ending hours shall apply to all licensed premises.

**WSR 92-18-074  
 PROPOSED RULES  
 LIQUOR CONTROL BOARD**  
 [Filed September 1, 1992, 9:18 a.m.]

Original Notice.

Title of Rule: WAC 314-12-130 No liquor deliveries on Sundays—Exceptions.

Purpose: Repeal rule prohibiting delivery of liquor on Sundays.

Statutory Authority for Adoption: RCW 66.080.030 and 66.08.070.

Statute Being Implemented: RCW 66.08.010, 66.24.200, and 66.24.250.

Summary: Rule prohibiting deliveries of alcoholic beverages on Sunday would be repealed.

Reasons Supporting Proposal: Deliveries are allowed on all other days of the week. Retail licensees are allowed to sell alcohol on Sunday and therefore should be allowed to receive deliveries to facilitate the business conducted on Sundays.

Name of Agency Personnel Responsible for Drafting: James McDonald, 1851 South Central Place, Kent, 98031 (206) 872-6430; Implementation: Janice Lee Britt, P.O. Box 43094, Olympia, 98504, (206) 586-6701; and Enforcement: Gary W. Gilbert, P.O. Box 43094, Olympia, 98504, (206) 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 rule would be repealed thereby allowing wholesalers and distributors to deliver alcoholic beverages on Sunday. The effect would be that stocks could be maintained at one level without being depleted because of Sunday sales. A slight cost increase might be experienced if distributors are forced to make numerous Sunday deliveries. The increase would be minimal and not greatly impact the retailer or consumer.

Proposal Changes the Following Existing Rules: Rule currently prohibits deliveries of alcoholic beverages on Sundays. Repeal of rule would allow same to occur. Spirituous liquor still would not be delivered on Sundays as no liquor stores are open on that day and delivery services must deliver product the same day as it is picked up at the liquor store.

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

Hearing Location: Capital Plaza Building, 5th Floor Board Room, 1025 East Union, Olympia, 98504, on October 14, 1992, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information Office, 1025 East Union, Olympia, 98504, by October 13, 1992.

Date of Intended Adoption: October 14, 1992.  
August 31, 1992  
Paula O'Connor  
Chairman

**REPEALER**

The following section of Washington Administrative Code is repealed:

WAC 314-12-130 No liquor deliveries on Sunday—Exceptions.

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 92-18-075  
PREPROPOSAL COMMENTS  
DEPARTMENT OF REVENUE  
[Filed September 1, 1992, 10:59 a.m.]**

Subject of Possible Rule Making: Amending WAC 458-12-010 Definition—Property—Real, 458-12-342 New construction—Assessment, 458-14-015 Jurisdiction of County Board of Equalization, 458-14-025 Assessment roll corrections not requiring board action, 458-14-127 Reconvened boards—Authority, and 458-14-170 Appeals to the state board of tax appeals; and New Sections WAC 458-14-026 Assessment roll corrections agreed to by taxpayer, and 458-14-171 Direct appeals to Board of Tax Appeals.

Persons may comment on this subject in writing or by attending the public meeting. Written comments should be addressed to: James Winterstein, A.L.J., Department of Revenue, P.O. Box 47458, Olympia, WA 98504-7458. Public meeting scheduled in: Evergreen Plaza Building, 2nd

Floor Conference Room, 711 Capitol Way South, Olympia, WA, on October 8, 1992, at 10:00 a.m. (Written comments will be accepted to this date.)

Other Information or Comments by Agency at this Time, if any: These rules are being amended for purposes of clarification and to comply with recent statutory changes. A copy of the rule draft is available upon request. Contact Pat Baxter (206) 753-1382.

August 31, 1992  
William Rice  
Assistant Director

**WSR 92-18-076  
PROPOSED RULES  
DEPARTMENT OF REVENUE  
[Filed September 1, 1992, 11:02 a.m.]**

Original Notice.

Title of Rule: Amending WAC 458-30-590 Rates of inflation.

Purpose: The rates of inflation are used to calculate interest in certain situations, by the county assessor.

Statutory Authority for Adoption: RCW 84.34.360.

Statute Being Implemented: RCW 84.34.310.

Summary: The rates of inflation are required by law to be determined and published.

Name of Agency Personnel Responsible for Drafting: James Winterstein, 711 Capitol Way, #205, Olympia, (206) 586-4283; Implementation: Les Jaster, 711 Capitol Way, #205, Olympia, (206) 586-7150; and Enforcement: Will Rice, 6004 Capitol Boulevard, Tumwater, (206) 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: The rates of inflation are required by law to be annually determined and published. These rates are used by county assessors in calculating interest on special benefit assessments when land is removed or withdrawn from exempt status.

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 administrative provisions contained in this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required for the following reason: The changes to this rule does not impose an administrative or fiscal burden on any small businesses.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on October 7, 1992, at 10:00 a.m.

Submit Written Comments to: James Winterstein, Counsel, Department of Revenue, Legislation and Policy, P.O. Box 47458, Olympia, WA 98504-7458, FAX 586-7603, by October 7, 1992.

Date of Intended Adoption: October 14, 1992.

August 31, 1992  
 William N. Rice  
 Assistant Director

**AMENDATORY SECTION** (Amending WSR 90-24-087, filed 12/5/90, effective 1/5/91)

**WAC 458-30-590 Rates of inflation.** The rates of inflation to be used for calculating the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1981	10.3	1986	1.9
1977	6.5	1982	6.2	1987	3.7
1978	7.6	1983	3.2	1988	4.1
1979	11.3	1984	4.3	1989	4.8
1980	13.5	1985	3.5	<u>1990</u>	<u>5.4</u>
				<u>1991</u>	<u>4.2</u>

**WSR 92-18-077**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order 91-46—Filed September 1, 1992, 12:55 p.m.]

Continuance of WSR 92-09-133.  
 Title of Rule: Chapter 173-422 WAC, Motor vehicle emission inspection.  
 Purpose: Continue adoption date from September 1, 1992, to October 20, 1992.  
 Date of Intended Adoption: October 20, 1992.  
 September 1, 1992  
 Fred Olson  
 Deputy Director

**WSR 92-18-078**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order 92-32—Filed September 1, 1992, 12:58 p.m.]

Original Notice.  
 Title of Rule: Chapter 173-303 WAC, Dangerous waste regulations, WAC 173-303-070, 173-303-120, and 173-303-506.  
 Purpose: Chapter 173-303 WAC is being amended to conditionally exempt spent CFC refrigerants when they are reclaimed or recycled.  
 Statutory Authority for Adoption: Chapter 70.105 RCW.  
 Statute Being Implemented: Chapter 70.105 RCW.  
 Summary: Spent CFC refrigerants will be subject to fewer requirements of the dangerous waste regulations when they are sent for recycling/reclamation.  
 Reasons Supporting Proposal: This rule coincides with the new Clean Air Law that requires CFCs to be recycled. This rule is intended to encourage CFC recycling, thereby reducing improper disposal (venting) into the atmosphere.

Name of Agency Personnel Responsible for Drafting: Patricia Hervieux, P.O. Box 7600, Olympia, (206) 459-6597; Implementation and Enforcement: Tom Eaton, P.O. Box 7600, Olympia, (206) 459-6316.

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 this rule is to remove certain CFC refrigerants from full regulation under chapter 173-303 WAC when they are reclaimed or recycled. The rule will encourage recycling of CFCs, making them easier for generators to manage and decrease the likelihood that CFCs will be vented to the atmosphere. This is a conditional exemption, thus, if CFCs are not reclaimed or recycled they will be fully regulated under the dangerous waste regulations. This rule is intended to encourage recycling and prevent problems related to improper management, e.g. venting.

Proposal Changes the Following Existing Rules: The proposed rule change adds a new section, WAC 173-303-506, to the dangerous waste regulations listing the requirements for spent CFCs that are recycled, and amends two other sections, WAC 173-303-070 and 173-303-120, that contain requirements for conditionally exempt wastes.

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

**ECONOMIC COMPLIANCE DOCUMENT SUMMARY**  
**SPECIAL REQUIREMENTS FOR THE RECYCLING**  
**OF SPENT CFC OR HCFC REFRIGERANTS**

Introduction: WAC 173-303-506 Special requirements for the recycling of spent CFC or HCFC refrigerants, applies to spent chlorofluorocarbon and hydrochlorofluorocarbon refrigerants that are reclaimed or recycled. (The term "spent" describes any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing. "Recycle" generally means to use, reuse, or reclaim a material. To "reclaim" means to process a material in order to recover useable products, or to regenerate the material. Recycling CFCs usually involves a relatively simple, closed process of removing used refrigerant from machinery, filtering it and pumping it back into the same equipment or some other piece of equipment operating on compatible refrigerant. CFCs may be recycled on-site where they are generated or taken off-site to be recycled. The process of reclaiming CFCs is more complex and involves packaging and transporting spent refrigerant to a reclamation facility where it is actually redistilled to meet industry standards. Both new (virgin) and redistilled refrigerants meet the ARI-700 standard for product quality. In general, refrigerants may be recycled and reused indefinitely until there is cause for believing they are contaminated. When CFCs become contaminated they must be reclaimed or disposed of in a proper manner.) Refrigerants eligible for the special requirements given in this rule are those CFCs and HCFCs (hereafter referred to collectively as CFCs) which were used as heat transfer material in a refrigeration cycle in totally

enclosed heat transfer equipment and are subsequently recycled or reclaimed. WAC 173-303-506 reduces the restrictions on persons generating, transporting, storing and recycling or reclaiming spent CFC refrigerants only when these items will be recycled or reclaimed. (A "generator" is defined as any person, by site, whose act or process produces dangerous waste or whose act first causes a dangerous waste to become subject to regulation. A "transporter" is a person engaged in the off-site transportation of dangerous waste.) When spent CFCs are not recycled or reclaimed then they are subject to the full requirements of chapter 173-303 WAC, Dangerous waste regulations.

**Economic Compliance and Impact:** In accordance with the Economic Policy Act, chapter 43.21H RCW, the Department of Ecology must give appropriate consideration to economic values associated with compliance with a proposed rule during the rule-making process. Additionally, the Regulatory Fairness ACT (RFA), chapter 19.85 RCW, was adopted in 1982 to minimize proportionately higher economic impacts of state regulations on small businesses. (A small business is defined in RCW 43.31.025 as "any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.") The RFA stipulates that all state agencies proposing regulations which have an economic impact on more than 10% of the businesses in any one industry (as identified by a three-digit SIC code) or on more than 20% of all industries in the state prepare a small business economic impact statement (SBEIS).

The SBEIS must include a brief description of compliance requirements of the proposed rule, a description of the professional services needed by businesses to comply with the rule, an analysis of the compliance cost (including administrative costs), and a comparison of the compliance cost for small firms relative to large ones. The comparison of compliance costs must be based on the cost per employee, the cost per hour of labor required for compliance, the cost per \$100 of sales revenue, or any combination of these three. If it is found that a rule places a proportionately higher economic burden on small firms then the SBEIS must include suggestions for modifying the proposed rule so as to mitigate its effects on small businesses. Mitigation may be accomplished in a variety of ways including establishing different compliance or reporting requirements for small businesses, clarifying or simplifying the compliance requirements, establishing performance rather than design standards, and exempting small businesses from any or all of the requirements of the rule. This rule has been reviewed and constitutes mitigation of compliance cost associated with the dangerous waste regulations by simplifying and creating exemptions from some of the requirements of chapter 173-303 WAC.

This document fulfills the requisites of the Economic Policy Act and the Regulatory Fairness Act by analyzing the economic impact of WAC 173-303-506 on businesses in the state of Washington. WAC 173-303-506 has been reviewed and found to affect all persons who generate more than 220 pounds of dangerous wastes per month, part of which consists of spent CFCs from a refrigeration cycle in totally

enclosed heat transfer equipment, as well as those who transport or store spent CFC refrigerants prior to their being recycled or reclaimed and persons who own or operate recycling or reclamation facilities handling CFCs. The impact on businesses involved in generating, transporting, storing and recycling spent CFCs in Washington is a cost saving effect in terms of the reduction in record keeping and paperwork required and a reduction in the cost of transportation for those parties recycling this dangerous waste. Insofar as there are currently no reclamation facilities in Washington this rule provides an incentive for CFC reclaimers to locate facilities in the state. Because spent CFCs will no longer be classified as a dangerous waste when they are recycled or reclaimed, moving them from one site to another will be greatly simplified; businesses will realize savings upwards of \$5.00 per pound when they transport CFCs to be recycled or reclaimed. WAC 173-303-506, Special requirements for the recycling of spent CFC or HCFC refrigerants, imposes no additional costs on firms complying with chapter 173-303 WAC; it will effectively lower the cost of recycling or reclaiming CFCs used in a refrigeration cycle. This rule serves as mitigation for businesses subject to the dangerous waste regulations because it exempts spent CFCs intended for recycling or reclamation from being counted in the monthly total of 220 pounds of dangerous waste and further simplifies compliance with chapter 173-303 WAC. Thus no small business economic impact statement is required.

For copies of the complete economic compliance document, please contact: Patricia Hervieux, Department of Ecology, Hazard Waste Development and Support, P.O. Box 47600, Olympia, WA 98504-7600.

Hearing Location: Attorney General's Conference Room, Rowsix, 4424 Sixth Avenue, Lacey, WA, on October 21, 1992, at 7:00.

Submit Written Comments to: Patricia Hervieux, Department of Ecology, P.O. Box 7600, Olympia, WA 98504-7659, by November 3, 1992.

Date of Intended Adoption: January 5, 1993.

September 1, 1992

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 90-42, filed 3/7/91, effective 4/7/91)

**WAC 173-303-070 Designation of dangerous waste.**

(1) Purpose and applicability.

(a) This section describes the procedures for determining whether or not a solid waste is DW or EHW.

(b) The procedures in this section are applicable to any person who generates a solid waste (including recyclable materials) that is not exempted or excluded by this chapter or by the department. Any person who must determine whether or not his solid waste is designated must follow the procedures set forth in subsection (3) of this section. Any person who determines by these procedures that his waste is designated DW or EHW shall be subject to all applicable requirements of this chapter.

(2)(a) Once a material has been determined to be a dangerous waste, then any solid waste generated from the

recycling, treatment, storage, or disposal of that dangerous waste is a dangerous waste unless and until:

(i) The generator has been able to accurately describe the variability or uniformity of the waste over time, and has been able to obtain demonstration samples which are representative of the waste's variability or uniformity; and

(ii)(A) It does not exhibit any of the characteristics of WAC 173-303-090; and

(B) If it was a listed waste under WAC 173-303-080 through 173-303-083, it also has been exempted pursuant to WAC 173-303-910(3); or

(iii) If originally designated only through WAC 173-303-084 or 173-303-101 through 173-303-103, it does not exhibit any of the criteria of WAC 173-303-101 through 173-303-103.

Such solid waste shall include but not be limited to any sludge, spill residue, ash emission control dust, leachate, or precipitation run-off. Precipitation run-off will not be considered a dangerous waste if it can be shown that the run-off has not been contaminated with the dangerous waste, or that the run-off is adequately addressed under existing state laws (e.g. chapter 90.48 RCW), or that the run-off does not exhibit any of the criteria or characteristics described in WAC 173-303-100.

(b) Materials that are reclaimed from solid wastes and that are used beneficially (as provided in WAC 173-303-016 and 173-303-017) are not solid wastes and hence are not dangerous wastes under this section unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal.

(3) Designation procedures.

(a) To determine whether or not his waste is designated a person shall check his waste against the following sections, and in the following order:

(i) First, Discarded chemical products, WAC 173-303-081;

(ii) Second, Dangerous waste sources, WAC 173-303-082;

(iii) Third, Infectious dangerous wastes, WAC 173-303-083;

(iv) Fourth, Dangerous waste mixtures, WAC 173-303-084; and

(v) Last, Dangerous waste characteristics, WAC 173-303-090.

(b) In addition to the designation procedures specified in (a) of this subsection, a person may choose or may be required under subsection (4) of this section to check his waste against the following sections, and in the following order:

(i) First, Toxic dangerous wastes, WAC 173-303-101;

(ii) Second, Persistent dangerous wastes, WAC 173-303-102;

(iii) Last, Carcinogenic dangerous wastes, WAC 173-303-103.

(c) A person shall check each section, in the order set forth, until he determines that his waste is designated. Once his waste is designated through the lists, mixtures and characteristics, he need not determine any other designations for his waste, except as required by subsection (4) or (5) of this section. For the purposes of designating through the criteria, if a person determines that his waste is designated DW, then he must assure that it is not also EHW by

checking it against the remaining sections. If the designation procedures identify a waste as both EHW and DW (e.g., a waste may be DW for corrosivity and EHW for EP toxicity), the waste must be designated EHW. If a person has checked his waste against each section that he is required by this section to check and his waste is not designated, then his waste is not subject to the requirements of chapter 173-303 WAC.

Any person who wishes to seek an exemption for a waste which has been designated DW or EHW shall comply with the requirements of WAC 173-303-072.

(4) Criteria designation required. Notwithstanding any other provisions of this chapter, the department may require any person to determine whether or not his waste is designated under the dangerous waste criteria, WAC 173-303-100 through 173-303-103, if the department has reason to believe that his waste would be designated DW or EHW by the dangerous waste criteria, or if the department has reason to believe that his waste is designated improperly (e.g., the waste has been designated DW but should actually be designated EHW by the criteria). If a person, pursuant to the requirements of this subsection, determines that his waste is a dangerous waste or that its designation must be changed, then he shall be subject to the applicable requirements of this chapter 173-303 WAC. The department shall base a requirement to designate a waste by the dangerous waste criteria on evidence that includes, but is not limited to:

(a) Test information indicating that the person's waste may be DW or EHW;

(b) Evidence that the person's waste is very similar to another persons' already designated DW or EHW;

(c) Evidence that the persons' waste has historically been a DW or EHW; or

(d) Evidence or information about a person's manufacturing materials or processes which indicate that his wastes may be DW or EHW.

(5) Special knowledge. If a generator has designated his waste under the dangerous waste lists, WAC 173-303-080 through 173-303-082, or mixtures, WAC 173-303-084, and has knowledge that his waste also exhibits any of the dangerous waste characteristics, WAC 173-303-090, or that his waste also meets any of the dangerous waste criteria, WAC 173-303-101 through 173-303-103, or both, then he shall also designate his waste in accordance with those dangerous waste characteristics, or criteria, or both.

(6) Dangerous waste numbers. When a person is reporting or keeping records on a dangerous waste, he shall use all the dangerous waste numbers which he knows are assignable to his waste from the dangerous waste lists, characteristics, or criteria. For example, if his waste is ignitable and contains extremely hazardous concentrations of halogenated hydrocarbons, he shall use the dangerous waste numbers of D001 and WP01. This shall not be construed as requiring a person to designate his waste beyond those designation requirements set forth in subsections (2), (3), (4), and (5) of this section.

(7) Quantity exclusion limits; aggregated waste quantities.

(a) Quantity exclusion limits. In each of the designation sections describing the lists, characteristics, and criteria, quantity exclusion limits (QEL) are identified. The QEL are used to distinguish when a dangerous waste is only subject

to the small quantity generator provisions, and when a dangerous waste is fully subject to the requirements of this chapter. Any solid waste which is not excluded or exempted and which is listed by or exhibits the characteristics or criteria of this chapter is a dangerous waste. Small quantity generators who produce dangerous waste below the QEL are subject to certain requirements described in subsection (8) of this section.

(b) Aggregated waste quantities. A person may be generating, accumulating, or storing more than one kind of dangerous waste identified by this chapter. In such cases, the person must consider the aggregate quantity of his wastes when determining whether or not his waste amounts exceed the specific quantity exclusion limits (QEL). Waste quantities must be aggregated for all wastes with common QEL's. For the purposes of this subsection, when aggregating waste quantities, a person shall include in his calculation dangerous wastes produced by on-site treatment or recycling of dangerous wastes and dangerous wastes being accumulated or stored. For example, if a person generates, accumulates, or stores 300 pounds of an ignitable waste and 300 pounds of a persistent waste, then both wastes are regulated because their aggregate waste quantity (600 pounds) exceeds their common QEL of 220 pounds. On the other hand, if a person generates, accumulates, or stores one pound of an EHW discarded chemical product and 300 pounds of a corrosive waste, their quantities would not be aggregated because they do not share a common QEL (2.2 pounds and 220 pounds, respective QEL's). Additional guidance on aggregating waste quantities is available from the department.

(c) The following are categories of waste that are excluded from the quantity determination and need not be aggregated as required by (b) of this subsection when calculating total waste quantities.

(i) Dangerous waste that is recycled and that is excluded from regulation under WAC 173-303-120 (2)(a), (3)~~((d) or (e))~~ **(c), (e), or (f)** is not included in the quantity determinations of this section and is not subject to any requirements of this section.

(ii) Spent materials that are generated, reclaimed, and subsequently reused on-site, so long as such spent materials have been counted once.

(8) Small quantity generators.

(a) A person is a small quantity generator and is subject to the requirements of this subsection if his waste is designated under subsection (3) of this section, and the quantity of waste that he generates, accumulates, or stores (or the aggregated quantity if he generates more than one kind of waste) does not exceed the quantity exclusion limit for such waste (or wastes). If a person generates, accumulates, or stores any dangerous wastes that exceed the QEL, then all dangerous waste generated, accumulated, or stored by that person is subject to the requirements of this chapter. For example, if a person generates four pounds of an EHW discarded chemical product (QEL is 2.2 pounds) and 200 pounds of an ignitable waste (QEL is 220 pounds), then both wastes are fully regulated, and the person is not a small quantity generator for either waste. A small quantity generator may accumulate such listed or characteristic waste on-site, however when the quantity (or aggregate quantity) on-site at any time exceeds the quantity exclusion limit for

such waste (or wastes) he will not be a small quantity generator and will be subject to all applicable requirements of this chapter. A small quantity generator who generates, accumulates, or stores waste in excess of the quantity exclusion limit and becomes subject to the full requirements of this chapter cannot again be a small quantity generator until after all dangerous waste on-site at the time he became fully regulated have been removed, treated, or disposed.

(b) A small quantity generator will not be subject to the requirements of this chapter if he:

(i) Complies with subsections (1), (2), (3), and (4) of this section; and

(ii) Either treats or disposes of his dangerous waste in an on-site facility, or ensures delivery to an off-site facility, either of which is:

(A) Permitted (including permit-by-rule, interim status, or final status) under WAC 173-303-800 through 173-303-840;

(B) Authorized to manage dangerous waste by another state with a hazardous waste program approved under 40 CFR Part 271, or by EPA under 40 CFR Part 270;

(C) Permitted to manage moderate-risk waste under chapter 173-304 WAC (Minimum functional standards for solid waste handling), operated in accordance with state and local regulations, and consistent with the applicable local hazardous waste plan that has been approved by the department;

(D) A facility that beneficially uses or reuses, or legitimately recycles or reclaims his dangerous waste, or that treats his waste prior to such recycling activities; or

(E) Permitted to manage municipal or industrial solid waste in accordance with state or local regulations, or in accordance with another state's solid waste laws if the waste is sent out of state; and

(iii) Submits an annual report in accordance with WAC 173-303-220 if he has obtained an EPA/state identification number pursuant to WAC 173-303-060.

**AMENDATORY SECTION** (Amending Order 90-42, filed 3/7/91, effective 4/7/91)

**WAC 173-303-120 Recycled, reclaimed, and recovered wastes.** (1) This section describes the requirements for persons who recycle materials that are solid wastes and dangerous. Except as provided in subsections (2) and (3) of this section, dangerous wastes that are recycled are subject to the requirements for generators, transporters, and storage facilities of subsection (4) of this section. Dangerous wastes that are recycled will be known as "recyclable materials."

(2)(a) The following recyclable materials are solid wastes and sometimes are dangerous wastes. However, they are subject only to the requirements of (b) of this subsection, WAC 173-303-050, 173-303-145 and 173-303-960:

(i) Industrial ethyl alcohol that is reclaimed;

(ii) Used batteries (or used battery cells) returned to a battery manufacturer for regeneration;

(iii) Used oil that exhibits one or more of the characteristics or criteria of dangerous waste and is recycled in some manner other than:

(A) Being burned for energy recovery; or

(B) Being used in a manner constituting disposal, except when such use is by the generator on his own property;

(iv) Scrap metal;

(v) Fuels produced from the refining of oil-bearing dangerous wastes along with normal process streams at a petroleum refining facility if such wastes result from normal petroleum refining, production, and transportation practices;

(vi) Oil reclaimed from dangerous waste resulting from normal petroleum refining, production, and transportation practices, which oil is to be refined along with normal process streams at a petroleum refining facility;

(vii) Coke and coal tar from the iron and steel industry that contains dangerous waste from the iron and steel production process;

(viii)(A) Dangerous waste fuel produced from oil-bearing dangerous wastes from petroleum refining, production, or transportation practices, or produced from oil reclaimed from such dangerous wastes, where such dangerous wastes are reintroduced into a process that does not use distillation or does not produce products from crude oil so long as the resulting fuel meets the used oil specification under WAC 173-303-515 (1)(d) and so long as no other dangerous wastes are used to produce the dangerous waste fuel;

(B) Dangerous waste fuel produced from oil-bearing dangerous waste from petroleum refining production, and transportation practices, where such dangerous wastes are reintroduced into a refining process after a point at which contaminants are removed, so long as the fuel meets the used oil fuel specification under WAC 173-303-515 (1)(d); and

(C) Oil reclaimed from oil-bearing dangerous wastes from petroleum refining, production, and transportation practices, which reclaimed oil is burned as a fuel without reintroduction to a refining process, so long as the reclaimed oil meets the used oil fuel specification under WAC 173-303-515 (1)(e); and

(ix) Petroleum coke produced from petroleum refinery dangerous wastes containing oil at the same facility at which such wastes were generated, unless the resulting coke product exhibits one or more of the characteristics of dangerous waste in WAC 173-303-090.

(b) Any recyclable material listed in (a) of this subsection will be subject to the applicable requirements listed in subsection (4) of this section if the department determines, on a case-by-case basis, that:

(i) It is being accumulated, used, reused, or handled in a manner that poses a threat to public health or the environment; or

(ii) Due to the dangerous constituent(s) in it, any use or reuse would pose a threat to public health or the environment. Such recyclable material will be listed in WAC 173-303-016(6).

(3) The following recyclable materials are not subject to the requirements of this section but are subject to the requirements of WAC 173-303-070 through 173-303-110, 173-303-160, 173-303-500 through 173-303-525, and all applicable provisions of WAC 173-303-800 through 173-303-840:

(a) Recycling requirements for state-only dangerous wastes (see WAC 173-303-500);

(b) Recyclable materials used in a manner constituting disposal (see WAC 173-303-505);

(c) Spent CFC or HCFC refrigerants that are recycled (see WAC 173-303-506);

(d) Dangerous wastes burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670 (see WAC 173-303-510);

~~((d))~~ (e) Used oil that is burned for energy recovery in boilers and industrial furnaces that are not regulated under Subpart O of 40 CFR Part 265 or WAC 173-303-670, if such used oil:

(i) Exhibits one or more of the characteristics of a dangerous waste; or

(ii) Is designated as DW solely through WAC 173-303-084 or 173-303-101 through 173-303-103; or

(iii) Is designated solely as W001, (see WAC 173-303-515);

~~((e))~~ (f) Spent lead-acid batteries that are being reclaimed (see WAC 173-303-520);

~~((f))~~ (g) Recyclable materials from which precious metals are reclaimed (see WAC 173-303-525).

(4) Those recycling processes not specifically discussed in subsections (2) and (3) of this section are generally subject to regulation only up to and including storage prior to recycling. For the purpose of this section, recyclable materials received from off-site shall be considered stored unless they are moved into an active recycling process within twenty-four hours after being received. An active recycling process refers to a dynamic recycling operation that occurs within a recycling unit such as a distillation or centrifuge unit. The phrase does not refer to passive storage-like activities that occur, for example, when tanks or containers are used for phase separation or for settling impurities. Passive storage-like activities are not eligible for the recycling exemption under this subsection.

The recycling process itself is generally exempt from regulation unless the department determines, on a case-by-case basis, that the recycling process poses a threat to public health or the environment.

Unless specified otherwise in subsections (2) and (3) of this section:

(a) Generators of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-170 through 173-303-230;

(b) Transporters of recyclable materials are subject to all applicable requirements of this chapter including, but not limited to, WAC 173-303-240 through 173-303-270;

(c) Owners or operators of facilities that receive recyclable materials from off-site and recycle these recyclable materials without storing them before they are recycled are subject to the following requirements:

(i) WAC 173-303-060,

(ii) WAC 173-303-283 through 173-303-290,

(iii) WAC 173-303-310 through 173-303-395,

(iv) WAC 173-303-630 (2) through (10), and

(v) WAC 173-303-640 (2) through (10), except 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a) (i.e., a recycler, unless otherwise required to do so, does not have to prepare a closure plan, a cost estimate for closure, or provide financial responsibility for his tank system to satisfy the requirements of this section). In lieu of

the dates in WAC 173-303-640 (2) and (4), for existing tank systems regulated under this subsection, owners and operators must complete the assessment of the tank system's integrity by June 1, 1992, and must meet the secondary containment requirements of WAC 173-303-640(4) by January 12, 1993;

(vi) The owner or operator must obtain data, by screening-type analysis if necessary, confirming the designation of each waste stream, such that each dangerous waste received can be effectively recycled without jeopardizing human health or the environment. The owner or operator must verify the waste designation periodically, so that it is accurate and current, but at least once every six months or on a batch basis if shipments of a specific waste stream are less frequent. Copies of all analyses and data must be retained for at least five years and made available to the department upon request.

(d) Owners or operators of facilities that store recyclable materials before they are recycled are subject to the following requirements including, but not limited to:

(i) For all recyclers, the applicable provisions of:

(A) WAC 173-303-280 through 173-303-395,

(B) WAC 173-303-420,

(C) WAC 173-303-800 through 173-303-840;

(ii) For recyclers with interim status permits, the applicable storage provisions of WAC 173-303-400 including Subparts F through L of 40 CFR Part 265;

(iii) For recyclers with final facility permits, the applicable storage provisions of:

(A) WAC 173-303-600 through 173-303-650, and

(B) WAC 173-303-660.

#### NEW SECTION

**WAC 173-303-506 Special requirements for the recycling of spent CFC or HCFC refrigerants.** (1) Applicability.

(a) This section applies to spent chlorofluorocarbon (CFC) and hydrochlorofluorocarbon (HCFC) refrigerants that are reclaimed or recycled. Refrigerants eligible for these special requirements are those CFCs and HCFCs that were used as heat transfer material in a refrigeration cycle in totally enclosed heat transfer equipment and are subsequently reclaimed or recycled.

(b) Persons who generate, transport, or store spent CFC or HCFC refrigerants prior to reclamation or recycling and facilities that reclaim or recycle spent CFC or HCFC refrigerants are subject to the requirements of this section, and WAC 173-303-050, 173-303-145, and 173-303-960. Spent CFC or HCFC refrigerants that are not reclaimed or recycled are subject to all the applicable requirements of chapter 173-303 WAC. Any discharge of spent CFCs or HCFCs to the environment constitutes disposal and is subject to full regulation under chapter 173-303 WAC.

(2) Generator requirements.

(a) Persons who reclaim or recycle their spent CFC or HCFC refrigerants, either on-site or send their wastes off-site to be reclaimed or recycled, shall keep records for a period of at least five years from the date of reclamation/recycling to document:

(i) The date of shipment (if sent off-site);

(ii) The quantity (by weight) reclaimed/recycled per shipment (when sent off-site) or batch (when recycled on-site);

(iii) The percentage of the total amount of CFC or HCFC wastes reclaimed/recycled per shipment or batch (and the manner of disposal for the remaining CFCs or HCFCs); and

(iv) The dates of reclamation/recycling.

(b) For CFCs or HCFCs sent off-site, the generator must obtain a signed document from the reclamation facility certifying the information in (a) of this subsection.

(3) Reclamation facility requirements.

(a) Facilities that reclaim or recycle CFC or HCFC refrigerants shall comply with all the requirements of WAC 173-303-500 (except for WAC 173-303-500 (2)(c)(ii)). The applicable provisions of the following sections will also apply:

(i) WAC 173-303-280(2), General requirements for dangerous waste management facilities, imminent hazard;

(ii) WAC 173-303-283, Performance standards;

(iii) WAC 173-303-290 (1) and (2), Required notices;

(iv) WAC 173-303-380, Facility recordkeeping; except for WAC 173-303-380 (1)(c), (e), and (h);

(v) WAC 173-303-390(3), Facility reporting;

(vi) WAC 173-303-630(10), Use and management of containers;

(vii) WAC 173-303-640 (1), (2), (8), and (10), Tank systems, except WAC 173-303-640 (8)(c) and the second sentence of WAC 173-303-640 (8)(a) (i.e., a recycler, unless otherwise required to do so, does not have to prepare a closure plan, a cost estimate for closure, or provide financial responsibility for his tank system to satisfy the requirements of this section).

(b) The reclamation facility must supply generators with a signed document certifying the information in subsection (2)(a) of this section.

#### **WSR 92-18-082**

#### **PREPROPOSAL COMMENTS**

#### **DEPARTMENT OF WILDLIFE**

[Filed September 2, 1992, 8:06 a.m.]

Subject of Possible Rule Making: Importation and possession of animals/fish classified as "deleterious exotic wildlife"; and importation, possession, propagation, and sale of Roosevelt and Rocky Mountain elk, moose, mule deer, white tailed deer, and black tailed deer.

Persons may comment on this subject in writing, Washington Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, Attn: Daniel W. Wyckoff. Comments will be received until the date of final commission action on the proposed regulation. That date is expected to be in early January 1993, and will be specifically identified in the formal rule-making notice, which is expected to be filed with the code reviser in October 1992.



September 1, 1989 [1992]  
 Daniel W. Wyckoff  
 Administrative Regulations Officer

August 31, 1992  
 Paula O'Connor  
 Chairman

**WSR 92-18-088**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed September 2, 1992, 9:25 a.m.]

Original Notice.

Title of Rule: WAC 314-12-080 Limitation on transfers and reapplications.

Purpose: To reduce government paperwork.

Statutory Authority for Adoption: RCW 66.08.010.

Statute Being Implemented: RCW 66.24.010.

Summary: The rule as amended prohibits an applicant who has been denied a liquor license from reapplying for the license within one year of the denial. The rule does allow the board to make an exception.

Reasons Supporting Proposal: Currently an applicant can reapply every 90 days. If denied, the applicant can ask for reconsideration within 60 days. By restricting reapplications to one a year the applicant may be able to resolve original problem(s) which cause denial, and the state will save expense of reprocessing applications. However, the board may allow a reapplication within the one year period.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, 1025 East Union, 586-6701; Implementation and Enforcement: Gary W. Gilbert, 1025 East Union, 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: Currently an applicant can reapply every 90 days. If denied, the applicant can ask for reconsideration within 60 days. By restricting reapplications to one a year the applicant may be able to resolve original problem(s) which caused [caused] the denial, the state will save the expense of reprocessing applications. However, the board may allow a reapplication within the one year period. The effect of the rule will be to lessen the number of license applications each year.

Proposal Changes the Following Existing Rules: Would restrict reapplication of a denial of license to once a year, unless the board under their review felt an exception could be made.

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

Hearing Location: Capital Plaza Building, 5th Floor Board Room, 1025 East Union, Olympia, WA 98504, on October 14, 1992, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information Office, 1025 East Union, Olympia, WA 98504, by October 13, 1992.

Date of Intended Adoption: October 14, 1992.

AMENDATORY SECTION (Amending Rule 7, filed 6/13/63)

**WAC 314-12-080 Limitation on transfers and reapplications.** (1) Except as provided herein, no application for transfer of any license shall be made for a period of ninety days following the issuance ((of)) or transfer of such license.

(2) This limitation shall not apply in any of the circumstances set forth in WAC 314-12-060.

(3) In the event of the withdrawal of a partner, the license may be transferred to the remaining partner or partners within the prohibited period.

(4) Unless otherwise approved by the board no reapplication for a license shall be made within a period of ((ninety days)) one year following a denial of ((such license)) any license application.

**WSR 92-18-089**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed September 2, 1992, 9:27 a.m.]

Original Notice.

Title of Rule: WAC 314-24-160 Domestic wineries—Retail sales of wine on winery premises—Wine served without charge on premises—Class H restaurant operation.

Purpose: To change the rule to conform with statutory changes made by the 1992 legislature.

Statutory Authority for Adoption: RCW 66.08.010. and 66.08.030.

Statute Being Implemented: RCW 66.28.010 and 66.24.170.

Summary: The rule explains what liquor products wineries may serve at their licensed location as a part of their winery license. The changes added clarify that a winery may serve liquor other than wine of the winery's own production if the winery obtains the appropriate retail liquor license.

Reasons Supporting Proposal: The board is amending the existing rule to make it easier to understand and to bring the rule into conformity with recent legislation passed by the 1992 legislature.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, 1025 East Union, 586-6710; Implementation: David E. Goyette, 1025 East Union, 754-6259; and Enforcement: Gary W. Gilbert, 1025 East Union, 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 rule explains what liquor products wineries may serve at their licensed location as a part of their winery license. The changes added clarify that a winery may serve



liquor other than wine of the winery's own production if the winery obtains the appropriate retail liquor license.

Proposal Changes the Following Existing Rules: Will allow wineries to serve liquor other than wine of the winery's own production if the winery obtains the appropriate retail liquor license.

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

Hearing Location: Capital Plaza Building, 5th Floor Board Room, 1025 East Union, Olympia, WA 98504, on October 14, 1992, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information Office, 1025 East Union, Olympia, WA 98504, by October 13, 1992.

Date of Intended Adoption: October 14, 1992.

August 31, 1992

Paula O'Connor  
Chairman

**AMENDATORY SECTION** (Amending Order 190, Resolution No. 199, filed 5/28/86)

**WAC 314-24-160 Domestic wineries—Retail sales of wine on winery premises—Wine served without charge on premises—Class H restaurant operation.** (1) A domestic winery holding a proper retail license, pursuant to chapter 66.24 RCW, may sell wine of its own production at retail on the winery premises: *Provided*, That wine so sold at retail shall be subject to the tax imposed by RCW 66.24.210, and to reporting and bonding requirements as prescribed by RCW 66.28.010 and WAC 314-24-110 ((~~Rule 69~~)).

(2) In selling wine of its own production at retail on its premises as provided in subsection (1) of this regulation, a domestic winery shall conduct such operation in conformity with the statutes and regulations which apply to holders of such wine retailers' licenses. The winery shall maintain records of its retail operation separate from other winery operation records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, wine of a domestic winery's own production and/or liquor products other than wine of a licensee's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the domestic winery.

(4) A domestic winery or a lessee of a licensed domestic winery operating a Class H restaurant, licensed pursuant to RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such Class H licenses.

(5) A domestic winery may serve wine of their own production without charge as samples on the winery premises as authorized by RCW 66.28.040. Such wine served without charge as provided herein is not subject to the tax imposed by RCW 66.24.210. A winery is required to obtain the appropriate retail license to serve beer, wine, or spirits on the winery premises that is not of its own production.

(6) No retail license or fee is required for the holder of a domestic winery license to serve wine of its own production without charge on the winery premises as set forth in subsection (5) of this regulation. Before exercising

this privilege, however, such winery shall obtain approval of the proposed service area and facilities. Such winery shall maintain a separate record of all wine so served.

**WSR 92-18-090**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
[Filed September 2, 1992, 9:29 a.m.]

Original Notice.

Title of Rule: WAC 314-20-015 Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—Class H restaurant operation.

Purpose: To change the rule to conform with statutory changes made by the 1992 legislature.

Statutory Authority for Adoption: RCW 66.08.010 and 66.08.030.

Statute Being Implemented: RCW 66.28.010 and 66.24.240.

Summary: Explains what liquor products breweries may serve at their licensed location as a part of their brewery license. The changes added clarify that a brewery may serve liquor other than beer of the brewery's own production if the brewery obtains the appropriate retail liquor license.

Reasons Supporting Proposal: The board is amending the existing rule to make it easier to understand and to bring the rule into conformity with recent legislation passed by the 1992 legislature.

Name of Agency Personnel Responsible for Drafting: Janice Lee Britt, 1025 East Union, 586-6701; Implementation: David E. Goyette, 1025 East Union, 754-6259; and Enforcement: Gary W. Gilbert, 1025 East Union, 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 rule explains what liquor products breweries may serve at their licensed location as a part of their brewery license. The changes added clarify that a brewery may serve liquor other than beer of the brewery's own production if the brewery obtains the appropriate retail liquor license.

Proposal Changes the Following Existing Rules: Will allow breweries to serve liquor other than beer of the brewery's own production if the brewery obtains the appropriate retail liquor license.

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

Hearing Location: Capital Plaza Building, 5th Floor Board Room, 1025 East Union, Olympia, WA 98504, on October 14, 1992, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information Office, 1025 East Union, Olympia, WA 98504, by October 13, 1992.

Date of Intended Adoption: October 14, 1992.

August 31, 1992  
 Paula O'Connor  
 Chairman

September 1, 1992  
 Fred Olson  
 Deputy Director

AMENDATORY SECTION (Amending Order 85, Resolution No. 94, filed 10/28/81)

**WAC 314-20-015 Licensed brewers—Retail sales of beer on brewery premises—Beer served without charge on premises—Class H restaurant operation.** (1) A licensed brewer holding a proper retail license, pursuant to chapter 66.24 RCW, may sell beer of its own production at retail on the brewery premises: *Provided*, That beer so sold at retail shall be subject to the tax and penalty for late payment, if any, as imposed by RCW 66.24.290, and to reporting and bonding requirements as prescribed in RCW 66.28.010 and WAC 314-20-010.

(2) In selling beer at retail, as provided in subsection (1) of this regulation, a brewer shall conduct such operation in conformity with the statutes and regulations applicable to holders of such beer retailers' licenses. The brewer shall maintain records of such retail operation separate from other brewery records.

(3) Upon written authorization of the board, pursuant to RCW 66.04.011, beer of a licensed brewer's own production may be consumed in designated parks and picnic areas adjacent to and held by the same ownership as the licensed brewer.

(4) A licensed brewer or a lessee of a licensed brewer operating a Class H restaurant, licensed pursuant to RCW 66.28.010, shall conduct such operation in conformity with the statutes and regulations which apply to holders of such Class H licenses.

(5) A brewer may serve beer of its own production without charge as samples on the brewery premises, as authorized by RCW 66.28.040. Such beer served without charge as provided herein is not subject to the tax imposed by RCW 66.24.290. A brewery is required to obtain the appropriate retail license to serve beer, wine, or spirits on the brewery premises that is not of its own production.

(6) No retail license or fee is required for the holder of a brewer's license to serve beer of its own production as samples without charge on the brewery premises as set forth in subsection (5) of this regulation. Before exercising this privilege, however, such brewer shall obtain approval of the proposed service area and facilities from the board. Such brewer shall maintain a separate record of all beer so served.

**WSR 92-18-095**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order 91-55—Filed September 2, 1992, 10:39 a.m.]

Continuance of WSR 92-09-035.

Title of Rule: Amendments to WAC 173-433-100, 173-433-110, and 173-433-170, Solid fuel burning devices.

Purpose: Continue adoption date from September 1, 1992, to October 20, 1992.

Date of Intended Adoption: October 20, 1992.

**WSR 92-18-096**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order 92-34—Filed September 2, 1992, 10:42 a.m.]

Original Notice.

Title of Rule: Chapter 173-400 WAC, General regulations for air pollution sources.

Purpose: This rule is being amended to update the new source review provisions to incorporate changes in the state and federal Clean Air Acts; establish criteria and procedures for excusing unavoidable excess emissions from penalties; and revise several sections to accommodate the state's upcoming operating permit rule.

Statutory Authority for Adoption: Chapter 70.94 RCW, Washington Clean Air Act.

Statute Being Implemented: Chapter 173-400 WAC, General regulations for air pollution sources.

Summary: Amendments to Clean Air Washington and the federal Clean Air Act require ecology to update the general regulations for air pollution. This rule amends the following sections of chapter 173-400 WAC, WAC 173-400-030 Definitions; WAC 173-400-040 General standards for maximum emissions; WAC 173-400-070 Emission standards for certain source categories; WAC 173-400-075 Emission standards for source emitting hazardous air pollutants; WAC 173-400-100 Registration; WAC 173-400-105 Records, monitoring and reporting; WAC 173-400-110 New source review; WAC 173-400-115 Standards of performance for new sources; WAC 173-400-120 Bubbles rules; WAC 173-400-131 Issuance of emission reduction credits; WAC 173-400-136 Use of emission reduction credits; WAC 173-400-141 Prevention of significant deterioration (PSD); WAC 173-400-171 Public involvement; WAC 173-400-180 Variance; WAC 173-400-230 Regulatory actions; and WAC 173-400-250 Appeals. This rule also establishes the following new sections, WAC 173-400-080 Startup and shutdown; WAC 173-400-107 Excess emissions; WAC 173-400-112 Requirements for new sources in nonattainment; WAC 173-400-113 Requirements for new sources in attainment; and WAC 173-400-114 Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.

Reasons Supporting Proposal: Timely adoption of this update is a vital element of the state implementation plan (SIP) revision package ecology is required to submit to EPA by November 15, 1992. Adoption of the SIP revision by EPA will make this rule "federally enforceable." Failure to adopt this rule may subject the state to federal sanctions including the imposition of stricter and much more costly controls on industrial air pollution sources and the loss of highway construction grants.

Name of Agency Personnel Responsible for Drafting: Alan Butler, 3190 160th Avenue SE, Bellevue, WA 98008-5452, (206) 649-7103; Implementation and Enforcement:

Joseph Williams, P.O. Box 47600, Olympia, WA 98504-7600, (206) 459-6255.

Name of Proponent: Washington State Department of Ecology, governmental.

Rule is necessary because of federal law, the following sections of 1990 Federal Clean Air Act Amendments: 112, 172, 173, 181, 182, 186, 187, 188, and 189.

Explanation of Rule, its Purpose, and Anticipated Effects: This rule will incorporate the new state and federal requirements into the general regulation for sources of air pollution. In 1991, the Washington Clean Air Act was amended to reflect changes in the federal Clean Air Act. These changes lower the minimum size requirement for sources to undergo the new source review process in certain nonattainment areas. The new minimum weighs the severity of the area's amendments also establish procedures and criteria for excusing unavoidable excess emissions from penalty. The majority of these excess emissions are a result of fluctuations in a facility's startup and shutdown procedures. The burden of proving that the excess emission was truly unavoidable lies with the source. The changes also require that revisions be made in the state rule to accommodate the upcoming operating permit program.

Proposal does not change existing rules.

This rule is designed to meet the requirements mandated by chapter 70.94 RCW that were not included in the rule or that needed further clarification.

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

REGULATORY FAIRNESS ACT  
COMPLIANCE DOCUMENT  
STATE ECONOMIC POLICY ACT  
COMPLIANCE DOCUMENT  
GENERAL REGULATIONS FOR  
AIR POLLUTION SOURCES

Chapter 19.85 RCW, the Regulatory Fairness Act, requires that proposed rules be evaluated for disproportionate impacts upon small versus large businesses and that any such impacts be mitigated if feasible and legally possible. The proposed amendments to chapter 173-400 WAC have been examined, and a determination that a complete small business economic impact statement is not required has been made.

Changes to the existing rule fall generally within two groups; provisions needed to conform to new or revised federal rules or laws that have arisen since the state rule was last amended, and editorial revisions aimed at simplifying or clarifying rule language. As such, none of the proposed changes will be likely to have a significant impact upon businesses in Washington. Those amendments incorporating new or revised federal requirements will have no effects beyond those that would have occurred in their absence.

Chapter 43.21H RCW, the State Economic Policy Act, requires that economic values be considered in addition to environmental, social and public health and safety values in rule making. In view of the conclusion, described above, that the proposed rule amendments will have no effects beyond those already existing under previous rule or those which would flow from federal rule or law provisions in any case, the overall economic impacts of the proposed action are deemed negligible.

Hearing Location: On October 13, at 7 p.m., in Seattle, Ecology's N.W. Regional Office, 3190 160th S.E., Bellevue, Conference Room A, 649-7000; on October 14, at 7 p.m., in Vancouver, Fire District 5, Station #8, 17408 S.E. 15th Street, 892-4323; on October 14, at 7 p.m., in Yakima, Ecology's Central Regional Office, 3601 West Washington, River Room, 575-4173; and on October 15, at 7 p.m., in Bellingham, Fairhaven Public Library, 1117 12th Street, Fireplace Room, 676-6985, and in Spokane, Spokane County Health Center, West 1101 College, Auditorium, 324-1500.

Submit Written Comments to: Dave Bradley, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600, by October 22, 1992.

Date of Intended Adoption: January 15, 1993.

September 1, 1992

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-030 Definitions.** (~~The following definitions will apply unless a different meaning is clearly required by context:~~

(1) ~~"Actual emissions" relating to a particular date means the average rate, in weight per unit time of emitted pollutant during the immediately preceding two year period of normal operation. Ecology or the authority may allow or require the use of an alternative time period if it is more representative of normal operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or burned during the selected time period.~~

~~Ecology or the authority may presume that unit specific allowable emissions, which incorporate limits on hours of operation or production rate, are equivalent to the actual emissions of the unit.~~

(2) ~~"Administrator" shall refer to ecology or the authority unless specifically defined otherwise.~~

(3) ~~Except as provided elsewhere in this chapter, the following definitions apply throughout the chapter:~~

(1) "Actual emissions" means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. Ecology or an authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) Ecology or an authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

(c) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

~~((4))~~ (3) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

~~((5))~~ (4) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purposes of this chapter, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW.

~~((6))~~ (5) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is ~~(limited in production rate or hours of operation, or both, by an applicable federally enforceable regulatory order) and the most stringent of (a), (b), or (c) of this subsection. Physical and process limitations must be considered in determining maximum rated capacity.~~

~~(a) Standards as set forth in 40 CFR Part 60 and Part 61, if applicable to the source; or~~

~~(b) The applicable state implementation plan emission limitation; or~~

~~(c) The emission rate specified by an applicable federally enforceable regulatory order)) subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:~~

~~(a) The applicable standards as set forth in 40 CFR Part 60 or 61;~~

~~(b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or~~

~~(c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.~~

~~((7))~~ (6) "Ambient air" means the surrounding outside air.

~~((8))~~ (7) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

(8) "Ancillary" means, for the purposes of defining "source," "related."

(9) "Authority" means ~~((an air pollution control authority activated pursuant to chapter 70.94 RCW that has jurisdiction over the subject source. (This may be delegated by ecology.))~~ any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(10) "Best available control technology (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to this regulation which would be emitted from any proposed new or modified source which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available technology result in emissions of any air pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing authority determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of BACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The ~~((requirement of RCW 70.94.152 that a new source will provide))~~ term "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

(11) "Best available retrofit technology (BART)" means any emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by ~~((source))~~ an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required. ~~((Such standards shall, to the degree possible, set forth the emission reductions achieved and provide for compliance by prescribing appropriate conditions in a regulatory order.))~~

(12) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit(s) in exchange for a decrease in emissions from another emissions unit(s), pursuant to RCW 70.94.155 and WAC 173-400-120.

(13) "Building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same Major Group (i.e., which have the same two digit code) as described in the

Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement.

~~((14))~~ (14) "Capacity factor" means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

~~((14))~~ (15) "Class I area" means any ~~((federal, state, or Indian land which is classified Class I))~~ area designated pursuant to §§ 162 or 164 of the Federal Clean Air Act Amendments as a Class I area. The following areas are the Class I areas in Washington state:

Alpine Lakes Wilderness;  
Glacier Peak Wilderness;  
Goat Rocks Wilderness;  
Mount Rainier National Park;  
North Cascades National Park;  
Olympic National Park;  
Pasayten Wilderness;  
Spokane Indian Reservation.

~~((15))~~ (16) "Combustion and incineration sources" means sources using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

~~((16))~~ (17) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

~~((17))~~ (18) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

~~((18))~~ (19) "Director" means director of the Washington state department of ecology or duly authorized representative.

~~((19))~~ (20) "Dispersion technique" means a method which attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

~~((20))~~ (21) "Ecology" means the Washington state department of ecology.

~~((21))~~ (22) "Emission" means a direct or indirect release of air contaminants into the ambient air.

~~((22))~~ (23) "Emission reduction credit (ERC)" means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

~~((23))~~ (24) "Emission standard" means ~~((an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions as set forth in a regulation or regulatory order to assure continuous emission control))~~ a limitation on the release of an air contaminant or multiple contaminants into the ambient air.

~~((24))~~ (25) "Emissions unit" means any part of a source which emits or would have the potential to emit any pollutant subject to regulation.

~~((25))~~ (26) "Excess emissions" means an emission or emissions that violate any applicable emission standard. Ecology or the authority may excuse excess emissions from penalty if the owner or operator of the source meets the requirements of WAC 173-400-107.

(27) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-400-200(2).

~~((26))~~ (28) "Federal Clean Air Act (FCAA)" means the Federal Clean Air Act, also known as Public Law 88-206, Stat. 392, December 17, 1963, 42 U.S.C. & 401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

(29) "Federal land manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

(30) "Fossil fuel-fired steam generator" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

~~((27))~~ (31) "Fugitive dust" means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

~~((28))~~ (32) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

~~((29))~~ (33) "General process unit" means an emissions unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

~~((30))~~ (34) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

~~((31))~~ (35) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

~~((32))~~ (36) "In operation" means engaged in activity related to the primary design function of the source.

~~((33))~~ (37) "Integral vista" means a view perceived from within ~~((the))~~ a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the Class I area.

~~((34))~~ "Land manager" means ~~the secretary of the federal department or head of the state department or Indian governing body with authority over the Class I area.~~

~~(35))~~ (38) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects the more stringent of:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source ~~((; whichever is more stringent)).~~

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

~~((36))~~ (39) "Mandatory Class I federal area" means any area defined in 40 CFR Part 81, Subpart D as amended through July 1, 1992. The mandatory Class I federal areas in Washington state are as follows:

Alpine Lakes Wilderness;  
Glacier Peak Wilderness;  
Goat Rocks Wilderness;  
Mount Rainier National Park;  
North Cascades National Park;  
Olympic National Park;  
Pasayten Wilderness.

(40) "Major modification" means ~~((any physical change or change in the method of operation as defined in WAC 173-400-141.~~

(37) "Major source" means: ~~Any source which emits or has the potential to emit one hundred tons per year or more of any pollutant regulated by state or federal law)) any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the act. Any net emissions increase that is considered significant for volatile organic compounds shall be considered significant for ozone. A physical change or change in the method of operation shall not include:~~

~~(a) Routine maintenance, repair, and replacement;~~

~~(b) Use of an alternative fuel or raw material by reason of an order under sections 2 (a) and (b) of the Energy Supply and Environmental Supply Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;~~

~~(c) Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425;~~

~~(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;~~

~~(e) Use of an alternative fuel or raw material by a stationary source which:~~

~~(i) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Subpart I or § 51.166; or~~

~~(ii) The source is approved to use under any permit issued under regulations approved pursuant to this section;~~

~~(f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or regulations approved pursuant to 40 CFR Part 51, Subpart I or 40 CFR 51.166;~~

~~(g) Any change in ownership at a stationary source.~~

(41) "Major stationary source" means:

~~(a) Any stationary source (or group of stationary sources that are located on one or more contiguous or adjacent properties, and are under common control of the same person or persons under common control) which:~~

~~(i) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the state or Federal Clean Air Act;~~

~~(ii) Is located in a "marginal" or "moderate" ozone nonattainment area and which emits or has the potential to~~

~~emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen;~~

~~(iii) Is located in a "serious" carbon monoxide nonattainment area where stationary sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or~~

~~(iv) Is located in a "serious" particulate matter (PM<sub>10</sub>) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM<sub>10</sub> emissions.~~

~~(b) Any physical change that would occur at a stationary source not qualifying under (a) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;~~

~~(c) A major stationary source that is major for VOCs or NOx shall be considered major for ozone;~~

~~(d) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:~~

~~(i) Coal cleaning plants (with thermal dryers);~~

~~(ii) Kraft pulp mills;~~

~~(iii) Portland cements plants;~~

~~(iv) Primary zinc smelters;~~

~~(v) Iron and steel mills;~~

~~(vi) Primary aluminum ore reduction plants;~~

~~(vii) Primary copper smelters;~~

~~(viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;~~

~~(ix) Hydrofluoric, sulfuric, or nitric acid plants;~~

~~(x) Petroleum refineries;~~

~~(xi) Lime plants;~~

~~(xii) Phosphate rock processing plants;~~

~~(xiii) Coke oven batteries;~~

~~(xiv) Sulfur recovery plants;~~

~~(xv) Carbon black plants (furnace process);~~

~~(xvi) Primary lead smelters;~~

~~(xvii) Fuel conversion plants;~~

~~(xviii) Sintering plants;~~

~~(xix) Secondary metal production plants;~~

~~(xx) Chemical process plants;~~

~~(xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;~~

~~(xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;~~

~~(xxiii) Taconite ore processing plants;~~

~~(xxiv) Glass fiber processing plants;~~

~~(xxv) Charcoal production plants;~~

~~(xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and~~

~~(xxvii) Any other stationary source category which, as of August 7, 1980, was being regulated under sections 111 or 112 of the Federal Clean Air Act.~~

~~((38))~~ (42) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

~~((39))~~ (43) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

~~((40))~~ (44) "Modification" means any physical change in, or change in the method of operation of, a source that increases the amount of any air contaminant emitted by such sources or that results in the emissions of any air contaminant not previously emitted.

(45) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61.

~~((41))~~ (46) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

~~((42))~~ (47) "Net emissions increase" means ~~((any emissions increase as defined in WAC 173-400-141));~~

(a) The amount by which the sum of the following exceeds zero:

(i) Any increase in actual emissions from a particular change or change in method of operation at a stationary source; and

(ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs.

(c) An increase or decrease in actual emissions is creditable only if:

(i) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the ERC.

(ii) Ecology or the authority has not relied on it in issuing an order of approval for the source under regulations approved pursuant to 40 CFR 51.165 which permit is in effect when the increase in emissions from the particular change occurs.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins;

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(iv) Ecology or the authority has not relied on it in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

~~((43))~~ (48) "New source" means ~~((a source which commences construction after the effective date of this chapter. Any addition to, enlargement, modification, replacement, restart after a period of five years of~~

~~nonoperation, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emission standards have been established shall be construed as construction or installation or establishment of a new source));~~

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted; and

(b) Any other project that constitutes a new source under the Federal Clean Air Act.

~~((44))~~ (49) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

~~((45))~~ (50) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

~~((46))~~ (51) "Notice of construction application" means a written application to permit construction of a new source ~~((or)),~~ modification of an existing source or replacement or substantial alteration of control technology at an existing stationary source.

~~((47))~~ (52) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

~~((48))~~ (53) "Open burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners is not considered open burning.

~~((49))~~ (54) "Order of approval" means a regulatory order issued by ecology or the authority to approve the notice of construction application for a proposed new source or modification, after review of all information received including public comment as required under WAC 173-400-110 and 173-400-141.

(55) "Particulate matter" or "particulates" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

~~((50))~~ (56) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in 40 CFR Part 60 or by a test method specified in the Washington state implementation plan.

~~((51))~~ (57) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

~~((52))~~ (58) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

~~((53))~~ (59) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.



~~((54))~~ (60) "PM-10 emissions" means finely divided solid or liquid material, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part ~~((60))~~ 51 or by a test method specified in the Washington state implementation plan.

~~((55))~~ (61) "Potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

~~((56))~~ (62) "Prevention of significant deterioration (PSD)" means the program set forth in WAC 173-400-141. Ecology has adopted the federal PSD program contained in 40 CFR 52.21 with some changes, which are described in WAC 173-400-141.

~~((57))~~ (63) "Projected width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

~~((58))~~ (64) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

~~((59))~~ (65) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source category shall be adopted only after notice and opportunity for comment are afforded.

~~(RACT requirements for any source or source category may be adopted as an order or regulation after public involvement per WAC 173-400-171.~~

~~(60))~~ (66) "Regulatory order" means an order issued by ecology or an authority to an air contaminant source which approves a notice of construction application and/or limits emissions and/or establishes other air pollution control requirements.

~~((61))~~ (67) "Significant ~~((emission))~~" means a rate of emission equal to or greater than any one of the following rates:

<del>(Pollutant)</del>	<del>Tons/Year</del>	<del>Pounds/Day</del>	<del>Pounds/Hour</del>
Carbon monoxide	100		
Nitrogen oxides	40		
Sulfur dioxide	40	800	80
Volatile organic compounds	40		
Particulate matter	25	500	50
PM-10	15		
Lead	.6		

~~Total reduced sulfur (as H<sub>2</sub>S) — 10  
Total fluoride — 3))~~

Pollutant	Tons/Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter (PM)	25
Fine particulate matter (PM <sub>10</sub> )	15
Volatile organic compounds (VOC)	40
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H <sub>2</sub> S)	10
Total reduced sulfur (including H <sub>2</sub> S)	10
Reduced sulfur compounds (including H <sub>2</sub> S)	10
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO <sub>2</sub> and hydrogen chloride)	40

~~((62))~~ (68) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

~~((63))~~ (69) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, ~~((which))~~ that are located on one or more contiguous ~~((or adjacent))~~ properties, and are under the control of the same person~~((s) and))~~ or persons under common control, including those whose activities ~~((that))~~ are ~~((secondary))~~ ancillary to the production of a single product or functionally related groups of products.

~~((64))~~ (70) "Source category" means all sources of the same type or classification.

~~((65))~~ (71) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

~~((66))~~ (72) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

~~((67))~~ (73) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.

~~((68))~~ (74) "Stationary source" means any building, structure, facility, or installation which emits or may emit any contaminant subject to regulation under the Federal Clean Air Act.

(75) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

~~((69))~~ (76) "Total reduced sulfur, (TRS)" means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 or an



approved equivalent method and expressed as hydrogen sulfide.

~~((70))~~ (77) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1988.

~~((71))~~ (78) "United States Environmental Protection Agency, (USEPA)" shall be referred to as EPA.

~~((72))~~ (79) "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

~~((73))~~ (80) "Visibility impairment of Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

~~((74))~~ (81) "Volatile organic compound, (VOC)" means ~~(any organic compound which participates in atmospheric photochemical reactions; that is, any organic compound other than those which the USEPA administrator designates as having negligible photochemical reactivity. VOC may be measured by a reference method, an equivalent method, an alternative method or by procedures specified under 40 CFR Part 60. A reference method, an equivalent method, or an alternative method, however, may also measure nonreactive organic compounds. In such cases, an owner or operator may exclude the nonreactive organic compounds when determining compliance with a standard. This reactivity policy exempts the following compounds per the Federal Register: Methane, ethane, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane, chloropentafluoroethane, methylene chloride, and 1,1,1-trichloroethane (methyl chloroform))~~;

(a) Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any organic compound other than the following, which have negligible photochemical activity: Methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,1-trichloro 2,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (CFC-22); trifluoromethane (FC-23); 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); and perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear completely fluorinated alkanes;

(ii) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations; and

(iii) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate

methods in 40 CFR Part 60 Appendix A. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by ecology or the authority.

(c) As a precondition to excluding these negligibly-reactive compounds as VOC or at any time thereafter, ecology or the authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of ecology or the authority, the amount of negligibly-reactive compounds in the source's emissions.

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 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-040 General standards for maximum emissions.** All sources and emissions units are required to meet the emission standards of this chapter. Where an emission standard listed in another chapter is applicable to a specific emissions unit, such standard will take precedent over a general emission standard listed in this chapter. When two or more emissions units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emissions units, and the relative contributions of the individual emissions units to the common discharge are not readily distinguishable, then the emissions of the common stack must meet the most restrictive standard of any of the connected emissions units. Further, all emissions units are required to use reasonably available control technology (RACT) which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of Title 173 WAC. Where current controls are determined to be less than determined to be less than RACT, ecology or the authority shall, on a case-by-case basis, define RACT for each source or source category and issue a regulatory order or operating permit condition to the source or sources for installation of RACT.

(1) Visible emissions. No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity except:

(a) When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and ecology or the authority be advised of the schedule.

(b) When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent.

(c) When two or more sources are connected to a common stack, ecology or the authority may allow or require the use of an alternate time period if it is more representative of normal operations.

(d) When an alternate opacity limit has been established per RCW 70.94.331 (2)(c).

(2) Fallout. No person shall cause or permit the emission of particulate matter from any source to be deposited beyond the property under direct control of the owner(s) or operator(s) of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(3) Fugitive emissions. The owner or operator of any emissions unit engaging in materials handling, construction, demolition or any other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, shall be required to use ~~((best available control technology (BACT)))~~ reasonable and available control methods, which shall include any necessary changes in technology, process, or other control strategies to control emissions of the contaminants for which nonattainment has been designated. ((Significance will be determined by EPA interpretive ruling for PSD and offsets on file with ecology.))

(4) Odors. Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with any other property owner's use and enjoyment of his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.

(5) Emissions detrimental to persons or property. No person shall cause or permit the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.

(6) Sulfur dioxide.

No person shall cause or permit the emission of a gas containing sulfur dioxide from any emissions unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen for combustion sources, and based on the average of any period of sixty consecutive minutes, except:

When the owner or operator of an emissions unit supplies emission data and can demonstrate to ecology or the authority that there is no feasible method of reducing the concentration to less than one thousand ppm (on a dry basis, corrected to seven percent oxygen for combustion sources) and that the state and federal ambient air quality standards for sulfur dioxide will not be exceeded. In such cases, ecology or the authority may require specific ambient air monitoring stations be established, operated, and maintained by the owner or operator at mutually approved locations. All sampling results will be made available upon request and a monthly summary will be submitted to ecology or the authority.

(7) Concealment and masking. No person shall cause or permit the installation or use of any means which

conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this chapter.

~~((8) Fugitive dust sources.~~

~~(a) The owner or operator of a source of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the source to minimize emissions.~~

~~(b) The owner(s) or operator(s) of any existing source(s) of fugitive dust that has been identified as a significant contributor to a Category I PM 10 area shall be required to use reasonably available control technology to control emissions. Significance will be determined by the definition found in 40 CFR Part 51, Appendix S, as amended through July 1, 1990.))~~

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-070 Emission standards for certain source categories.** Ecology finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the maximum allowable standards for emissions units within the categories listed. Except as specifically provided in this section, such emissions units shall not be required to meet the provisions of WAC 173-400-040, 173-400-050 and 173-400-060.

(1) Wigwam burners.

(a) All wigwam burners shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7).

(b) All wigwam burners shall use RACT. All emissions units shall be operated and maintained to minimize emissions. These requirements may include a controlled tangential vent overfire air system, an adequate underfire system, elimination of all unnecessary openings, a controlled feed and other modifications determined necessary by ecology or the authority.

(c) It shall be unlawful to install or increase the existing use of any burner that does not meet all requirements for new sources including those requirements specified in WAC 173-400-040 and 173-400-050, except operating hours.

(d) Ecology may establish additional requirements for wigwam burners located in sensitive areas as defined by chapter 173-440 WAC. These requirements may include but shall not be limited to:

(i) A requirement to meet all provisions of WAC 173-400-040 and 173-400-050. Wigwam burners will be considered to be in compliance if they meet the requirements contained in WAC 173-400-040(1). An exception is made for a startup period not to exceed thirty minutes in any eight consecutive hours.

(ii) ~~((A requirement to apply BACT.~~

~~((iii)))~~ A requirement to reduce or eliminate emissions if ecology establishes that such emissions unreasonably interfere with the use and enjoyment of the property of others or are a cause of violation of ambient air standards.

(2) Hog fuel boilers.

(a) Hog fuel boilers shall meet all provisions of WAC 173-400-040 and 173-400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to

the operation of these units. This practice is to be scheduled for the same specific times each day and ecology or the authority shall be notified of the schedule or any changes.

(b) All hog fuel boilers shall utilize RACT and shall be operated and maintained to minimize emissions.

(3) Orchard heating.

(a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

(b) It is unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.

(4) Grain elevators.

Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of WAC 173-400-040 (2), (3), (4), and (5).

(5) Catalytic cracking units.

(a) All existing catalytic cracking units shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7) and:

(i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds forty percent opacity.

(ii) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) of exhaust gas.

(b) All new catalytic cracking units shall meet all provisions of WAC 173-400-115.

(6) Other wood waste burners.

(a) Wood waste burners not specifically provided for in this section shall meet all provisions of WAC 173-400-040.

(b) Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.

(7) Sulfuric acid plants.

No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as H<sub>2</sub>SO<sub>4</sub>, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H<sub>2</sub>SO<sub>4</sub>.

**AMENDATORY SECTION** (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-075 Emission standards for sources emitting hazardous air pollutants.** (1) The emission standards for hazardous air pollutants promulgated by the United States Environmental Protection Agency (EPA) prior to July 1, ((1989)) 1992, as contained in Title 40, Code of Federal Regulations, Part 61, are adopted by reference. The term "administrator" in 40 CFR Part 61 shall mean both the administrator of EPA and the director of ecology.

(2) Ecology or the authority may conduct source tests and require access to records, books, files, and other information specific to the control, recovery, or release of those pollutants ((registered)) regulated under 40 CFR Part 61 in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) Source testing, monitoring, and analytical methods for sources of hazardous air pollutants such as: Asbestos, benzene from fugitive emission sources, beryllium, mercury, or vinyl chloride shall conform with the requirements of Title 40, Code of Federal Regulations, Part 61, as promulgated prior to July 1, ((1989)) 1992.

(4) This section shall not apply to any source operating pursuant to a waiver granted by EPA or an exemption granted by the president of the United States during the effective life of such waiver or exemption.

#### NEW SECTION

**WAC 173-400-080 Startup and shutdown.** In promulgating technology-based emission standards and making control technology determinations (e.g., BACT, RACT, LAER, BART) ecology and the authorities shall consider any physical constraints on the ability of a source to comply with the applicable standard during startup or shutdown. Where ecology or the authority determines that the source or source category, operated and maintained in accordance with good air pollution control practice, is not capable of achieving continuous compliance with an emission standard during startup or shutdown, ecology or the authority shall include in the standard appropriate operating parameters or other criteria to regulate the performance of the source during startup or shutdown conditions.

**AMENDATORY SECTION** (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-100 Registration.** The owner or operator of each source within the following source categories that does not hold an operating permit shall register the source with ecology or ((a&)) the authority:

- (1) Agricultural drying and dehydrating operations;
- (2) Asphalt plants;
- (3) Beverage can surface coating operations;
- (4) Bulk gasoline terminals;
- (5) Cattle feedlots with facilities for one thousand or more cattle;
- (6) Chemical plants;
- (7) Ferrous foundries;
- (8) Fertilizer plants;
- (9) Flexible vinyl and urethane coating and printing operations;
- (10) Grain handling, seed processing, pea and lentil processing facilities;
- (11) Metallic mineral processing plants;
- (12) Mineralogical processing plants;
- (13) Nonferrous foundries;
- (14) Other metallurgical processing plants;
- (15) Petroleum refineries;
- (16) Power boilers using coal, hog fuel, oil, or other solid or liquid fuel;
- (17) Pressure sensitive tape and label surface coating operations;
- (18) Rendering plants;
- (19) Scrap metal operations;
- (20) Synthetic organic chemical manufacturing industries;
- (21) Sulfuric acid plants;
- (22) Synthetic fiber production facilities;

PROPOSED

- (23) Veneer dryers;
- (24) Wood waste incinerators including wigwam burners;
- (25) Other incinerators designed for a capacity of one hundred pounds per hour or more;
- (26) Stationary internal combustion engines rated at five hundred horse power or more;
- (27) Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination thereof;
- (28) Any category of stationary sources to which a federal standard of performance (NSPS) applies;
- (29) Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS);
- (30) Any major stationary source.

Registration shall be on forms to be supplied by ecology or the authority within the time specified on the form.

A report of closure shall be filed with ecology or the authority within ninety days (~~with ecology or an authority if under their jurisdiction when~~) after operations producing emissions permanently cease at any source within the above categories.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-105 Records, monitoring, and reporting.** The owner or operator of a source shall upon notification by the director of ecology, maintain records on the type and quantity of emissions from the source and other information deemed necessary to determine whether the source is in compliance with applicable emission limitations and control measures.

(1) Emission inventory. The owner(s) or operator(s) of any air contaminant source shall submit an inventory of emissions from the source each year. The inventory may include stack and fugitive emissions of particulate matter, (~~PM-10~~) PM<sub>10</sub>, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and other contaminants, and shall be submitted (when required) no later than one hundred five days after the end of the calendar year. The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards.

(2) Monitoring. Ecology shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

As a part of this program, the director of ecology or an authorized representative may require any source under the jurisdiction of ecology to conduct stack and/or ambient air monitoring and to report the results to ecology.

(3) Investigation of conditions. Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from ecology or an authority shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families.

(4) Source testing. To demonstrate compliance, ecology or the authority may conduct or require that a test be conducted of the source using approved EPA methods from 40 C.F.R. 60 Appendix A which are adopted by reference, or approved procedures contained in "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, as of July 12, 1990, on file at ecology. The operator of a source may be required to provide the necessary platform and sampling ports for ecology personnel or others to perform a test of an emissions unit. Ecology shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(5) (~~Report of startup, shutdown, breakdown or upset condition(s). If a startup, shutdown, breakdown or upset condition occurs which could result in an emissions violation or a violation of an ambient air quality standard, the owner(s) or operator(s) of the source(s) shall take the following actions as applicable:~~

(a) ~~For a planned condition, such as a startup or shutdown, the condition shall be reported to ecology or the authority in advance of its occurrence.~~

(b) ~~For an unplanned condition, such as a breakdown or upset, the condition shall be reported to ecology or the authority as soon as possible.~~

~~Upon request by ecology or the authority, the owner(s) or operator(s) of the source(s) shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.~~

~~Compliance with the requirements of WAC 173-400-105(5) does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of this chapter or an applicable chapter nor from the resulting liabilities for failure to comply.~~

(6)) Continuous monitoring and recording. Owners and operators of the following categories of sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

- (a) Fossil fuel-fired steam generators.
  - (i) Opacity, except where:
    - (A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input; or
    - (B) Only gaseous fuel is burned.
  - (ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million BTU per hour heat input or if sulfur dioxide control equipment is not required.

(iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to ecology or the authority by the owner(s) or operator(s).

(b) Sulfuric acid plants.  
Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred

percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators.

(i) Opacity, except where steam generator capacity is less than one hundred million BTU per hour heat input.

(ii) Continuous monitoring equipment. The requirements of WAC 173-400-105 (6)(e) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by WAC 173-400-105 (6)(d) shall be subject to approval by ecology.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this chapter shall demonstrate to ecology or the authority, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5, promulgated October 6, 1975, and amended November 7, 1986, which is adopted by reference.

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, ecology determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

(g) Exemptions. This subsection (6) does not apply to any source which is:

(i) Subject to a new source performance standard. These sources will be governed by WAC 173-400-115.

(ii) Not subject to an applicable emission standard.

(h) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this chapter during periods of monitoring system malfunctions provided that the source owner(s) or operator(s) shows to the satisfaction of ecology or the authority that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

~~((7))~~ (6) Change in raw materials or fuels for sources not subject to requirements of the operating permit program.

Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by WAC 173-400-105(1) shall require the submittal of sufficient information to ecology or the authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. Ecology or the authority may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory shall not require such notice.

## NEW SECTION

**WAC 173-400-107 Excess emissions.** (1) The owner or operator of a source shall have the burden of proving that excess emissions were unavoidable.

(2) Excess emissions determined by ecology or the authority to be unavoidable under the procedures and criteria in this section shall be excused and not subject to penalty.

(3) Excess emissions shall be reported to ecology or the authority as soon as possible. Upon request by ecology or the authority, the owner(s) or operator(s) of the source(s) shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

(4) Excess emissions due to startup or shutdown conditions shall be considered unavoidable provided the source reports as required under subsection (3) of this section and demonstrates to the satisfaction of ecology or the authority that the excess emissions could not have been prevented through careful planning and design and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

(5) Maintenance. Excess emissions due to scheduled maintenance shall be considered unavoidable if the source reports as required under subsection (3) of this section and demonstrates to the satisfaction of ecology or the authority that the excess emissions could not have been avoided through better design, scheduling for maintenance or through better operation and maintenance practices.

(6) Excess emissions due to upsets shall be considered unavoidable provided the source reports as required under subsection (3) of this section and demonstrates to the satisfaction of ecology or the authority that:

(a) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;

(b) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(c) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-110 New source review (NSR).** (1) **Applicability.**

~~((a) A notice of construction must be approved by ecology or the authority prior to the construction, installation, or establishment of a new source or emissions unit which is required to register per WAC 173-400-100.~~

~~(b) Ecology or the authority may require a notice of construction prior to the construction, installation, or establishment of any other new source, other than a single family or duplex dwelling.~~

~~(c) The notice of construction and new source review shall apply only to the emission unit(s) affected and the contaminants involved.~~

~~(d) The owner(s) or operator(s) of any source that is required to register per WAC 173 400 100 shall notify ecology or the authority prior to replacement of air pollution control equipment or process equipment other than equivalent replacement for routine maintenance and repair. Ecology or the authority may determine that a notice of construction is required.~~

~~(2) **Additional information.** Within thirty days of receipt of a notice of construction, ecology or the authority may require the submission of additional plans, specifications, and other information necessary for the review of the proposed new or modified source.~~

~~(3) **Requirements for new sources.** Ecology or the authority shall review notice(s) of construction, plans, specifications, and other associated information to determine that:~~

~~(a) The new source will be in accord with applicable federal and state rules and regulations, including NSPS and NESHAPS and the new source will use BACT for emissions control; and~~

~~(b) Requirements for nonattainment areas;~~

~~(i) If the new source is a major source or the proposed change is a major modification, it will comply with LAER for emissions of the contaminants for which nonattainment has been designated; and~~

~~(ii) If the new source is a major source or the proposed change is a major modification and is located in an area that is not in attainment for carbon monoxide or ozone and the source will emit carbon monoxide or VOCs, it is required that there be an analysis of alternative sites, sizes, and production processes and environmental control techniques for the proposed new source which demonstrates that benefits of the proposed new source significantly outweigh the environmental and social costs imposed as a result of its location, construction, and modification. This analysis is the responsibility of the applicant, who may use an environmental impact statement prepared under the State Environmental Policy Act (SEPA) or the National Environmental Policy Act (NEPA) as a source of information; and~~

~~(iii) The proposed new source will not violate the requirements for reasonable further progress established by the state implementation plan. If the new source is a major source or the proposed change is a major modification, the total new allowable emissions from all sources existing at the time of application for notice of construction plus proposed allowable emissions for the new source, of the contaminants for which nonattainment has been designated, shall be no greater than the total allowable emissions from existing sources, except that: (A) Ecology or the authority may require that new total allowable emissions be reduced to less than existing total allowable emissions, as necessary to achieve air quality attainment goals stated in an approved plan of attainment, and (B) the emissions from the proposed new source may be approved without an offsetting reduction from existing sources if an adequate emissions growth allowance is included in an approved plan of attainment. The above requirements must be met by reducing emissions from existing source(s). Arrangements for such offsetting reduction(s) of actual emissions must be made by the owner(s) or operator(s) of the proposed new source. The proposed new source may be constructed only after the~~

~~issuance of a regulatory order(s) to the proposed new source and to all the source(s) that provided the offset. The said orders shall include new allowable emissions limits for all the affected sources; and~~

~~(iv) If the new source is a major source or the proposed change is a major modification, the owner(s) or operator(s) shall demonstrate that all major sources owned or operated by such person (or persons under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the Federal Clean Air Act; and~~

~~(v) In a locality that does not meet national ambient air quality standards and has not been designated a nonattainment area, a proposed new major source or major modification must reduce the impact of its emissions upon air quality by obtaining sufficient emissions reductions to, at a minimum, compensate for its adverse ambient impact. An ecology approved air quality model shall be used to demonstrate a net air quality benefit where the source would otherwise cause or contribute to a violation of any national ambient air quality standard.~~

~~(c) **Requirements for attainment areas.** If the proposed new source is located in an area that is in attainment for contaminants that would be emitted by the source and the source is located in an ozone attainment area if the source would emit VOCs;~~

~~(i) The allowable emissions from the proposed new source will not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any national ambient air quality standard. This requirement will be considered to be met if the impact at any location within a nonattainment area or a locality exceeding the applicable standard does not exceed the following levels:~~

Pollutant	Annual Average	24 Hour Average	8 Hour Average	3 Hour Average	1 Hour Average
CO			0.5 mg/m <sup>3</sup>		2 mg/m <sup>3</sup>
TSP	1.0 ug/m <sup>3</sup>	5 ug/m <sup>3</sup>			
SO <sub>x</sub>	1.0 ug/m <sup>3</sup>	5 ug/m <sup>3</sup>		25 ug/m <sup>3</sup>	30 ug/m <sup>3</sup>
PM-10	1.0 ug/m <sup>3</sup>	5 ug/m <sup>3</sup>			
NO <sub>x</sub>	1.0 ug/m <sup>3</sup>				

~~(ii) The proposed new source will not cause a violation of any ambient air quality standard.~~

~~(iii) An offsetting emissions reduction that satisfies the requirements of WAC 173 400 110 (3)(b) may be used to satisfy the requirements of WAC 173 400 110 (3)(c) and (d) if required.~~

~~(d) **Visibility requirements.** Any new major source or new major modification shall evaluate the visibility impairment per 40 CFR 52.21(e) for all Class I areas in Washington and neighboring states. The evaluation shall comply with the following:~~

~~(i) When the land manager has officially designated visibility to be an important attribute, the owner(s) or operator(s) of the new source shall demonstrate that the potential emissions in combination with emissions from all other sources permitted after January 1, 1982, shall not cause or contribute to a significant visibility impairment.~~

~~(ii) Ecology shall upon receipt of an application for a notice of construction notify the land managers of potentially affected areas. Notification shall be in writing and include~~



a copy of all information relevant to the application including the information developed for this section. This information shall be transmitted to the land manager within thirty days of receipt of the application and at least sixty days prior to public hearing on the application for permit to construct.

(iii) All evaluations of visibility impairment required under this section shall use the models on file with ecology or equivalent models approved by ecology or EPA.

(iv) The results of the evaluation shall be sent to the land manager of the affected areas for review and recommendation. The review shall consider the degree of visibility impairment, duration, geographic extent, frequency, and time. The recommendation of the land managers concerning adverse impact on visibility shall be sent to ecology within thirty days of receipt of the evaluation results.

(v) Should ecology concur with the recommendation of the land manager, the notice of construction shall be approved or disapproved according to the recommendation. Ecology may find the review of a land manager inadequate and make its own determination. A finding of significant visibility impairment shall require a disapproval of the notice of construction, unless sufficient mitigating measures are developed.

(vi) Ecology or land managers may demonstrate that the new source would cause impairment of an integral vista officially designated at least six months before the new source submitted a complete application. The protection of an integral vista by controls on the source shall consider the time necessary for compliance, the energy and nonair quality environmental effects of compliance and the productive life of the source.

(vii) Ecology may require visibility monitoring at the site of the new source or potentially affected areas as a part of the applicable regulatory order. The monitoring period may be before or after construction or both.

(4) **Preliminary determination.** Within thirty days after receipt of all information required, ecology or the authority shall:

(a) Make preliminary determinations on the matters set forth in subsection (3)(b), (c), and (d) of this section if applicable; and

(b) Initiate compliance with the provisions of WAC 173-400-171 relating to public notice and public comment, as applicable.

(5) **Final determination.** If, after review of all information received including public comment, ecology or the authority finds that all the conditions in subsection (3) of this section are satisfied, whichever is applicable, the authority will issue a regulatory order to approve the notice of construction for the proposed new source or modification.

(6) **Appeal of approval.** A notice of construction approval can be appealed to the state pollution control hearings board per RCW 70.94.025.

(7) **Portable sources.** For portable sources which locate temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction, providing that the owner(s) or operator(s) notifies ecology or the authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies

sufficient information to enable ecology or the authority to determine that the operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time (one year or less) and ecology or the authority may set specific conditions for operation during that period. A temporary source shall be required to comply with all applicable emission standards.

(8) **Commencement of construction.** The owner(s) or operator(s) of the new source shall not commence construction until the applicable notice of construction has been approved.) (a) A notice of construction application must be filed by the owner or operator and an order of approval issued by ecology or an authority prior to the establishment of any new source or emission unit or modification which is required to register per WAC 173-400-100.

(b) Ecology or the authority may require that a notice of construction application be filed by the owner or operator of a proposed new source or modification and an order of approval issued by ecology or an authority prior to the establishment of any new source or emission unit or modification, other than a single family or a duplex dwelling.

(c) New source review of a modification shall be limited to the emission unit or units proposed to be modified and the air contaminants whose emissions would increase as a result of the modification.

(2) **Completeness determination.** Within thirty days of receipt of a notice of construction application ecology or the authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary, based upon review of information already supplied, to complete the application. For a project subject to PSD review under WAC 173-400-141 a completeness determination includes a determination that the application provides all information required to conduct PSD review.

(3) **Final determination.**

(a) Within sixty days of receipt of a complete application, ecology or the authority shall either issue a final decision on the application or, for those projects subject to public notice, initiate notice and comment procedures under WAC 173-400-171 on a proposed decision, followed as promptly as possible by a final decision.

(b) Every final determination on a notice of construction application shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of ecology or the authority.

(c) If the new source is a major stationary source or the change is a major modification, ecology or the authority shall submit any control technology determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA.

(4) **Appeals.** An order of approval, any conditions contained in an order of approval, or the denial of a notice of construction application may be appealed to the pollution control hearings board as provided in chapter 43.21B RCW.

(5) Portable sources. For portable sources which locate temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction application, providing that the owner(s) or operator(s) notifies ecology or the authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable ecology or the authority to determine that the operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time (one year or less) and ecology or the authority may set specific conditions for operation during that period. A temporary source shall be required to comply with all applicable emission standards.

#### NEW SECTION

**WAC 173-400-112 Requirements for new sources in nonattainment areas.** Ecology or an authority reviewing an application to establish a new source or modification in a nonattainment area, prior to issuance of an order of approval, shall determine that the proposed project satisfies each of the following requirements:

(1) The proposed new source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, emission standards adopted under chapter 70.94 RCW and, for sources regulated by an authority, the applicable emission standards of that authority.

(2) The proposed new source will employ BACT for all air contaminants, except that if the new source is a major stationary source or the proposed modification is a major modification it will achieve LAER for the contaminants for which the area has been designated nonattainment and for which the proposed new source or modification is major.

(3) If the proposed new source is a major stationary source or the proposed modification is a major modification and ecology or the authority has determined, based on review of an analysis performed by the source of alternative sites, sizes, production processes, and environmental control techniques, that the benefits of the project significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(4) If the proposed new source is a major stationary source or the proposed modification is a major modification the owner or operator has secured sufficient offsetting emission reductions to satisfy the requirements of, and federally enforceable rules promulgated under § 173 of the Federal Clean Air Act and, if the source proposes to locate in an ozone nonattainment area, § 182 of the Federal Clean Air Act. An emission reduction credit issued under WAC 173-400-131 may be used to satisfy some or all of the offset requirements of this subsection.

(5) If the proposed new source is a major stationary source or the proposed modification is a major modification the owner or operator has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Washington are subject to

emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules contained in an EPA-approved state implementation plan.

(6) If the proposed new source is a major stationary source or the proposed modification is a major modification for the purposes of the PSD program described in WAC 173-400-141 it meets the requirements of that program for all contaminants for which the area has not been designated nonattainment.

(7) If the proposed new source or modification will emit any toxic air pollutants regulated under chapter 173-460 WAC the source meets all applicable requirements of that chapter.

(8) If the proposed new source is a major stationary source or the proposed modification is a major modification ecology or the authority has complied with the visibility protection review requirements of 40 CFR 52.28 and determined that the project meets the criteria set forth in subsection (g) of that section.

#### NEW SECTION

**WAC 173-400-113 Requirements for new sources in attainment areas.** Ecology or an authority reviewing an application to establish a new source or modification in an area that is in attainment for all air contaminants the new source would emit and that is in attainment for ozone if the proposed new or modified source would emit VOCs or NO<sub>x</sub>, prior to issuance of an order of approval, shall determine that the proposed project satisfies all of the following requirements:

(1) The proposed new source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, emission standards adopted under chapter 70.94 RCW and, for sources regulated by an authority, the applicable emission standards of that authority.

(2) The proposed new source or modification will employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification.

(3) Allowable emissions from the proposed new source or modification will not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any ambient air quality standard. This requirement will be considered to be met if the projected impact of the allowable emissions from the proposed new source or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment area does not exceed the following levels for the pollutant(s) for which the area has been designated nonattainment:



Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	-	-	0.5 mg/m <sup>3</sup>	-	2 mg/m <sup>3</sup>
TSP	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	-	-
SO <sub>2</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	25 µg/m <sup>3</sup>	30 µg/m <sup>3</sup>
PM <sub>10</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	-	-
NO <sub>2</sub>	1.0 µg/m <sup>3</sup>	-	-	-	-

An offsetting emission reduction may be used to satisfy some or all of the offsetting requirements of this subsection.

(4) If the proposed new source is a major stationary source or the proposed modification is a major modification for purposes of the PSD program described in WAC 173-400-141 it meets all applicable requirements of that chapter.

(5) If the proposed new source or the proposed modification will emit any toxic air pollutants regulated under chapter 173-460 WAC the source meets all applicable requirements of that chapter.

(6) If the proposed new source is a major stationary source or the proposed modification is a major modification ecology or the authority has complied with the visibility protection review requirements of 40 CFR 52.27 and determined that the project meets the criteria set forth in subsections (d)(4) and (5) of that section.

**NEW SECTION**

**WAC 173-400-114 Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.** (1) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source emission unit shall file a notice of construction application with the appropriate authority, or with ecology in areas or for sources over which ecology has jurisdiction. For projects not otherwise reviewable under WAC 173-400-110, ecology or the authority may:

(a) Require that the owner or operator employ RACT for the affected emission unit; and

(b) Prescribe reasonable operation and maintenance conditions for the control equipment.

(2) Within thirty days of receipt of a notice of construction application under this section ecology or the authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty days of receipt of a complete notice of construction application under this section ecology or the authority shall either issue an order of approval or a proposed RACT determination for the proposed project.

(3) Construction shall not commence on a project subject to review under this section until the authority issues a final order of approval. However, any notice of construction application filed under this section shall be deemed to be approved without conditions if the authority takes no action within thirty days of receipt of a complete notice of construction application.

**AMENDATORY SECTION** (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-115 Standards of performance for new sources.** Title 40, Code of Federal Regulations, Part 60 (standards of performance for new sources), as promulgated prior to July 1, ((1989)) 1992, is adopted by reference except for sections 60.5 (determination of construction or modification) and 60.6 (review of plans). The term "administrator" in 40 CFR Part 60 shall mean both the administrator of EPA and the director of ecology.

~~((1) Sections 60.5 and 60.6 of Title 40, Code of Federal Regulations, are not incorporated herein because they provide for preconstruction review of new sources only on request. Such review under the state program is mandatory and an order of approval is required prior to construction, installation or establishment of a new source.~~

(2)) As of July 1, ((1989)) 1992, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following described subparts of 40 CFR Part 60:

- Subpart D Fossil fuel fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
- Subpart Da Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts
- Subpart Db Industrial-commercial-institutional steam generating units for which construction commenced after June 19, 1984, and prior to June 19, 1986, which have a heat input greater than 29 megawatts but less than 73 megawatts
- Subpart Dc Small industrial-commercial-institutional steam generating units
- Subpart E Incinerators
- Subpart Ea Municipal waste combustors
- Subpart F Portland cement plants
- Subpart G Nitric acid plants
- Subpart H Sulfuric acid plants
- Subpart I Asphalt concrete plants
- Subpart J Petroleum refineries which produce less than 25,000 barrels per day of refined products
- Subpart K Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons
- Subpart Ka Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons
- Subpart Kb Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984
- Subpart L Secondary lead smelters

Subpart M Brass and bronze ingot production plants  
 Subpart N Iron and steel plants  
 Subpart O Sewage treatment plants  
Subpart P Primary copper smelters  
Subpart Q Primary zinc smelters  
Subpart R Primary lead smelters  
 Subpart S Primary aluminum reduction plants  
 Subpart T Phosphate fertilizer industry: Wet process phosphoric acid plants  
 Subpart U Phosphate fertilizer industry: Superphosphoric acid plants  
 Subpart V Phosphate fertilizer industry: Diammonium phosphate plants  
 Subpart W Phosphate fertilizer industry: Triple superphosphate plants  
 Subpart X Phosphate fertilizer industry: Granular triple superphosphate storage facilities  
 Subpart Y Coal preparation plants  
 Subpart Z Ferroalloy production facilities  
 Subpart AA Steel plants: Electric arc furnaces  
Subpart AAa Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels  
 Subpart BB Kraft pulp mills  
 Subpart CC Glass manufacturing plants  
 Subpart DD Grain elevators  
 Subpart EE Industrial surface coating: Metal furniture  
 Subpart GG Stationary gas turbines  
 Subpart HH Lime manufacturing plants  
 Subpart KK Lead-acid ((batteries)) battery plants  
 Subpart LL Metallic mineral processing plants  
 Subpart MM Automobile and light duty truck surface coating operations  
 Subpart NN Phosphate rock plants  
 Subpart PP Ammonium sulfate manufacture  
 Subpart QQ Publication rotogravure printing  
 Subpart RR Pressure sensitive tape and label surface coating operations  
 Subpart SS Industrial surface coating: Large appliances  
 Subpart TT Industrial surface coating: Metal coils  
 Subpart UU Asphalt processing and asphalt roofing manufacture  
 Subpart VV SOCOMI equipment leaks (VOC)  
 Subpart WW Beverage can surface coating operations  
 Subpart XX Bulk gasoline terminals  
 Subpart AAA New residential wood heaters  
Subpart BBB Rubber tire manufacturing industry  
Subpart DDD VOC emissions from the polymer manufacturing industry  
 Subpart FFF Flexible vinyl and urethane coating and printing  
 Subpart GGG Petroleum refineries - compressors and fugitive emission sources  
 Subpart HHH Synthetic fiber production facilities  
Subpart III VOC emissions from SOCOMI air oxidation unit processes  
 Subpart JJJ Petroleum dry cleaners  
Subpart KKK Equipment leaks of VOC from onshore natural gas processing plants  
Subpart LLL Onshore natural gas processing; SO<sub>2</sub> emissions

Subpart NNN VOC emissions from SOCOMI distillation operations  
 Subpart PPP Wool fiberglass insulation manufacturing plants  
Subpart QQQ VOC emissions from petroleum refinery wastewater emissions  
Subpart SSS Magnetic tape coating facilities  
Subpart TTT Industrial surface coating: Surface coating of plastic parts for business machines  
Subpart VVV Polymeric coating of supporting substrates facilities

~~((Compliance with the standards for affected facilities within these source categories shall be determined by performance tests and visual observations of opacity as set forth in the regulations adopted by reference.))~~

Note: For fossil fuel fired steam generators referenced by Subpart D and Da above, units greater than 250 megawatts are governed by the energy facility site evaluation council (EFSEC) in Title 463 WAC.

**NEW SECTION**

**WAC 173-400-116 Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.** (1) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source emission unit shall file a notice of construction application with the appropriate authority, or ecology in areas or for sources for which ecology has jurisdiction. For projects not otherwise reviewable under WAC 173-400-110, ecology or the authority may:

- (a) Require that the owner or operator employ RACT for the affected emission unit; and
  - (b) Prescribe reasonable operation and maintenance conditions for the control equipment.
- (2) Within thirty days of receipt of a complete notice of construction application under this section ecology or the authority shall either issue an order of approval or a proposed RACT determination for the proposed project.
- (3) Construction shall not commence on a project subject to review under this section until the authority issues a final order of approval. However, any notice of construction application filed under this section shall be deemed to be approved without conditions if the authority takes no action within thirty days of receipt of a complete notice of construction application.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-120 Bubble rules.** (1) Applicability. The owner(s) or operator(s) of any source(s) may apply for a bubble for any contaminant regulated by state or federal law for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions units involved. A bubble application for a source holding an operating permit will be processed as a minor permit modification.

(2) Conditions. A bubble may be authorized provided the following conditions have been demonstrated to the satisfaction of ecology or the authority.

(a) The contaminants exchanged must be of the same type, that is, particulates for particulates, sulfur dioxide for sulfur dioxide, etc.

(b) The bubble will not interfere with the attainment and maintenance of air quality standards. No bubble shall be authorized in a nonattainment area unless it is contained in an EPA-approved SIP which demonstrates attainment for that area.

(c) The bubble will not result in a delay in compliance by any source, nor a delay in any existing enforcement action.

(d) The bubble will not supersede NSPS, NESHAPS, BACT, or LAER. The emissions of hazardous (NESHAPS) contaminants shall not be increased.

(e) The bubble will not result in an increase in the sum of actual emission rates of the contaminant involved from the emissions units involved.

(f) A bubble may not be authorized only for opacity limits. However, if the emission limit for particulates for a given emissions unit is increased as part of a bubble, the opacity limit for the given emissions unit may be increased subject to the following limitations:

(i) The new opacity limit shall be specific for the given emissions unit;

(ii) The new opacity limit shall be consistent with the new particulates limit;

(iii) An opacity greater than sixty percent shall never be authorized;

(iv) If the given emissions unit emits or has the potential to emit 100 tons per year or more of particulate matter, the opacity shall be monitored continuously.

(g) The emission limits of the bubble are equivalent to existing limits in enforceability.

(h) Concurrently with or prior to the authorization of a bubble, each ~~((affected source))~~ emission unit involved in a bubble shall receive or have received a regulatory order or permit that establishes total allowable emissions from the source of the contaminant being bubbled, expressed as weight of the contaminant per unit time. The new total allowable emissions shall be considered RACT.

(i) There will be no net adverse impact upon air quality from the establishment of new emission requirements for a specific source or emissions unit. Determination of net adverse impact shall include but not be limited to public perception of opacity and public perception of odorous contaminants.

(j) Specific situations may require additional demonstration as requested by ecology or the authority.

(3) Jurisdiction. Whenever a bubble application involves emissions units, some of which are under the jurisdiction of ecology and some of which are under the jurisdiction of an authority, approval will require concurrence by both authorities. The new emission limits for each emissions unit will be enforced by the authority of original jurisdiction.

(4) Additional information. Within thirty days, after the receipt of a bubble application and all supporting data and documentation, ecology or the authority may require the

submission of additional information needed to review the application.

(5) Approval. Within the time period allowed by the state operating permit rules, or for nonpermitted sources, within thirty days after all the required information has been received, ecology or the authority shall approve or deny the application, based on a finding that conditions in subsection (2)(a) through (j) of this section have been satisfied or not. If the application is approved, ~~((a regulatory order or equivalent document shall be issued which includes))~~ the operating permit for each source affected by the bubble shall be revised to incorporate new allowable emissions limits expressed in weight of pollutant per unit time for each emissions unit ~~((involved in the application))~~ affected by the bubble. The ~~((order or equivalent document must))~~ revised permit shall include ~~((all requirements necessary))~~ any conditions required to assure that ~~((conditions in))~~ subsection (2)(a) through (j) of this section will be satisfied. If a source affected by a bubble is not a permitted source under the state operating permit program, the conditions imposed to satisfy subsection (2)(a) through (j) of this section shall be adopted as a regulatory order. If the bubble depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document must prohibit ~~((the))~~ operation of the affected equipment.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-131 Issuance of emission reduction credits.** (1) Applicability. The owner(s) or operator(s) of any source(s) may apply to ecology or the authority for an emission reduction credit (ERC) if the source proposes to reduce its actual emissions rate for any contaminant regulated by state or federal law for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions unit(s) involved. An ERC application for a source holding an operating permit shall be processed as a minor permit modification.

(2) Time of application. The application for an ERC must be made prior to or within one hundred eighty days after the emission reduction has been accomplished.

(3) Conditions. An ERC may be authorized provided the following conditions have been demonstrated to the satisfaction of ecology or the authority.

(a) The quantity of emissions in the ERC shall be less than or equal to the old allowable emissions rate or the old actual emissions rate, whichever is the lesser, minus the new allowable emissions rate.

(b) The ERC application must include a description of all the changes that are required to accomplish the claimed emissions reduction, such as, new control equipment, process modifications, limitation of hours of operation, permanent shutdown of equipment, specified control practices, etc.

(c) The ERC must be large enough to be readily quantifiable relative to the source strength of the emissions unit(s) involved, but in no case shall the ERC be for less than one ton per year.

(d) No part of the emission reductions claimed for credit shall have been used as part of a determination of net emission increase, nor as part of an offsetting transaction under WAC ~~((173-400-110 (3)(e)))~~ 173-400-112(4), nor as

part of a bubble transaction under WAC 173-400-120, nor to satisfy NSPS, BACT, or LAER.

(e) Concurrently with or prior to the authorization of an ERC, the applicant shall receive (have received) a regulatory order or permit that establishes total allowable emissions from the source of the contaminant for which the ERC is requested, expressed as weight of contaminant per unit time. ~~((The new allowable emissions shall be considered RACT.))~~

(f) The use of any ERC shall be consistent with all other federal, state, and local requirements of the program in which it is used.

(4) Additional information. Within thirty days after the receipt of an ERC application and all supporting data and documentation, ecology or the authority may require the submission of additional information needed to review the application.

(5) Approval. Within the time period allowed by the state operating permit rules, or for nonpermitted sources, within thirty days after all ((the)) required information has been received, ecology or the authority shall approve or deny the application, based on a finding that conditions in subsection (3)(a) through (e) of this section have been satisfied or not. ((If the ERC application has not been approved or denied within thirty days, the ERC will be automatically approved.)) If the application is approved, ecology or the authority shall:

(a) ~~((Issue a regulatory order or equivalent document to assure that the emissions from the source will not exceed the proposed new allowable emission rate(s) claimed in the ERC application, expressed as weight of pollutant per unit time. The regulatory order or equivalent document must include all requirements that are necessary to provide such assurance. If the ERC depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document must prohibit the startup))~~ Modify the source's operating permit to assure that the emissions from the source will not exceed the allowable emission rates claimed in the ERC application, expressed in weight of pollutant per unit time for each emission unit involved. The modified permit shall include any conditions required to assure that subsection (3)(a) through (e) of this section will be satisfied. If a source applying for an ERC is not a permitted source under the state operating permit program the conditions imposed to satisfy subsection (3)(a) through (e) of this section shall be adopted as a regulatory order. If the ERC depends in whole or in part upon the shutdown of equipment, the revised permit or regulatory order must prohibit operation of the affected equipment; and,

(b) Issue a certificate of emission reduction credit. The certificate shall specify the issue date, the contaminant(s) involved, the emission decrease expressed as weight of pollutant per unit time, the nonattainment area involved, if applicable, and the person to whom the certificate is issued.

**AMENDATORY SECTION** (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-136 Use of emission reduction credits.**

(1) Permissible use. An ERC may be used to satisfy the requirements for authorization of a bubble under WAC 173-400-120, as a part of a determination of "net emissions increase," as an offsetting reduction to satisfy the

requirements for new source review per WAC ~~((173-400-110 (3)(e), to satisfy requirements for PSD review per WAC 173-400-110 (4)(e), or to satisfy requirements for visibility review per WAC 173-400-110 (4)(e)))~~ 173-400-113(3), to satisfy requirements for PSD review per WAC 173-400-113(4), or to satisfy requirements for visibility review per WAC 173-400-113(6).

(2) Surrender of ERC certificate. When an ERC is used under subsection (1) of this section, the certificate for the ERC must be surrendered to the issuing authority. If only a portion of the ERC is used, the amended certificate will be returned to the owner.

(3) Conditions of use. An ERC may be used only for the contaminant(s) for which it was issued. Ecology or the authority may impose additional conditions of use to account for temporal and spatial differences between the emissions unit(s) that generated the ERC and the emissions unit(s) that use the ERC.

(4) Sale of an ERC. An ERC may be sold or otherwise transferred to a person other than the person to whom it was originally issued. Within thirty days after the transfer of ownership, the certificate must be surrendered to the issuing authority. After receiving the certificate, the issuing authority shall reissue the certificate to the new owner.

(5) Time of use. An unused ERC and any unused portion thereof shall expire ten years after date of original issue.

(6) Discount due to change in SIP. If reductions in emissions beyond those identified in the state implementation plan are required to meet an ambient air quality standard, if the standard cannot be met through controls on operating sources, and if the plan must be revised, an ERC may be discounted by ecology or the authority after public involvement per WAC 173-400-171. Any such discount shall not exceed the percentage of additional emission reduction needed to reach attainment.

**AMENDATORY SECTION** (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-141 Prevention of significant deterioration (PSD).** Section 40 CFR 52.21, Subparts (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r), (t), (v), and (w), Prevention of Significant Deterioration of Air Quality, as in effect on July 1, ~~((1989))~~ 1992, are incorporated by reference with the following additions and modifications:

(1) Construction of "administrator." In 40 CFR 52.21 (b)(17), federally enforceable, (f)(1)(v), (f)(3), and (f)(4)(i), exclusions from increment consumption, (g), redesignation, (l) and (2), air quality models, (p)(2), federal land manager, and (t), disputed permits or redesignations, the word "administrator" shall be construed in its original meaning. In 40 CFR 52.21 (b)(3)(iii) administrator shall mean both the administrator of EPA and the director of ecology.

(2) Contemporaneous. Subpart 40 CFR 52.21 (b)(3)(ii) is changed to read: "An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs ~~((at the same time or within ten years prior to the change))~~ between the date five years before construction on the particular change commences and the date that the increase from the particular

change occurs. If a decrease occurred more than one year prior to the date of submittal of the notice of construction application for the particular change it can only be credited if the decrease has been documented by an emission reduction credit."

(3) Public participation. Subpart 40 CFR 51.166(q) public participation, as in effect July 1, ~~((1989))~~ 1992, is hereby incorporated by reference ~~((, with the following modifications:~~

~~(a) In 40 CFR 51.166 (q)(2)(iv), the word "administrator" shall be construed in its original meaning.~~

~~(b))~~ except that in 40 CFR 51.166 (q)(2)(iv), the phrase "specified time period" shall mean thirty days.

(4) Section 40 CFR 51.166 Subpart (p)(1) Sources Impacting Federal Class I areas - additional requirements - Notice to EPA, as in effect on July 1, ~~((1989))~~ 1992, is herein incorporated by reference.

(5) Secondary emissions. Subpart 40 CFR 52.21 (b)(18) is changed to read:

Emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification which causes the secondary emissions. Secondary emissions may include, but are not limited to:

(a) Emissions from ships or trains coming to or from the new or modified stationary source; and

(b) Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

~~((6) List of Class I areas. The following areas are the Class I areas in Washington state as of January 1, 1989:~~

~~Mount Rainier National Park  
North Cascade National Park  
Olympic National Park  
Alpine Lakes Wilderness Area  
Glacier Peak Wilderness Area  
Goat Rocks Wilderness Area  
Mount Adams Wilderness Area  
Pasayten Wilderness Area.))~~

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-171 Public involvement.** (1) **Applicability.** Ecology or the authority shall provide public notice prior to the approval or denial of any of the following types of applications or other actions:

(a) Notice of construction application for any new or modified source or emissions unit, if a net significant emissions increase for any pollutant regulated by state or federal law would result; or

(b) Any application or other proposed action for which a public hearing is required by PSD rules; or

(c) Any order to determine RACT; or

(d) An order to establish a compliance schedule or a variance; or

(e) The establishment or disestablishment of a nonattainment area, or the changing of the boundaries thereof; or

(f) An order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation; or

(g) An order to authorize a bubble; or

(h) Any application or other proposed action made pursuant to this chapter in which there is a substantial public interest according to the discretion of ecology or the authority.

(2) **Public notice.** Public notice shall be made only after all information required by ecology or the authority has been submitted and after applicable preliminary determinations, if any, have been made. The cost of providing public notice shall be borne by the applicant or other initiator of the action. Public notice shall include:

(a) Availability for public inspection in at least one location near the proposed project, of the nonproprietary information submitted by the applicant and of any applicable preliminary determinations, including analyses of the effect(s) on air quality.

(b) Publication in a newspaper of general circulation in the area of the proposed project of notice:

(i) Giving a brief description of the proposal;

(ii) Advising of the location of the documents made available for public inspection;

(iii) Advising of a thirty-day period for submitting written comment to ecology or the authority;

(iv) Advising that a public hearing may be held if ecology or the authority determines within a thirty-day period that significant public interest exists.

(c) A copy of the notice will be sent to the EPA regional administrator.

Public participation procedures for notice of construction applications that are processed in coordination with an application to issue or modify an operating permit shall be conducted as provided in the state operating permit rule.

(3) **Public comment.** No final decision on any application or action of any of the types described in subsection (1) of this section, shall be made until the public comment period has ended and any comments received have been considered. Unless a public hearing is held, the public comment period shall be the thirty-day period for written comment published as provided above. If a public hearing is held the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

(4) **Public hearings.** The applicant, any interested governmental entity, any group or any person may request a public hearing within the thirty-day period published as above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. Ecology or the authority may, in its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held upon such notice and at a time(s) and place(s) as ecology or the authority deems reasonable.

(5) **Other requirements of law.** Whenever procedures permitted or mandated by law will accomplish the objectives

of public notice and opportunity for comment, such procedures may be used in lieu of the provisions of this section.

(6) **Public information.** Copies of notices of construction, orders, and modifications thereof which are issued hereunder shall be available for public inspection on request at ecology or the authority.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-180 Variance.** Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to ecology for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.

(1) **Jurisdiction.** Sources in any area over which a local air pollution control authority has jurisdiction shall make application to that authority rather than ecology. Variances to state rules shall require ecology's approval prior to being issued by an authority. Ecology or the authority may grant such variance, but only after public involvement per WAC 173-400-171.

(2) **Full faith and credit.** Variances granted in compliance with state and federal laws by an authority for sources under their jurisdiction will be accepted as variances to this regulation.

(3) **EPA concurrence.** No variance or renewal shall be construed to set aside or delay any requirements of the Federal Clean Air Act except with the approval and written concurrence of the USEPA.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-230 Regulatory actions.** Ecology may take any of the following regulatory actions to enforce this chapter to meet the provisions of RCW 43.21B.300 which is incorporated by reference.

~~((1) **Notice of violation.** Whenever ecology has reason to believe that any provision of this chapter has been violated, it may cause written notice (either by certified mail with return receipt requested or by personal service) to be served on the alleged violator or violators. The notice shall specify the provision of this chapter alleged to be violated and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time.~~

~~(2) **Civil penalty.** Any person who violates any of the provisions of this chapter shall be subject to a penalty in the form of a fine in an amount not to exceed one thousand dollars per day for each violation. Each such violation shall be separate and distinct and, for a continuing violation, each day's continuance shall be a separate and distinct violation. The penalty shall be imposed by a notice in writing from personnel of ecology or an authority, describing the violation with reasonable detail. Further, the person is subject to a fine of up to five thousand dollars to be levied by the director if requested by the board of a local authority or if the director determines that the penalty is needed for effective enforcement of this chapter. The maximum daily fine imposed for violation of standards by a specific~~

~~emissions unit is five thousand dollars. Upon written application submitted to ecology within fifteen days after notice has been received the director may remit or mitigate the penalty upon such terms as the director deems proper and when deemed in the best interest to carry out the purpose of this chapter. The mitigation shall not affect or reduce the penalty imposed by the local board. The maximum daily fine that may be imposed upon any emissions unit for violation of any opacity standard is four hundred dollars.))~~ (1) **Enforcement actions by department—Notice to violators.** At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 70.94.431, the department of ecology shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this chapter or the rule or regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the department may require that the alleged violator or violators appear before it for the purpose of providing the department information pertaining to the violation or the charges complained of. Every notice of violation shall offer to the alleged violator an opportunity to meet with the department prior to the commencement of enforcement action.

(2) **Civil penalties.**

(a) In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of chapter 70.94 or 70.120 RCW, or any of the rules in force under such chapters may incur a civil penalty in an amount as set forth in RCW 70.94.431. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Any person who fails to take action as specified by an order issued pursuant to this chapter shall be liable for a civil penalty as set forth by RCW 70.94.431 for each day of continued noncompliance.

(b) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal.

The maximum penalty amounts established in RCW 70.94.431 may be increased annually to account for inflation as determined by the state office of the economic and revenue forecast council.

(c) Each act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(d) All penalties recovered under this section by the department shall be paid into the state treasury and credited to the air pollution control account established in RCW 70.94.015 or, if recovered by the authority, shall be paid into the treasury of the authority and credited to its funds. If a prior penalty for the same violation has been paid to a local authority, the penalty imposed by the department under

subsection (a) of this section shall be reduced by the amount of the payment.

(e) To secure the penalty incurred under this section, the state or the authority shall have a lien on any vessel used or operated in violation of this chapter which shall be enforced as provided in RCW 60.36.050.

(f) Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

(g) In addition to other penalties provided by this chapter, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(3) **Assurance of discontinuance.** Personnel of ecology or an authority may accept an assurance of discontinuance of any act or practice deemed in violation of this chapter. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this chapter or any order issued thereunder which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

(4) **Restraining orders, injunctions.** Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this chapter, the director, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) **Emergency episodes.** Ecology may issue such orders as authorized by chapter 173-435 WAC via chapter 70.94 RCW, whenever an air pollution episode forecast is declared.

(6) **Compliance orders.** Ecology may issue a compliance order in conjunction with a notice of violation. The order shall require the recipient of the notice of violation either to take necessary corrective action or to submit a plan for corrective action and a date when such action will be initiated.

AMENDATORY SECTION (Amending Order 90-06, filed 2/19/91, effective 3/22/91)

**WAC 173-400-250 Appeals.** Decisions and orders of ecology or an authority may be appealed to the pollution control hearings board pursuant to chapter 43.21B RCW and chapter 371-08 WAC. PSD permits (~~issued by ecology~~) are appealable (~~only to ecology pursuant~~) to the EPA under 40 CFR Part 124.

**WSR 92-18-097**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
 [Filed September 2, 1992, 10:45 a.m.]

Original Notice.

Title of Rule: Chapter 365-195 WAC, Procedural criteria for adopting comprehensive plans and development regulations.

Purpose: To adopt by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of the Growth Management Act.

Statutory Authority for Adoption: RCW 36.70A.190 (4)(b).

Statute Being Implemented: Chapter 36.70A RCW.

Summary: The rule provides a recommended framework for carrying out the planning requirements of the Growth Management Act, reflecting regional and local variations and the diversity that exists among different counties and cities.

Reasons Supporting Proposal: The department's technical assistance program is required by statute to include procedural criteria to assist local jurisdictions.

Name of Agency Personnel Responsible for Drafting: Wick Dufford, Criteria Coordinator, Olympia, (206) 586-1274; Implementation and Enforcement: Mike McCormick, Assistant Director, Olympia, (206) 753-2222.

Name of Proponent: Department of Community Development, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule contains definitions and interpretations of terms used in the Growth Management Act, recommendations for developing required elements of comprehensive plans, suggested approaches to establishing urban growth areas and to creating a siting process for essential public facilities, recommendations for public participation and adoption procedures. The purpose is to provide assistance. The effects cannot be precisely anticipated, because local jurisdictions may adopt other approaches to compliance with the act.

Proposal does not change existing rules.

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

The department has considered whether these rules are subject to the Regulatory Fairness Act and has determined that they are not for the following reasons: The rules are procedural, interpretive, and optional. The rules do not impose regulatory burdens or other restrictions on business, and include no requirements for forms, fees, appearances or compliance actions by business. The rules are addressed to government entities to assist them in making choices that will ultimately be reflected in local land use regulations. The rules, however, do not make those choices or mandate the content of those regulations. The economic effect of these rules on industry, if any, is therefore indirect, subject to intervening decisions which are as yet unknown. Such effect cannot be ascertained and meaningfully evaluated.



Hearing Location: On October 6, 1992, at 1:30 p.m., Hal Holmes Center, 201 North Ruby, Ellensburg, WA; on October 7, 1992, at 1:30 p.m., Everett Public Library Auditorium, 2702 Hoyt Avenue, Everett, WA; and on October 8, 1992, at 1:30 p.m., Senate Hearing Room #1, John Cherberg Senate Office Building, Olympia, Washington.

Submit Written Comments to: Wick Dufford, Department of Community Development, P.O. Box 48300, Olympia, WA 98504-8300, by October 14, 1992.

Date of Intended Adoption: October 20, 1992.

September 2, 1992  
Barbara Gooding  
Director

**Chapter 365-195 WAC  
Growth Management Act—Procedural criteria for  
adopting comprehensive plans and development  
regulations**

**PART ONE**

**GENERAL CONSIDERATIONS**

NEW SECTION

**WAC 365-195-010 Background.** Through the Growth Management Act, the legislature provided a new framework for land use planning and the regulation of development in Washington state in response to challenges posed to the quality of life by rapid growth. Major features of this framework include:

- (1) A requirement that counties with specified populations and rates of growth and the cities within them adopt comprehensive plans and development regulations under the act. Other counties can choose to be covered by this requirement, thereby including the cities they contain.
- (2) A set of common goals to guide the development of comprehensive plans and development regulations.
- (3) The concept that the process should be a "bottom up" effort, involving early and continuous public participation, with the central locus of decision-making at the local level.
- (4) Requirements for the locally developed plans to be consistent internally, consistent with county-wide planning policies and consistent with the plans of other counties and cities where there are common borders or related regional issues.
- (5) A requirement that development regulations adopted to implement the comprehensive plans be consistent with such plans.
- (6) The principle that development and the providing of public facilities and services needed to support development should occur concurrently.
- (7) A determination that planning and plan implementation actions should address difficult issues that have resisted resolution in the past, such as:
  - (a) The timely financing of needed infrastructure;
  - (b) Providing adequate and affordable housing for all economic segments of the population;
  - (c) Concentrating growth in urban areas, provided with adequate urban services;

- (d) The siting of essential public facilities;
- (e) The designation and conservation of agricultural, forest, and mineral resource lands;
- (f) The designation and protection of environmentally critical areas.

(8) An intention that economic development be encouraged and fostered within the planning and regulatory scheme established for managing growth.

NEW SECTION

**WAC 365-195-020 Purpose.** Within the framework established by the act, a wide diversity of local visions of the future can be accommodated. Moreover, there is no exclusive method for accomplishing the planning and development regulation requirements of the act. However, in light of the complexity and difficulty of the task, the legislature assigned the department of community development the function of establishing a program of technical assistance. As part of that program, the department is directed to adopt by rule procedural criteria to assist counties and cities in adopting comprehensive plans and development regulations that meet the goals and requirements of the act. The purpose of this chapter is to carry out that directive.

NEW SECTION

**WAC 365-195-030 Applicability.** (1) This chapter makes recommendations for meeting the requirements of the act. The recommendations set forth are intended as a listing of possible choices, but compliance with the requirements of the act can be achieved without using all of the suggestions made here or by adopting other approaches.

(2) These criteria are not meant to represent a minimum list of actions which must be taken for comprehensive plans and development regulations to meet the goals and requirements of the act.

(3) The growth planning hearings boards are authorized to determine, in cases brought before them, whether comprehensive plans or development regulations are in compliance with the goals and requirements of the act. In making such determinations, the boards are required to consider the procedural criteria contained in this chapter. However, compliance with these criteria is not a prerequisite to a finding of compliance with the act.

(4) Nothing in this chapter is intended to affect planning decisions and actions made pursuant to the act before this chapter became effective, including but not limited to the adoption of county-wide planning policies.

(5) This chapter does not apply to jurisdictions not required to plan or not choosing to plan under RCW 36.70A.040.

NEW SECTION

**WAC 365-195-040 General method.** (1) This chapter identifies the act's mandatory provisions for creating comprehensive plans and development regulations. These statutory mandates are listed under headings labeled "requirements." Courses of action the department recommends in order to comply with the act's mandates are



set forth under headings labeled "recommendations for meeting requirements."

(2) Definitions and interpretations made in this chapter by the department, but not expressly set forth in the act, are identified as such. The department's purpose is to provide assistance in interpreting the act, not to add provisions and meanings beyond those intended by the legislature.

#### NEW SECTION

**WAC 365-195-050 Presumption of validity.** Comprehensive plans and development regulations adopted under the act are presumed valid upon adoption. Nevertheless, jurisdictions whose plans are challenged will be obliged to furnish a record for the review process. Although the presumption of validity should discourage meritless appeals, if the presumption is overcome in any case, the county or city will be required to demonstrate compliance with the act. Such a demonstration will be aided by a record which documents deliberations, shows data relied upon, and explains how conclusions were reached.

#### NEW SECTION

**WAC 365-195-060 Regional and local variations.** (1) Regional and local variations and the diversity that exist among different counties and cities are to be reflected in the use and application of these procedural criteria. Local jurisdictions are expected to use a pick and choose approach. Following these criteria is appropriate, in any case, only to the extent necessary to fairly meet the intent of the act in the particular situation.

(2) To a major extent, recognition of variations and diversity is implicit in the framework of the act itself, with its emphasis on a "bottom up" planning process and on public participation. Such recognition is also inherent in the listing of goals without assignment of priority. Accordingly, this chapter seeks to accommodate regional and local differences by focusing on an analytical process, instead of on specific outcomes.

(3) Local plans and development regulations are expected to vary in complexity and in level of detail provided in the supporting record, depending on population size, growth rates, resources available for planning and scale of public facilities, and services provided.

(4) In general, smaller jurisdictions will not be expected to engage in extensive original research, but will be able to rely upon reasonable assumptions derived from available data of a state-wide or regional nature or representative of jurisdictions of comparable size and growth rates.

(5) In commenting on plans and regulations proposed for adoption, state agencies including the department should be guided by a common-sense appreciation of the size of the jurisdiction involved and the magnitude of the problems addressed. It is anticipated that the growth planning hearings boards will be informed by the same awareness.

(6) The department has developed a model comprehensive plan for smaller jurisdictions which may be used to help guide local planning where local resources are limited.

#### NEW SECTION

**WAC 365-195-070 Interpretations.** The following represent the department's interpretation of several critical concepts about which the express terms of the act are not clear. While not necessarily the only appropriate way to view the concepts involved, these interpretations appear to be supported by the overall statutory context.

(1) **Goals.** The act lists thirteen overall goals in RCW 36.70A.020. Comprehensive plans and development regulations are to be designed to meet these goals. The list of thirteen goals is not exclusive. Local governments may adopt additional goals. However, these additional goals must be supplementary. They may not conflict with the thirteen statutory goals. Comprehensive plans must show how each of the goals is to be pursued consistent with the planning entity's vision of its future. Differences in emphasis are expected from jurisdiction to jurisdiction. In some cases meeting certain of these goals may involve support for activities beyond jurisdictional boundaries. In most cases, if a comprehensive plan meets the statutory goals, development regulations consistent with the comprehensive plan will meet the goals.

(2) **Economic Development.** The act lists economic development as one of the overall goals, but does not mandate an economic development element within comprehensive plans. This should not be read as a downgrading of the importance of economic development as a feature of the growth management planning and implementation process. Planning under the act in connection with all mandatory elements should be undertaken with the goal of economic development in mind. Desired levels of job growth, and of commercial and industrial expansion should be identified and supporting strategies should be incorporated into the land use, housing, transportation, and other features of the comprehensive plan.

(3) **Concurrency.** The achievement of concurrency should be sought with respect to capital facilities in addition to transportation facilities. The list of such additional facilities should be locally defined. The department recommends that at least domestic water systems and sanitary sewer systems be added to concurrency lists applicable within urban growth areas, and that at least domestic water systems be added for lands outside urban growth areas. Concurrency describes the situation in which adequate facilities are available when the impacts of development occur, or within a specified time thereafter. With respect to facilities other than transportation facilities and water systems, local jurisdictions may fashion their own regulatory responses and are not limited to imposing moratoriums on development during periods when concurrency is not maintained.

(4) **Essential public facilities.** The term "essential public facilities" is a specialized term applicable in the context of siting, and refers to facilities that are typically difficult to site. "Essential public facilities" do not necessarily include everything within the statutory definitions of "public facilities" and "public services," and should include additional items not listed in those definitions. Consistent with county-wide planning policies, local governments should create their own lists of "essential public facilities," guided by the examples set forth in RCW

36.70A.200, but not necessarily bound by those examples. For the purposes of identifying facilities to be subject to the "essential public facilities" siting process, it is not necessary that the facilities be publicly owned. If the services involved meet a locally accepted definition of public service, the supporting facilities for the services may be included on the list, regardless of ownership.

(5) **Urban growth areas.** The creation of urban growth areas should reflect a cooperative effort among jurisdictions to accomplish the requirements of the act on a regional basis. As growth occurs, most lands within urban growth areas should ultimately be provided with local urban services by cities, either directly or by contract. Other service providers are appropriate within urban growth areas for regional or county-wide services, or for isolated unincorporated pockets characterized by urban growth. Provisions should be made for the phasing of development within each urban growth area to ensure that services are provided as growth occurs. In proposing urban growth areas, cities should endeavor to accommodate projected urban growth through infill within existing municipal boundaries. But in some cases expansion will be logical. Interlocal agreements should be negotiated regarding land use management and the provision of services to such potential expansion areas so that such growth can occur in a manner consistent with the city's comprehensive plan and development regulations.

(6) **Affordable housing.** This is a term which applies to the adequacy of housing stocks to fulfill the housing needs of all economic segments of the population. The underlying assumption is that the market place will guarantee adequate housing for those in the upper economic brackets but that some combination of appropriately zoned land, regulatory incentives, financial subsidies, and innovative planning techniques will be necessary to make adequate provisions for the needs of middle and lower income persons. Each jurisdiction should incorporate a regional perspective into its housing planning, with the understanding that the population to be planned for is county-wide. All jurisdictions should share in the responsibility for achieving a reasonable and equitable distribution of affordable housing to meet the needs of middle and lower income persons. While government policies and programs alone cannot ensure that everyone is adequately housed, attention should be given to removing regulatory barriers to affordable housing where such action is otherwise consistent with the act. In the overall implementation of the act an effort should be made to avoid an escalation of costs which will defeat the achievement of the act's housing aims.

(7) **Consistency.** The act calls for "consistency" in a number of contexts. In general, the phrase "not incompatible with" conveys the meaning of "consistency" most suited to preserving flexibility for local variations. An important example of the use of the term is the requirement that comprehensive plans be internally consistent. This requirement appears to mean that the parts of the plan must fit together so that no one feature precludes the achievement of any other. (E.g., the densities selected and the wetlands to be protected can both be achieved on the available land base.) A second significant example is the requirement that each comprehensive plan be consistent with other comprehensive plans of jurisdictions with common borders

or related regional issues. Determining consistency in this interjurisdictional context is complicated by the differences in timing which will occur in the adoption of plans. Initially interjurisdictional consistency should be met by plans which are consistent with and carry out the relevant county-wide planning policies.

## PART TWO

### DEFINITIONS

#### NEW SECTION

**WAC 365-195-200 Statutory definitions.** For the convenience of persons using these criteria the definitions contained in RCW 36.70A.030 are set forth below:

(1) "Adopt a comprehensive land use plan" means to enact a new comprehensive land use plan or to update an existing comprehensive land use plan.

(2) "Agricultural land" means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock and that has long-term commercial significance for agricultural production.

(3) "City" means any city or town, including a code city.

(4) "Comprehensive land use plan," "comprehensive plan," or "plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to this chapter.

(5) "Critical areas" include the following areas and ecosystems:

(a) Wetlands;

(b) Areas with a critical recharging effect on aquifers used for potable water;

(c) Fish and wildlife habitat conservation areas;

(d) Frequently flooded areas; and

(e) Geologically hazardous areas.

(6) "Department" means the department of community development.

(7) "Development regulations" means any controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, subdivision ordinances, and binding site plan ordinances.

(8) "Forest land" means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially.

(9) "Geologically hazardous areas" means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(10) "Long-term commercial significance" includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

(11) "Minerals" include gravel, sand, and valuable metallic substances.

(12) "Public facilities" include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools.

(13) "Public services" include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

(14) "Urban growth" refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

(15) "Urban growth area" means those areas designated by a county pursuant to RCW 36.70A.110.

(16) "Urban governmental services" include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

(17) "Wetland" or "wetlands" means areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities. However, wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands, if permitted by the county or city.

#### NEW SECTION

**WAC 365-195-210 Definitions of terms as used in this chapter.** The following are definitions of terms which are not defined in RCW 36.70A.030 but which are defined here for purposes of these procedural criteria. The department recommends that counties and cities planning under the act adopt these definitions in their plans:

(1) "Act" means the Growth Management Act as enacted in chapter 17, Laws of 1990 1st ex. sess., and chapter 32, Laws of 1991 sp. sess., state of Washington.

(2) "Adequate capital facilities" means facilities which have the capacity to serve development without decreasing levels of service below locally established minimums.

(3) "Available capital facilities" means that facilities or services are in place or that a financial commitment is in place to provide the facilities or services within a specified

time. In the case of transportation, the specified time is six years from the time of development.

(4) "Capital facility" means a physical structure owned or operated by a government entity which provides or supports a public service.

(5) "Concurrency" means that adequate capital facilities are available when the impacts of development occur. This definition includes the two concepts or "adequate capital facilities" and of "available capital facilities" as defined above.

(6) "Consistency" means that no feature of a plan or regulation is incompatible with any other feature of a plan or regulation. Consistency is indicative of a capacity for orderly integration or operation with other elements in a system.

(7) "Coordination" means consultation and cooperation among jurisdictions.

(8) "Contiguous development" means development of areas immediately adjacent to one another.

(9) "Demand management strategies," or "transportation demand management strategies (TDM)" means strategies aimed at changing travel behavior rather than at expanding the transportation network to meet travel demand. Such strategies can include the promotion of work hour changes, ride-sharing options, parking policies, telecommuting.

(10) "Domestic water system" means any system providing a supply of potable water for the intended use of a development which is deemed adequate pursuant to RCW 19.27.097.

(11) "Financial commitment" means that sources of public or private funds or combinations thereof have been identified which will be sufficient to finance capital facilities necessary to support development and that there is assurance that such funds will be timely put to that end.

(12) "Growth Management Act" - see definition of "Act."

(13) "Level of service" means an established minimum capacity of capital facilities or services provided by capital facilities that must be provided per unit of demand or other appropriate measure of need.

(14) "Master planned resort" means a self-contained and fully integrated planned unit development, in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of developed on-site indoor or outdoor recreational facilities.

(15) "New fully contained community" is a development proposed for location outside of the initially designated urban growth areas which is characterized by urban densities, uses, and services.

(16) "Planning period" means the twenty-year period following the adoption of a comprehensive plan or such longer period as may have been selected as the initial planning horizon by the planning jurisdiction.

(17) "Regional transportation plan" means the transportation plan for the regionally designated transportation system which is produced by the regional transportation planning organization.

(18) "Regional transportation planning organization (RTPO)" means the voluntary organization conforming to RCW 47.80.020, consisting of local governments within a

region containing one or more counties which have common transportation interests.

(19) "Rural lands" means all lands which are not within an urban growth area and are not designated as natural resource lands having long term commercial significance for production of agricultural products, timber, or the extraction of minerals.

(20) "Sanitary sewer systems" means all facilities, including approved on-site disposal facilities, used in the collection, transmission, storage, treatment, or discharge of any waterborne waste, whether domestic in origin or a combination of domestic, commercial, or industrial waste.

(21) "Solid waste handling facility" means any facility for the transfer or ultimate disposal of solid waste, including land fills and municipal incinerators.

(22) "Transportation facilities" includes capital facilities related to air, water, or land transportation.

(23) "Transportation level of service standards" means a measure which describes the operational condition of the travel stream, usually in terms of speed and travel time, freedom to maneuver, traffic interruptions, comfort, convenience, and safety.

(24) "Transportation system management (TSM)" means low capital expenditures to increase the capacity of the transportation network. TSM strategies include but are not limited to signalization, channelization, and bus turn-outs.

(25) "Utilities" means facilities serving the public by means of a network of wires or pipes, and structures ancillary thereto. Included are systems for the delivery of natural gas, electricity, telecommunications services, and water, and for the disposal of sewage.

(26) "Visioning" means a process of citizen involvement to determine values and ideals for the future of a community and to transform those values and ideals into manageable and feasible community goals.

**NEW SECTION**

**WAC 365-195-220 Additional definitions to be adopted locally.** In addition to adopting definitions of terms set forth in the preceding section, planning jurisdictions should consider developing local definitions of the following, to the extent such terms are used in local plans. The definitions should in every case be consistent with county-wide planning policies:

- (1) "Affordable housing."
- (2) "Development rights."
- (3) "Essential public facilities."
- (4) "Rural governmental services."
- (5) "Objectives, principles, and standards."
- (6) "Related regional issues."

**PART THREE**

**FEATURES OF THE COMPREHENSIVE PLAN**

**NEW SECTION**

**WAC 365-195-300 Mandatory elements.** (1) **Requirements.** The comprehensive plan shall consist of a map or maps and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document

and all elements shall be consistent with the future land use map.

(a) Each comprehensive plan shall include a plan, scheme, or design for each of the following:

- (i) A land use element.
- (ii) A housing element.
- (iii) A capital facilities plan element.
- (iv) A utilities element.
- (v) A transportation element.

Counties shall also include a rural element including lands that are not designated for urban growth, agriculture, forest, or mineral resources.

(b) Additionally each plan shall contain a process for identifying and siting essential public facilities.

**(2) Recommendations for overall design.**

(a) The planning horizon for the comprehensive plan should be at least the twenty-year period following the adoption of the plan.

(b) Planning jurisdictions should consider including at the outset a separate section addressing the statutory goals and how the plan deals with each of them. This section should also identify any supplementary goals adopted.

(c) County-wide planning policies establish a county-wide framework from which county and city comprehensive plans are to be developed. How the applicable county-wide policies have been integrated into the plans should be made apparent.

(d) Each plan should contain a future land use map or maps, showing the proposed physical distribution and location of the various land uses during the planning period. This map should provide a graphic display of how and where development is expected to occur.

(e) The descriptive text covering objectives, principles, and standards used to develop the comprehensive plan will be expressive of the vision of the future of the planning entity. The text should articulate community values derived from the visioning and citizen participation process. The terms objectives, principles, and standards relate to methods adopted to meet planning goals or measurable steps on the path toward achieving such goals. The precise meaning of these terms should be locally defined.

(f) Jurisdictions are encouraged to include early in their comprehensive plans a section which summarizes, with graphics and a minimum of text, how the various pieces of the plan fit together. Plans may include overlay maps and other graphic displays depicting development patterns, phasing of development, neighborhoods or subarea definitions, and other plan features.

(g) A suggested detailed approach of how each element of the comprehensive plan may be prepared is provided through assistance manuals produced by the department.

**NEW SECTION**

**WAC 365-195-305 Land use element.** (1) **Requirements.** This element shall contain at least the following features:

(a) Designation of the proposed general distribution and general location and extent of the uses of land, where appropriate, for agriculture, timber production, housing, commerce, industry, recreation, open spaces, public utilities, public facilities, and other land uses.

(b) Population densities, building intensities, and estimates of future population growth.

(c) Provisions for protection of the quality and quantity of ground water used for public water supplies.

(d) Where applicable, a review of drainage, flooding, and storm water runoff in the area covered by the plan and nearby jurisdictions, and guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.

(2) **Recommendations for meeting requirements.** The following steps are recommended in preparing the land use element:

(a) Integration of relevant county-wide planning policies (and, where applicable, multicounty planning policies) into the local planning process.

(b) Identification of the existing general distribution and location of various land uses.

(c) Identification of the approximate acreage and general range of density or intensity of existing uses.

(d) Estimation using available data of the future population growth for the planning area and a projection of the level of commercial, industrial, and residential development likely to be experienced over at least the next twenty years.

(e) Selection of commercial, industrial, and residential densities sought to be achieved and their distribution for the purposes of accommodating the anticipated growth.

(f) Inventory of vacant and partially used land. Analysis of the extent to which existing buildings and housing, together with vacant and partially used land can support anticipated growth at the densities selected.

(g) Preparation of an implementation strategy for accomplishing the densities and distribution sought. To the extent that greater intensity of development is proposed, the strategy should include a description of the general range of physical forms contemplated for structures which will accommodate the new growth.

(h) Identification of the approximate spatial requirements for capital facilities, including transportation facilities, needed to support the planned level of development.

(i) Generalized location and estimation of quantity of land needed for utility corridors, open space corridors, critical areas, and natural resource lands to be included within the planning area.

(j) Preparation of the future land use map on the basis of the total analysis performed.

(k) Reevaluation of this scheme in light of:

(i) The projected capacity for financing the needed capital facilities over the planning period; and

(ii) An assessment of whether the densities and distribution of growth contemplated can be achieved within the capacity of available land and water resources and without environmental degradation.

(l) Creation of a ground water protection strategy, integrating the relevant planning requirements of other statutes, consistent with the designation of areas with a critical recharging effect on aquifers used for potable water. Consideration should be given to the adoption of nondegradation as a ground water protection goal.

(m) Consultation with neighboring jurisdictions and state agencies to formulate a cooperative, integrated, watershed based approach to identified pollution problems caused by drainage, flooding, and storm water runoff, taking advantage of existing plans dealing with these subjects. To the extent that county-wide planning policies are relevant, they should followed in arriving at interjurisdictional solutions.

(n) A schedule for the phasing of the development contemplated consistent with the availability of capital facilities as provided in the capital facilities element.

#### NEW SECTION

**WAC 365-195-310 Housing. (1) Requirements.** This element shall contain at least the following features:

(a) An inventory and analysis of existing and projected housing needs.

(b) A statement of the goals, policies, and objectives for the preservation, improvement, and development of housing.

(c) Identification of sufficient land for housing, including, but not limited to, government-assisted housing, housing for low-income families, manufactured housing, multifamily housing, and group homes and foster care facilities.

(d) Adequate provisions for existing and projected housing needs of all economic segments of the community.

(2) **Recommendations for meeting requirements.** The following steps are recommended in preparing the housing element:

(a) Preparation of an inventory and analysis of the condition of existing housing stocks, using currently available data to the extent possible.

(b) An assessment of the needs for housing in the planning area, including both present needs and needs anticipated as a result of planned growth over the planning period.

(c) Determination of housing goals, policies, and objectives in light of the needs identified. This process should include consideration of the locational needs of various types of housing in light of economic development and employment aims.

(d) Evaluation of the extent to which the existing and projected market can provide housing at various costs and for various income levels.

(e) Determination of the present and future extent of populations in the planning area which require assistance to obtain housing they can afford.

(f) Identification of existing programs and policies to promote adequate housing for population segments which cannot afford housing in the existing market and evaluation of their effectiveness.

(g) Identification of new programs and policies which can be instituted to promote adequate housing for all economic segments of the population.

(h) Preparation of a strategy for preserving, improving, and developing housing which will attempt to meet the needs identified for all economic segments of the population in the planning area. The strategy should include:

(i) Consideration of the range of housing choices to be encouraged, including but not limited to, multifamily housing, mixed uses, manufactured homes, accessory living units, and detached homes.

(ii) Consideration of various lot sizes and densities, and of clustering and other design configurations.

(iii) Identification of sufficient appropriately zoned land to accommodate the identified housing needs over the planning period.

(iv) Evaluation of the capacity of local public and private entities and the availability of financing to produce housing to meet the identified need over the planning period.

(i) Provision for a program of ongoing review to monitor the performance of the housing strategy and for making adjustments and revisions as needed to achieve the goals, policies, and objectives. Such a program could include the collection and maintenance of information about the housing market, including the supply of developable residential building lots at various land-use densities and the supply of rental and for-sale housing at various price levels.

(j) Incorporation of county-wide planning policies on affordable housing and parameters for the distribution of such housing. This should include identification of the share of affordable housing to be provided by the planning jurisdiction and how it will be achieved. In some cases, it may be appropriate for a jurisdiction to provide assistance for the location of affordable housing elsewhere.

(k) Emphasis should be placed on adequately providing for group homes, foster care facilities, and facilities for other special populations, while maintaining an equitable distribution of these facilities among neighboring jurisdictions.

(l) In developing the housing element attention should be directed to working with the desires of residents to preserve the character and vitality of existing neighborhoods.

(m) The provisions of the housing element should be integrated with the provisions of the land use element.

**NEW SECTION**

**WAC 365-195-315 Capital facilities.** (1) **Requirements.** This element shall contain at least the following features:

(a) An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities.

(b) A forecast of the future needs for such capital facilities.

(c) The proposed locations and capacities of expanded or new capital facilities.

(d) At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.

(e) A requirement to reassess the land use element if probable funding falls short of meeting existing needs and to ensure that the land use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

(2) **Recommendations for meeting requirements.** The capital facilities element should serve as a check on the practicality of achieving other elements of the plan. The following steps are recommended in preparing the capital facilities element:

(a) Inventory of existing capital facilities showing locations and capacities, including an inventory of the extent

to which existing facilities possess presently unused capacity. Capital facilities involved should include water systems, sanitary sewer systems, schools, parks and recreational facilities, police and fire protection capabilities.

(b) The selection of levels of service or planning assumptions for the various facilities to apply during the planning period (twenty years or more) and which reflect community goals.

(c) A forecast of the future needs for such capital facilities based on the levels of service or planning assumptions selected and consistent with the growth, densities and distribution of growth anticipated in the land use element.

(d) The creation of a six-year capital facilities plan for financing capital facilities needed within that time frame. Projected funding capacities, are to be evaluated, followed by the identification of sources of public money for which there is reasonable assurance of availability. The six-year plan should be updated at least biennially so that financial planning remains sufficiently ahead of the present for concurrency to be evaluated.

(e) The needs for capital facilities should be dictated by the phasing schedule set forth in the land use element.

(f) Provision should be made to reassess the land use element of the plan periodically in light of the evolving capital facilities plan. If the probable funding for capital facilities at any time is insufficient to meet existing needs, the land use element must be reassessed. At the same time funding possibilities and levels of service might also be reassessed. The plan should require that as a result of such reassessment, appropriate action must be taken to ensure the internal consistency of the land use and capital facilities portions of the plan. The plan should set forth what, if any, effect the pendency of such a reassessment shall have on pending applications for development.

**NEW SECTION**

**WAC 365-195-320 Utilities element.** (1) **Requirements.** This element shall contain at least the following features: The general location, proposed location, and capacity or all existing and proposed utilities, including, but not limited to, electrical lines, telecommunication lines, and natural gas lines.

(2) **Recommendations for meeting requirements.** The following steps are recommended in preparing the utilities element:

(a) Integration of the general location and capacity of existing and proposed utility lines with the land use element of the plan. For the purposes of this step, proposed utilities are understood to be those awaiting approval when the comprehensive plan is adopted.

(b) An analysis of the capacity needs for various utilities over the planning period to serve the growth anticipated at the locations and densities proposed within the jurisdiction's planning area.

(c) A schematic identification of the general location of utility lines and facilities required to furnish anticipated capacity needs for the planning period within the jurisdiction's planning area. This should be a part of the process of identifying lands useful for public purposes to be carried out by planning jurisdictions.

(d) Evaluation of whether any utilities should be identified and classified as essential public facilities, subject to the separate siting process established under the comprehensive plan for such facilities, and if so, provision for applying that process as appropriate.

(e) Evaluation of whether any utilities within the planning area are subject to county-wide planning policies for siting public facilities of a county-wide or state-wide nature and if so, the integration of those policies into the local plan for application as relevant.

(f) Creation of local criteria for siting utilities over the planning period, involving:

(i) Consideration of whether any siting proposal is consistent with the locations and densities for growth contemplated in the land use element.

(ii) Consideration of any public service obligations of the utility involved.

(iii) Evaluation of whether the siting decision will adversely affect the ability of the utility to provide service throughout its system.

(iv) Balancing of local design considerations against articulated needs for system-wide uniformity.

(g) Policies should be adopted which call for:

(i) Joint use of transportation rights of way and utility corridors, where possible.

(ii) Timely and effective notification of interested utilities of road construction, and of maintenance and upgrades of existing roads to facilitate coordination of public and private utility trenching activities.

(iii) Consideration of utility permits simultaneously with the proposals requesting service and, when possible, approval of utility permits when the project to be served is approved.

#### NEW SECTION

**WAC 365-195-325 Transportation element. (1) Requirements.** This element shall contain at least the following subelements:

(a) Land use assumptions used in estimating travel;

(b) Facilities and services needs, including:

(i) An inventory of air, water, and land transportation facilities and services, including transit alignments, to define existing capital facilities and travel levels as a basis for future planning;

(ii) Level of service standards for all arterials and transit routes to serve as a gauge to judge performance of the system. These standards should be regionally coordinated;

(iii) Specific actions and requirements for bringing into compliance any facilities or services that are below an established level of service standard;

(iv) Forecasts of traffic for at least ten years based on the adopted land use plan to provide information on the location, timing, and capacity needs of future growth;

(v) Identification of system expansion needs and transportation system management needs to meet current and future demands;

(c) Finance, including:

(i) An analysis of funding capability to judge needs against probable funding resources;

(ii) A multi-year financing plan based on the needs identified in the comprehensive plan, the appropriate parts of which shall serve as the basis for the six-year street, road, or

transit program required by RCW 35.77.010 for cities, RCW 36.81.121 for counties, and RCW 35.58.2795 for public transportation systems;

(iii) If probable funding falls short of meeting identified needs, a discussion of how additional funding will be raised or how land use assumptions will be reassessed to ensure that level of service standards will be met;

(d) Intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions;

(e) Demand-management strategies.

(2) **Recommendations for meeting requirements.** The following steps are recommended in preparing the transportation element:

(a) Local and regional transportation goals and policies for the following transportation modes, where applicable:

(i) Roadways;

(ii) Transit: Fixed route and demand response;

(iii) Nonmotorized travel: Bicycle and pedestrian;

(iv) Port and internodal facilities: Water, rail, air, and industrial;

(v) Rail: Passenger and freight;

(vi) Freight mobility: Truck, rail, and barge.

(b) A discussion of how the transportation element implements the land use element, how the transportation and land use elements are consistent, and how the transportation element is consistent with the regional transportation plan. Discussion concerning regional development strategies which promote the regional transportation plan and an efficient transportation system should be included.

(c) Identify current inconsistencies between adjacent local jurisdictions' transportation and land use plans and how inconsistencies will be addressed by the affected jurisdictions.

(d) Inventories:

(i) Air transportation facilities inventory should include but not be limited to: A description of the services provided by the facilities and location of the air transportation facility. A capacity analysis to compare current and projected airport needs should be prepared. Capacity analysis of roads, rail, and navigational routes to assess freight and passenger access to port facilities should be conducted. Consideration of the current and projected surrounding land uses should be made with respect to surrounding land uses that are compatible and available for projected airport needs.

(ii) Inventory of water transportation should include but not be limited to:

(A) A description of the ferry service, ownership, a map of the routes, the number of vessels, frequency of the service, passenger capacity, and vehicle capacity impacting the planning area. A capacity analysis of ferry service should be compared to current and projected needs. Consideration of the current and projected surrounding land use should be made with respect to surrounding land uses that are compatible and available for current and projected ferry needs.

(B) A description of the port facilities, service and location of the facilities. An analysis of freight movement should be conducted to determine the proportion of freight which is moved by rail and by truck to determine access adequacy. Consideration of the current and projected



surrounding land use should be made in terms of compatibility and availability for current and projected port needs.

(iii) Inventory of land transportation should include but not be limited to:

(A) A map of arterials and limited access facilities. A description of the general travel market (i.e., commuter, tourist, farm to market, etc.) served by the transportation network, traffic volumes, functional classification, ownership and physical and operational condition. Consideration of current and projected surrounding land use should be made with respect to surrounding land uses that are compatible and available for current and projected transportation needs.

(B) A map of the rail lines and internodal facilities should be provided as well as a description of ownership, condition, and identification of whether the rail lines are for passenger and/or freight movement. Consideration of current and projected surrounding land use should be made with respect to surrounding land uses that are compatible and available for current and future projected land transportation needs.

(iv) Inventory of transit facilities and services within the planning area should include a description of the service, service area, routes, major transfer centers, population base, passengers carried, number of vehicles including seating capacity, miles of route and vehicle hours within the local jurisdiction's boundaries. Analysis of projected transit needs should be made based on projected land use assumptions. For example, transit improvements should be planned in areas of projected residential and/or employment centers. Consideration of current and projected surrounding land use should be made with respect to surrounding land uses that are compatible and available for current and projected transit needs.

(e) If the planning area is within a National Ambient Air Quality Standards nonattainment area, compliance with the Clean Air Act Amendments of 1990 is required. The following should be included in the transportation element of the comprehensive plan as applicable to locally generated mobile sources of pollutants: A map of the area designated as the nonattainment area for ozone, carbon monoxide, and particulate matter (PM10); a discussion of the severity of the violation(s) contributed by transportation-related sources causing nonattainment and a description of measures that will be implemented consistent with the state implementation plan for air quality, in order to comply with the national standards for the air, land, water, and transit sections of the transportation element. Local jurisdictions should refer to local air quality agencies and metropolitan planning organizations for assistance.

(f) Provide a definition of the adopted level of service (LOS) for at least arterials and transit routes. The definition of level of service is not restricted to traditional Highway Capacity Manual but could include district, area-wide, corridor, etc., level of service standards. Provide an inventory of the current level of service of at least arterial and transit routes. Adopted level of service standards should reflect access, mobility, or capacity goals for the transportation facility depending upon the surrounding development density and community goals.

(g) System expansion needs should be classified into the following categories: Repair, replacement, or enhancement, and/or expansion.

(h) Transportation system management (TSM) implementation measures can include, but should not be limited to: Signal coordination, channelization, HOV lanes, etc. The effectiveness of TSM strategies should be measured to determine if the strategies meet the adopted level of service standards and funding sources should be identified.

(i) The finance subelement should include, but not be limited to:

(i) Results of the identification study of current and projected deficiencies;

(ii) Development of cost estimates to alleviate deficiencies;

(iii) Assessment of revenue forecasts/shortfalls;

(iv) Development of financing policies; and

(v) Development of a financing schedule which matches projects and funding availability.

If sufficient public and/or private funding cannot be found, land use assumptions will be reassessed to ensure that level of service standards will be met, or level of service standards will be adjusted.

(j) Intergovernmental coordination.

(i) Jurisdictions should assess the impacts of their transportation and land use decisions on adjacent jurisdictions. Impacts of those decisions should be identified and discussion of strategies to address inconsistencies should be included.

(A) A discussion of how the local transportation and land use goals relate to adjacent jurisdictions' transportation and land use goals, county-wide policies, regional land use and transportation strategies, and state-wide goals outlined in the act.

(B) Local jurisdictions should refer to the Washington state transportation policy plan for guidance on state-wide transportation policy.

(C) Local jurisdictions should refer to the regional transportation plan produced by the regional transportation planning organization for guidance concerning the designated regional transportation system. Local jurisdictions should also define their community's role in the regional transportation and land use strategy and produce transportation and land use plans, and development regulations which promote that role.

(D) Local jurisdictions should refer to the responsible transportation agencies for information concerning current and projected plans for air, land, and water transportation facilities and services. Local jurisdictions and agencies responsible for air, land, and water transportation facilities and services should cooperate in identifying and resolving land use and transportation linkage issues.

(ii) All transportation projects which have an impact on the regional transportation system must be consistent with the regional transportation plan as defined by RCW 47.80.030. A regional transportation planning organization shall certify that adopted county, city, and town comprehensive plans within the region conform with RCW 36.70A.070. Regional transportation plans, state transportation plans, and county and city comprehensive plans shall be consistent with one another.



(iii) Traffic forecasts should be based on adopted regional growth strategies, the regional transportation plan, and comprehensive plans within the region to ensure consistency between jurisdictions. The forecast of at least ten years of travel demand should include vehicular, transit, and nonmotorized modes of transportation.

(iv) The state department of transportation and the transportation commission will develop a state transportation plan as required by RCW 47.01.071, and identify and jointly plan improvements and strategies within corridors of regional or state-wide significance coordinated and consistent with the RTPO's.

Local jurisdictions should refer to the *Systems Plan* produced by the department of transportation for service objectives on state-owned transportation facilities, proposed improvements, and identification of deficiencies for the state-owned transportation facilities.

The department of transportation should be involved with the regionally coordinated effort to set level of service standards for arterials and transit routes.

(v) Key coordination efforts between interested public, private, and citizen groups should include: Transportation plan development; identification of needs; land use coordination; capital program development; prioritization of projects, financial plan, LOS standards development; capacity accounting procedures; development review process; timing of concurrency review; analysis methods; legal requirements (vesting, appeals); concurrency management system ordinance; LOS monitoring.

(k) Transportation demand management (TDM) strategies may include increased public transportation, the promotion of ride sharing programs, parking policies, HO subsidy programs. The effectiveness of TDM strategies should be measured and funding sources identified.

#### NEW SECTION

**WAC 365-195-330 Rural element.** (1) **Requirements.** This element is required only of counties. This element shall include lands that are not designated for urban growth, agriculture, forest, or mineral resources. The rural element shall permit land uses that are compatible with the rural character of such lands and provide for a variety of rural densities.

(2) **Recommendations for meeting requirements.** The following steps are recommended in preparing the rural element:

(a) Identification of rural lands.

(b) Identification of the amount of population growth within the twenty-year planning period which will be permitted to live or work on rural lands. This population should be consistent with an area of low-density where the full array of urban governmental services is not available.

(c) Adoption of policies for the development of such lands, including:

(i) Identification of the general type of uses to be permitted;

(ii) Provision for a variety of densities for residential, commercial, and industrial development consistent with maintenance of the rural character of the area. Consideration should be given to policies allowing the approval of planned unit developments, density averaging, cluster housing, and

innovative techniques of managing development within overall parameters of rural density.

(iii) Establishment of a definition of rural governmental services which identifies the limited public facilities and services which should be provided to persons living or working in rural areas.

(iv) Determination of appropriate buffers between agricultural, forest, and mineral resource lands of long-term commercial significance and rural lands.

(v) Provisions regulating development at the boundary of urban growth areas so as not to foreclose the possible eventual orderly inclusion of such areas within urban growth areas.

(d) Adoption of policies for preservation of the rural character of such lands, including:

(i) Preservation of critical areas, consistent with private property rights;

(ii) Allowance of the continuation of agricultural uses and the cultivation of timber on lands not designated as possessing long-term commercial significance for such uses;

(iii) Encouragement of the use of rural lands for recreational pursuits which preserve open space and are environmentally benign;

(iv) Adoption of strategies for the acquisition of natural areas of high scenic value;

(v) Establishment of criteria for environmental protection, including programs to control nonpoint sources of water pollution and to preserve and enhance habitat for fish and wildlife.

#### NEW SECTION

**WAC 365-195-335 Urban growth areas.** (1) **Requirements.**

(a) Each county shall designate an urban growth area or areas within which urban growth shall be encouraged and outside of which growth can occur only if it is not urban in nature.

(b) Each city that is located in such a county shall be included within an urban growth area. An urban growth area may include more than a single city.

(c) An urban growth area may include territory that is located outside a city if such territory already is characterized by urban growth or is adjacent to territory already characterized by urban growth.

(d) Based upon the population growth management planning population projection made for the county by the office of financial management, the urban growth areas in the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period. Each urban growth area shall permit urban densities and shall include greenbelt and open space areas.

(e) Urban growth should be located first in areas already characterized by urban growth that have existing public facility and service capacities to serve such development.

(f) Urban growth should be located second in areas already characterized by urban growth that will be served by a combination both of existing public facilities and services that are provided by either public or private sources.

(g) It is appropriate that urban government services be provided by cities and urban government services should not be provided in rural areas.

**(2) General procedure.**

(a) The designation process shall include consultation by the county with each city located within its boundaries.

(b) Each city shall propose the location of an urban growth area.

(c) The county shall attempt to reach agreement with each city on the location of an urban growth area within which the city is located.

(d) If an agreement is not reached with each city located within the urban growth area, the county shall justify in writing why it so designated an urban growth area.

**(3) Recommendations for meeting requirements.** The following steps are recommended in developing urban growth areas:

(a) County-wide planning policies. In adopting urban growth areas, each county should be guided by the applicable county-wide

(and in some cases multicounty) planning policies. To the maximum extent possible, the creation of urban growth areas should result from a cooperative effort among the jurisdictions involved.

(b) General considerations. For all jurisdictions planning under the act, the urban growth area should represent the physical area within which that jurisdiction's vision of urban development

can be realized over the next twenty years. The urban growth area should be based on densities selected to promote goals of the act -densities which accommodate urban growth served by adequate public facilities and discourage sprawl.

(c) Development of city proposals. In developing the proposal for its urban growth area, each city should engage in a process of analysis which involves the steps set forth in (d), (e), and (f) of this subsection.

(d) Determination of the amount of land necessary to accommodate likely growth. This process should involve at least:

(i) A forecast of the likely future growth of employment and population in the community, utilizing the twenty-year population projection for the county in conjunction with data on current community population, recent trends in population, and employment in and near the community and assumptions about the likelihood of continuation of such trends. Where available, regional population and employment forecasts should be used.

(ii) Selection of community growth goals with respect to population, commercial and industrial development and residential development.

(iii) Selection of the densities the community seeks to achieve in relation to its growth goals.

(iv) Estimation of the amount of land needed to accommodate the likely level of development at the densities selected.

(v) Identification of the amount of land needed for the public facilities, public services, and utilities necessary to support the likely level of development.

(vi) Identification of the appropriate amount of greenbelt and open space to be preserved or created in connection with the overall growth pattern.

(e) Determination of the geographic area to be encompassed to provide the necessary land. This process should involve at least:

(i) An inventory of lands within existing municipal boundaries which is available for development, including vacant land, partially used land, and land where redevelopment is likely.

(ii) An estimate of lands within existing municipal boundaries which are potentially available for public capital facilities and utilities necessary to support anticipated growth.

(iii) An estimate of lands which should be allocated to greenbelts and open space and lands which should be protected as critical areas.

(iv) If the lands within the existing municipal boundaries are not sufficient to provide the land area necessary to accommodate likely growth, similar inventories and estimates should be made of lands in adjacent unincorporated territory already characterized by urban growth, if any such territory exists.

(v) The community's proposed urban growth area should encompass a geographic area which matches the amount of land necessary to accommodate likely growth. If there is physically no territory available into which a city might expand, it may need to revise its proposed densities or population levels in order to accommodate growth on its existing land base.

(f) Evaluation of the determination of geographic requirements. The community should perform a check on the realism of the area proposed by evaluating:

(i) The anticipated ability to finance by all means the public facilities, public services, and open space needed in the area over the planning period.

(ii) The effect that confining urban growth within the areas defined is likely to have on the price of property and the impact thereof on the ability of residents of all economic strata to obtain housing they can afford.

(iii) Whether the level of population and economic growth contemplated can be achieved within the capacity of available land and water resources and without environmental degradation.

(iv) The extent to which the plan of the county and of other communities will influence the area needed.

If, as a result of these evaluations, the area appears to have been drawn too small or too large, the city's proposal should be adjusted accordingly.

(g) County actions in adopting urban growth areas. The designation of urban growth areas should ultimately be incorporated into the comprehensive plan of each county that plans under the act. However, every effort should be made to complete the urban growth designation process earlier, so that the comprehensive plans of both the county and the cities can be completed in reliance upon it. Before completing the designation process, counties should engage in a process which involves the steps set forth in (h) through (j) of this subsection.

(h) The county should determine how much of its twenty-year population projection is to be allocated to rural areas and other areas outside urban growth areas and how much should be allocated to urban growth.

(i) The county should attempt to define urban growth areas so as to accommodate the growth plans of the cities,

while recognizing that physical location or existing patterns of service make some unincorporated areas which are characterized by urban growth inappropriate for inclusion in any city's potential growth area. The option of incorporation should be preserved for some unincorporated communities upon the receipt of additional growth.

(j) The total area designated as urban growth area in any county should be sufficient to permit the urban growth that is projected to occur in the county for the succeeding twenty-year period, unless some portion of that growth is allocated to a new community reserve established in anticipation of a proposal for one or more new fully contained communities.

(k) Actions which should accompany designation of urban growth areas. Consistent with county-wide planning policies, cities and counties consulting on the designation of urban growth areas should make every effort to address the following as a part of the process:

(i) Establishment of agreements regarding land use regulations and the providing of services in that portion of the urban growth area outside of an existing city into which it is eventually expected to expand.

(ii) Negotiation of agreements for appropriate allocation of financial burdens resulting from the transition of land from county to city jurisdiction.

(iii) Provision for an ongoing collaborative process to assist in implementing county-wide planning policies, resolving regional issues, and adjusting growth boundaries.

(l) Urbanized areas outside of urban growth areas.

(i) New fully contained communities. A county may establish a process, as part of its urban growth area designation, for reviewing proposals to authorize new fully contained communities located outside the initially designated urban growth areas. If such a process is established, the criteria for approval are as set forth in RCW 36.70A.350. The approval procedures shall be adopted as a development regulation. However, such communities may be approved only if a county reserves a portion of the twenty-year population projection for allocation to such communities. When a county establishes a new community reserve it shall reduce the urban growth area accordingly. The approval of an application for a new fully contained community shall have the effect of amending the comprehensive plan to include the new community as an urban growth area.

(ii) Master planned resorts. A county may establish procedures for approving master planned resorts constituting urban growth outside of an urban growth area. Such a resort may be authorized only if the comprehensive plan and development regulations of the county comply with the requirements of RCW 36.70A.360.

#### NEW SECTION

##### **WAC 365-195-340 Siting essential public facilities.**

(1) **Requirements.** Each comprehensive plan shall include a process for identifying and siting essential public facilities.

(a) Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, solid waste handling facilities, and in-patient facilities including

substance abuse facilities, mental health facilities, and group homes.

(b) The office of financial management shall maintain a list of those essential state public facilities that are required or likely to be built within the next six years. Facilities may be added to this list at any time.

(c) No local comprehensive plan may preclude the siting of essential public facilities.

(2) **Recommendations for meeting requirements.** Each comprehensive plan should include a process for siting essential public facilities. Where such facilities are of a county-wide or state-wide nature this process should conform to the applicable county-wide planning policy.

(a) Identifying facilities.

(i) In the identification of essential public facilities, the broadest view should be taken of what constitutes a public facility, involving the full range of services to the public provided by government, substantially funded by government, or provided by private entities subject to public service obligations.

(ii) The comprehensive plans should contain local criteria for the identification of essential public facilities, focusing on the public need for the services involved, and the difficulty of siting facilities which provide or support such services.

(iii) The listing of essential public facilities by type should not be incorporated within the comprehensive plans but should be a feature of development regulations, implementing the plans. This approach will avoid the necessity of a plan amendment whenever specific items on the applicable lists may change.

(iv) Ultimately there should be three sources of lists of essential public facilities to which the siting process is applicable:

(A) The state list. This is the list of essential state public facilities that are required or likely to be built within the next six years maintained by the office of financial management. Most, if not all facilities of a state-wide nature which are deemed essential should appear on this list within a time frame critical to their siting.

(B) The county list. This is a list adopted by the county which sets forth essential public facilities of a county-wide or regional nature. This listing should be made pursuant to county-wide planning policies adopted in consultation with cities.

(C) The city list. This is a list of locally essential facilities, adopted by each city. It is irrelevant to this listing that a facility may be funded by or operated by a public or private entity other than the city. The critical concern is that the facility be needed locally and be of a type which is ordinarily difficult to site.

(b) Siting process.

(i) The comprehensive plan should describe the components of a siting process to be implemented on a case-by-case basis through development regulations.

(ii) The process should provide for a cooperative interjurisdictional approach to siting of public facilities of a county-wide, regional, or state-wide nature, consistent with county-wide planning policies.

(iii) Agreements among jurisdictions should be sought to mitigate any disproportionate financial burden which may

fall on the jurisdiction which becomes the site of a facility of a state-wide, regional, or county-wide nature.

(iv) Where essential public facilities may be provided by special districts, the plans under which those districts operate must be consistent with the comprehensive plan of the city or county. Cities and counties should adopt provisions for consultation to ensure that such districts exercise their powers in a way that does not conflict with the relevant comprehensive plan.

(v) The siting process should take into consideration the need for county-wide, regional, or state-wide uniformity in connection with the kind of facility under review.

(vi) The siting process should include criteria which address the issues which make essential public facilities difficult to site, and involve a public participation component. Consideration should be given to the extent to which design conditions can be used to make a facility compatible with its surroundings, and to adoption of provisions for amenities or incentives for neighborhoods or jurisdictions in which facilities are sited.

(vii) While it is clear that essential public facilities of a county-wide or state-wide nature will not be sited within the jurisdictional boundaries of every jurisdiction planning under the act, no comprehensive plan may explicitly preclude the siting of essential public facilities. Provision therefore should be made to provide a general use category for such facilities which will allow for the siting process to be applied to them, should the occasion arise.

**NEW SECTION**

**WAC 365-195-345 Optional elements.** (1) A comprehensive plan may include additional elements, items, or studies dealing with other subjects relating to the physical development within its jurisdiction, including, but not limited to:

- (a) Conservation;
- (b) Solar energy;
- (c) Recreation.

(2) A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.

(3) The department recommends that strong consideration be given to including elements on the following within comprehensive plans:

- (a) Economic development;
- (b) Environmental protection (including critical areas);
- (c) Natural resource lands (where applicable);
- (d) Design.

**PART FOUR**

**INVENTORIES AND REVIEWS**

**NEW SECTION**

**WAC 365-195-400 Natural resource lands.** (1) **Requirements.** Prior to the development of comprehensive plans, cities and counties planning under the act ought to have designated natural resource lands of long-term commercial significance and adopted development regulations to assure their conservation. Such lands include agricultural lands, forest lands, and mineral resource lands.

The previous designations and development regulations shall be reviewed in the comprehensive plan adoption process to ensure consistency. To the extent that any agricultural land or forest land is included within urban growth areas, a program authorizing transfer or purchase of development rights must be enacted in that jurisdiction.

(2) **Recommendations for meeting requirements.** Much of the analysis which is the basis for the comprehensive plan will come later than the initial identification and regulation of natural resource lands. The result may be plan features which conflict with previous natural resource land provisions.

(a) The department has issued guidelines for the classification of natural resource lands which are contained in chapter 365-190 WAC.

(b) Generally natural resource lands should be located beyond the boundaries of urban growth areas. In most cases, the designated purposes of such lands are incompatible with urban densities.

(c) The review of existing designations should, in most cases, be limited to the question of consistency with the comprehensive plan, rather than a revisiting the entire prior designation and regulation process. However, to the extent that new information is available or errors have been discovered, the review process should take this information into account.

(d) Review for consistency in this context should include whether the planned use of lands adjacent to agricultural, forest, or mineral resource lands will interfere with the continued use in an accustomed manner and in accordance with the best management practices of the designated lands for the production of food, agricultural products, or timber or for the extraction of minerals.

(e) If possible interference is found, the department recommends that conditions be placed on the use of the adjacent lands, rather than to encourage conversion of the designated resource lands.

**NEW SECTION**

**WAC 365-195-410 Critical areas.** (1) **Requirements.** Prior to the development of comprehensive plans, cities and counties ought to have designated critical areas and adopted regulations protective of them. Such areas are defined to include:

- (a) Wetlands;
- (b) Areas of critical recharging effect on aquifers used for potable water;
- (c) Fish and wildlife habitat conservation areas;
- (d) Frequently flooded areas; and
- (e) Geologically hazardous areas.

The previous designations and regulations shall be reviewed in the comprehensive plan process to ensure consistency.

(2) **Recommendations for meeting requirements.** Much of the analysis which is the basis for the comprehensive plan will come later than the initial identification and regulation of critical areas. The result may be plan features which conflict with the previous critical area provisions.

(a) The department has issued guidelines for the classification of critical areas which are contained in chapter 365-190 WAC.

(b) Critical areas should be designated and protected wherever the applicable natural conditions exist, whether within or outside of urban growth areas.

(c) The review of existing designations should, in most cases, be limited to the question of consistency with the comprehensive plan, rather than a revisiting of the entire prior designation and regulation process. However, to the extent that new information is available or errors have been discovered, the review process should take this information into account.

(d) In connection with critical area protection, the department recommends that planning jurisdictions establish a clear rationale for their programs, identifying the policies by which decisions are made on when and how police powers will be used (regulation) and when and how other means will be employed (purchases, development rights, etc.).

#### NEW SECTION

**WAC 365-195-420 Identification of open space corridors.** (1) **Requirements.**

(a) Each county or city planning under the act shall identify open space corridors within and between urban growth areas. They shall include lands useful for recreation, wildlife habitat, trails, and connection of critical areas as defined in RCW 36.70A.030.

(b) The city or county may seek to acquire by purchase the fee simple or lesser interests in these open space corridors using funds authorized by RCW 84.34.230 or other sources.

(2) **Recommendations for meeting requirements.** The data for meeting this requirement should be acquired by the analysis which goes into developing the urban growth area designation and the land use element of comprehensive plans.

#### NEW SECTION

**WAC 365-195-430 Identification of lands useful for public purposes.** (1) **Requirements.** Each county and city planning under the act shall identify land useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, storm water management facilities, recreation, schools, and other public uses. The county shall work with the state and with the cities within the county's borders to identify areas of shared need for public facilities. The jurisdictions within the county shall prepare a prioritized list of lands necessary for the identified public uses including an estimated date by which the acquisition will be needed. The respective capital acquisition budgets for each jurisdiction shall reflect the jointly agreed upon priorities and time schedule.

(2) **Recommendations for meeting requirements.** The data for meeting this requirement should be acquired by the analysis which goes into developing the urban growth area designations and the land use element of comprehensive plans. The department recommends that the information derived in meeting this requirement be made generally

available only to the extent necessary to meet the requirements of the public disclosure laws.

### PART FIVE

### CONSISTENCY

#### NEW SECTION

**WAC 365-195-500 Internal consistency.** Each comprehensive plan shall be an internally consistent document and all elements shall be consistent with the future land use map. This means that each part of the plan should be integrated with all other parts and that all should be capable of implementation together. Internal consistency involves at least two aspects:

(1) Ability of physical aspects of the plan to coexist on the available land.

(2) Ability of the plan to provide that adequate capital facilities are available when the impacts of development occur (concurrency).

Each plan should provide mechanisms for ongoing review of its implementation and adjustment of its terms whenever internal conflicts become apparent.

#### NEW SECTION

**WAC 365-195-510 Concurrency.** (1) **Transportation.** The aim of transportation planning for local jurisdictions is to achieve concurrency for transportation facilities. If concurrency for transportation facilities is not achieved, development may not be approved.

(2) **Other capital facilities.** Each comprehensive plan should designate those capital facilities in addition to transportation facilities for which concurrency is required. The plan should provide the rationale for selecting the facilities included.

(3) **Levels of service.** The concept of concurrency is based on the maintenance of specified levels of service with respect each of the capital facilities to which concurrency applies. For all such facilities, localities should designate appropriate levels of service.

(a) **Transportation.** The designation of levels of service in the transportation area will be influenced by regional considerations. For transportation facilities subject to regional transportation plans under RCW 47.80.030, local levels of service should conform to the regional plan. Other transportation facilities, however, may reflect local priorities.

(b) **Levels of service** should be set to reflect realistic expectations consistent with the achievement of growth aims. Setting such levels too high could, under some regulatory strategies, result in no growth. As a deliberate policy, this would be contrary to the act.

(4) **Regulatory response to the absence of concurrency.** The plan should provide a strategy for what happens when approval of any particular development would cause levels of service for concurrency to fall below the locally adopted standards. Denial of approval is statutorily required only in the area of transportation facilities. To the extent that any jurisdiction uses denial of development as its regulatory response to the absence of concurrency, consideration should be given to defining this as an emergency for the purposes of the ability to amend or revise the comprehensive plan.

NEW SECTION

**WAC 365-195-520 Interjurisdictional consistency.** Adopted county-wide planning policies are designed to ensure that city and county comprehensive plans are consistent. Each local comprehensive plan should demonstrate that such policies have been followed in its development.

NEW SECTION

**WAC 365-195-530 Coordination with other plans.** Each planning jurisdiction should circulate its proposed comprehensive plan to other jurisdictions with which it shares a common border or has related regional issues. The proposed plan should be accompanied by the environmental documents concerning it. Reviewing jurisdictions should be considered to have concurred in the provisions of a plan, unless they provide written comment identifying plan features which will preclude or interfere with the achievement of any features of their own plans. All jurisdictions should attempt to resolve conflicts over interjurisdictional consistency through consultation and negotiation.

NEW SECTION

**WAC 365-195-540 Analysis of cumulative effects.** It is recognized that the growth of each jurisdiction will have ripple effects which will reach across jurisdictional boundaries. Each city or county planning under the act should analyze what such effects are likely to be if the development it anticipates occurs. This analysis should be made as a part of the process of complying with the State Environmental Policy Act (SEPA) in connection with comprehensive plan adoption. Affected jurisdictions should be given an opportunity to comment on this analysis.

**PART SIX****ADOPTION PROCEDURES**NEW SECTION

**WAC 365-195-600 Public participation.** (1) **Requirements.** Each county and city planning under the act shall establish procedures for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments.

(2) **Recommendations for meeting requirements.** The recommendations made in this subsection are intended as a list of possible choices, but it is recognized that meaningful public participation can be accomplished without using all of the suggestions made here or by adopting other methods.

(a) **Public involvement in plan and regulation development.**

(i) **Visioning.** The public should be involved at the earliest possible time in the process of comprehensive

planning under the act. This should begin with a visioning process in which the public is invited to participate in a broad definition of the kind of future to be sought for the community. The results of this process should then be incorporated into the plan features, including, but not limited to, locally adopted levels of service and densities selected for commercial, industrial, and residential development.

(ii) **Planning commission.** In the process of plan development, full use should be made of the planning commission as a liaison with the public.

(iii) **Public meetings on draft plan.** Once the plan is completed in draft form, or as parts of it are drafted, a series of public meetings or workshops should be held at various locations throughout the jurisdiction to obtain public reaction and suggestions.

(iv) **Public hearings.** When the final draft of the plan has been completed, at least one public hearing should be held prior to the presentation of the final draft to the legislative authority of the jurisdiction adopting it. When the plan is proposed for adoption, the legislative authority should conduct another public hearing prior to voting on adoption.

(v) **Written comment.** At each stage of the process when public input is sought, opportunity should be provided to make written comment.

(vi) **Communication programs and information services.** Each jurisdiction should make every effort to collect and disseminate public information explaining the act and the process involved in complying with it. In addition, locally relevant information packets and brochures should be developed and disseminated. Planners should actively seek to appear before community groups to explain the act and the plan development process.

(vii) **Proposals and alternatives.** Whenever public input is sought on proposals and alternatives, the relevant drafts should be reproduced and made available to interested persons.

(viii) **Notice.** Notice of all events at which public input is sought should be broadly disseminated in advance through all available means, including flyers and press releases to print and broadcast media. Notice should be published in a newspaper of general circulation at least one week in advance of any public hearing. When appropriate, notices should announce the availability of relevant draft documents on request.

(ix) **All meetings and hearings to which the public is invited should be free and open and should allow all persons desiring to speak to do so, consistent with time constraints.**

(x) **Consideration of and response to public comments.** All comments and recommendations of the public should be reviewed. Adequate time should be provided between the time of any public hearing and the date of adoption of all or any part of the comprehensive plan to evaluate and respond to public comments. The proceedings and all public hearings should be recorded. A summary of public comments and an explanation of what action was taken in response to them should be made in writing and included in the record of adoption of the plan.

(xi) **Every effort should be made to incorporate public involvement efforts into the SEPA process.**

(xii) **Except for the visioning effort, the same steps should precede the adoption of development regulations as was used for the comprehensive plan.**

(b) Continuous public involvement. The planning commission should monitor development of both the plan and the development regulations. After these are adopted, the commission should monitor compliance. The commission should report to the city or county at least annually on possible amendments to the plan or development regulations. In addition at least annually, the commission should convene a public meeting to provide information on how implementation is progressing and to receive public input on changes that may be needed. When any amendments are proposed for adoption, the same public hearing procedure should be followed as attended initial adoption.

#### NEW SECTION

**WAC 365-195-610 State Environmental Policy Act (SEPA).** Adoption of comprehensive plans and development regulations are "actions" as defined under SEPA. This means that SEPA compliance is necessary. When a complete new plan is being written, in most instances, the preparation of an environmental impact statement (EIS) will be required prior to its adoption. SEPA compliance should be considered as part of the planning process rather than as a separate exercise. Indeed, the SEPA analysis and documentation can serve, in significant part, to fulfill the need to compile a record showing the considerations which went into the plan and why one alternative was chosen over another. SEPA compliance for development regulations should concentrate on the impact difference among alternative means of successfully implementing the plan. Detailed discussion of SEPA compliance is contained in Department of Ecology Publication No. 92-07, *"The Growth Management Act and the State Environmental Policy Act, A Guide to Interrelationships."*

#### NEW SECTION

**WAC 365-195-620 Submissions to state.** (1) Each county or city proposing adoption of a comprehensive plan or development regulations shall notify the department of its intent at least sixty days prior to final adoption. Notification shall be made by filing with the department two complete copies of the plan or one copy and a computer disc containing the plan. State agencies including the department many provide comments, during the public review process prior to adoption.

(2) Each county or city planning under the act shall transmit a complete and accurate copy of its comprehensive plan or development regulations to the department within ten days after final adoption.

(3) Any proposed amendments for permanent changes to a comprehensive plan or development regulation shall be submitted to the department in the same manner as initial plans and development regulations. Adopted amendments shall be transmitted to the department in the same manner as the initial plans and regulations.

#### NEW SECTION

**WAC 365-195-630 Amendment.** (1) Each plan should provide for an ongoing process of evaluation to ensure internal and interjurisdictional consistency of comprehensive plans and continuous consistency of such plans with development regulations. This evaluation should be an integral part of the amendment process.

(2) Each comprehensive plan shall contain provisions governing its amendment. Amendments to the plan shall not be considered more frequently than once every year, except in cases of emergency. The amendment process shall include a requirement that all proposed amendments in any year be considered concurrently so that the cumulative effect of the various proposals can be ascertained.

(3) Each county that designates urban growth areas shall review, at least every ten years, its designated urban growth areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review, each city located within the county shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within its urban growth area has located within its boundaries and the extent to which such growth has located within the unincorporated portions of the urban growth area. The urban growth areas and densities permitted in urban growth areas shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period.

#### NEW SECTION

**WAC 365-195-640 Record of process.** (1) Whenever a provision of the comprehensive plan or development regulations is based on factual data, that data or a clear reference to its source should be made a part of the record of adoption.

(2) The record should contain a complete exposition of how the public participation requirements were met.

(3) All public hearings should be recorded and tape recordings kept of the proceedings.

(4) The record which accompanies any amendment to the comprehensive plan or development regulations should conform to the same requirements as the initial plan and regulations.

### PART SEVEN

#### RELATIONSHIP OF GMA PLANNING TO OTHER LAWS

#### NEW SECTION

**WAC 365-195-700 Analysis of preemption.** (Reserved.)

#### NEW SECTION

**WAC 365-195-710 Takings analysis.** (Reserved.)



NEW SECTION

**WAC 365-195-720 State agency compliance.**  
(Reserved.)

**PART EIGHT**

**DEVELOPMENT REGULATIONS**

NEW SECTION

**WAC 365-195-800 Consistency with plans.**  
(Reserved.)

NEW SECTION

**WAC 365-195-810 Concurrency regulations.**  
(Reserved.)

NEW SECTION

**WAC 365-195-820 Alternative control mechanisms.**  
(Reserved.)

NEW SECTION

**WAC 365-195-830 Impact Fees.** (Reserved.)

NEW SECTION

**WAC 365-195-840 Method for adjusting regulations when comprehensive plan is amended.** (Reserved.)

**WSR 92-18-098  
PROPOSED RULES  
DEPARTMENT OF**

**LABOR AND INDUSTRIES**

[Order 92-12—Filed September 2, 1992, 11:14 a.m.]

Original Notice.

Title of Rule: Chapter 296-24 WAC, General safety and health standards; chapter 296-62 WAC, General occupational health standards; and chapter 296-155 WAC, Safety standards for construction work.

Purpose: Chapter 296-24 WAC, General safety and health standards, federal-initiated proposed amendments to WAC 296-24-58513 Protective clothing, 296-24-59211 Hydrostatic testing, 296-24-63399 Appendix C—Fire protection references for further information, and 296-24-63599 Appendix E—Test methods for protective clothing, are to make the existing state standards at-least-as-effective-as the comparable federal final rules by incorporating OSHA recommendations dated August 1, 1990. The amendments also include housekeeping changes; chapter 296-62 WAC, General occupational health standards, federal-initiated amendments to WAC 296-62-07540 and 296-62-07542 are proposed to be "identical" to the federal final rule published in Federal Register Volume 57, Number 102, dated May 27, 1992, Federal Register Volume 57, Number 112, dated June 10, 1992, and Federal Register Volume 57, Number 118, dated June 18, 1992. The proposed amendments lower the permissible exposure level for formaldehyde from 1 ppm (part per million) as an 8-hour time-weighted average

(TWA) to an 8-hour time-weighted average of 0.75 ppm. The proposal also adds medical removal protection provisions to supplement the existing medical surveillance requirements for those employees suffering significant eye, nose or throat irritation and for those suffering from dermal irritation or sensitization from occupational exposure to formaldehyde. In addition, certain changes have been made to the standard's hazard communication and employee training requirements. These proposed amendments establish specific hazard labeling requirements for all forms of formaldehyde, including mixtures and solutions composed of 0.1% or greater of formaldehyde in excess of 0.1 ppm. Additional hazard labeling, including a warning that formaldehyde presents a potential cancer hazard, is required where formaldehyde levels, under reasonably foreseeable conditions of use, may potentially exceed 0.5 ppm. The proposed amendments also provide for annual training of all employees exposed to formaldehyde at levels of 0.1 ppm or higher; and chapter 296-155 WAC, Safety standards for construction work, federal-initiated proposed amendments to WAC 296-155-428, 296-155-444, and 296-155-449 are to make the existing state standards at-least-as-effective-as the comparable federal final rules by incorporating OSHA recommendations dated June 10, 1991.

Statutory Authority for Adoption: Chapter 49.17 RCW. Statute Being Implemented: RCW 49.17.040, [49.17].050, and [49.17].060.

Summary: See purpose above.

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, 7273 Linderson Way, Tumwater, WA, (206) 956-5526; Implementation and Enforcement: J. N. Kirchoff, 7273 Linderson Way, Tumwater, WA, (206) 956-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, Federal Register Volume 57, Number 102, dated May 27, 1992; Federal Register Volume 57, Number 112, dated June 10, 1992; Federal Register Volume 57, Number 118, dated June 18, 1992; 29 Code of Federal Regulations § 1910.156 and Appendices C and E to Subpart L; 29 Code of Federal Regulations § 1926.405; and 29 Code of Federal Regulations § 1926.416.

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above and Small Business Economic Impact Statement below.

Proposal Changes the Following Existing Rules: See Summary above and Small Business Economic Impact Statement below.

Small Business Economic Impact Statement: Chapter 296-24 WAC, General safety and health standards, proposed federal-initiated amendments to WAC 296-24-58513, 296-24-59211, 296-24-63399, and 296-24-63599, are to make the existing state standards at-least-as-effective-as the comparable federal final rules. These changes are made solely to conform or comply with federal laws and regulations; chapter 296-62 WAC, General occupational health standards, proposed federal-initiated amendments to WAC 296-62-07540 and 296-62-07542 are to be "identical" to the federal final rules. These changes are made solely to conform or comply with federal laws and regulations; and

chapter 296-155 WAC, Safety standards for construction work, proposed federal-initiated amendments to WAC 296-155-428, 296-155-444, and 296-155-449 are to make the existing state standards at-least-as-effective-as the comparable federal final rules. These changes are made solely to conform or comply with federal laws and regulations.

Hearing Location: Department of Labor and Industries, 1st Floor Auditorium, 7273 Linderson Way, Tumwater, WA, on October 9, 1992, at 9:30 a.m.

Submit Written Comments to: J. N. Kirchoff, Assistant Director, P.O. Box 44600, Olympia, WA 98504-4600, by October 9, 1992, 5:00 p.m.

Date of Intended Adoption: November 10, 1992.

September 2, 1992

Joseph A. Dear  
Director

**AMENDATORY SECTION** (Amending Order 89-20, filed 1/11/90, effective 2/26/90)

**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-resistive 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-resistive 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-resistive 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~~))—Availability of publications incorporated by references in WAC 296-24-58505—Fire brigades) 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-resistive 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 Fire Fighters' 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 87-24, filed 11/30/87)

**WAC 296-24-59211 Hydrostatic testing.** (1) The employer shall assure that hydrostatic testing is performed by trained persons with suitable testing equipment and facilities.

(2) The employer shall assure that portable extinguishers are hydrostatically tested at the intervals listed in Table I of this section, except under any of the following conditions:

(a) When the unit has been repaired by soldering, welding, brazing, or use of patching compounds;

(b) When the cylinder or shell threads are damaged;

TABLE I

Type of Extinguishers	Test Interval (Years)
Soda acid (soldered brass shells) (until January 1, 1982) . . . . .	(1)
Soda acid (stainless steel shell) . . . . .	5
Cartridge operated water and/or antifreeze . . . . .	5
Stored pressure water and/or antifreeze . . . . .	5
Wetting agent . . . . .	5
Foam (soldered brass shells) (until January 1, 1982) . . . . .	(1)
Foam (stainless steel shell) . . . . .	5
Aqueous film forming form (AFFF) . . . . .	5
Loaded stream . . . . .	5
Dry chemical with stainless steel . . . . .	5
Carbon dioxide . . . . .	5
Dry chemical, stored pressure, with mild steel, brazed brass or aluminum shells . . . . .	12
Dry chemical, cartridge or cylinder operated, with mild steel shells . . . . .	12
Halon 1211 . . . . .	12
Halon 1301 . . . . .	12

Dry powder, cartridge or cylinder operated,  
with mild steel shell . . . . . 12

(1) Extinguishers having shells constructed of copper or brass joined by soft solder or rivets shall not be hydrostatically tested and shall be removed from service by January 1, 1982. (Not permitted.)

(c) When there is corrosion that has caused pitting, including corrosion under removable name plate assemblies;

(d) When the extinguisher has been burned in a fire; or

(e) When a calcium chloride extinguishing agent has been used in a stainless steel shell.

(3) In addition to an external visual examination, the employer shall assure that an internal examination of cylinders and shells to be tested is made prior to the hydrostatic tests.

(4) The employer shall assure that portable fire extinguishers are hydrostatically tested whenever they show new evidence of corrosion or mechanical injury, except under the conditions listed in subsection (2)(a) through (e) of this section.

(5) The employer shall assure that hydrostatic tests are performed on extinguisher hose assemblies which are equipped with a shut-off nozzle at the discharge end of the hose. The test interval shall be the same as specified for the extinguisher on which the hose is installed.

(6) The employer shall assure that carbon dioxide hose assemblies with a shut-off nozzle are hydrostatically tested at 1,250 psi (8,620 kPa).

(7) The employer shall assure that dry chemical and dry powder hose assemblies with a shut-off nozzle are hydrostatically tested at 300 psi (2,070 kPa).

(8) Hose assemblies passing a hydrostatic test do not require any type of recording or stamping.

(9) The employer shall assure that hose assemblies for carbon dioxide extinguishers that require a hydrostatic test are tested within a protective cage device.

(10) The employer shall assure that carbon dioxide extinguishers and nitrogen or carbon dioxide cylinders used with wheeled extinguishers are tested every five years at 5/3 of the service pressure as stamped into the cylinder. Nitrogen cylinders which comply with ((DOT-173.39)) 29 CFR 173.34(e)(15) may be hydrostatically tested every ten years.

(11) The employer shall assure that all stored pressure and Halon 1211 types of extinguishers are hydrostatically tested at the factory test pressure not to exceed two times the service pressure.

(12) The employer shall assure that acceptable self-generating type soda acid and foam extinguishers are tested at 350 psi (2,410 kPa).

(13) Air or gas pressure may not be used for hydrostatic testing.

(14) Extinguisher shells, cylinders, or cartridges which fail a hydrostatic pressure test, or which are not fit for testing shall be removed from service and from the workplace.

(15)(a) The equipment for testing compressed gas type cylinders shall be of the water-jacket type. The equipment shall be provided with an expansion indicator which operates with an accuracy within one percent of the total expansion or 0.1 cc (.1 mL) of liquid.

(b) The equipment for testing noncompressed gas type cylinders shall consist of the following:

(i) A hydrostatic test pump, hand or power operated, capable of producing not less than one hundred fifty percent of the test pressure, which shall include appropriate check valves and fittings;

(ii) A flexible connection for attachment to fittings to test through the extinguisher nozzle, test bonnet, or hose outlet, as is applicable; and

(iii) A protective cage or barrier for personal protection of the tester, designed to provide visual observation of the extinguisher under test.

(16) The employer shall maintain and provide upon request to the director evidence that the required hydrostatic testing of fire extinguishers has been performed at the time intervals shown in Table I. Such evidence shall include the date of test, the test pressure used, the serial number, or other identifier of the fire extinguisher that was tested, and the person or agency performing the test. Such records shall be kept until the extinguisher is hydrostatically retested at the time interval specified in Table I, or until the extinguisher is taken out of service, whichever is less.

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

**WAC 296-24-63399 Appendix C—Fire protection references for further information.** (1) Appendix general references. The following references provide information which can be helpful in understanding the requirements contained in all of the sections of Part G:

(a) Fire Protection Handbook, National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(b) Accident Prevention Manual for Industrial Operations, National Safety Council, 425 North Michigan Avenue, Chicago, IL 60611.

(c) Various associations also publish information which may be useful in understanding these standards. Examples of these associations are: Fire Equipment Manufacturers Association (FEMA) of Arlington, VA 22204, and the National Association of Fire Equipment Distributors (NAFED) of Chicago, IL 60601.

(2) Appendix references applicable to individual sections. The following references are grouped according to individual sections contained in Part G. These references provide information which may be helpful in understanding and implementing the standards of each section of Part G.

(a) WAC 296-24-58505 - Fire brigades:

(i) Private Fire Brigades, NFPA 27; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(ii) Initial Fire Attack, Training Standard On, NFPA 197; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(iii) Fire Fighter Professional Qualifications, NFPA 1001; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(iv) Organization for Fire Services, NFPA 1201; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(v) Organization of a Fire Department, NFPA 1202; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(vi) Protective Clothing for Structural Fire Fighting, ANSI/NFPA 1971; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(vii) American National Standard for Men's Safety-Toe Footwear, ANSI Z41.1; American National Standards Institute, New York, NY 10018.

(viii) American National Standard for Occupational and Educational Eye and Face Protection, ANSI Z87.1; American National Standards Institute, New York, NY 10018.

(ix) American National Standard, Safety Requirements for Industrial Head Protection, ANSI Z89.1; American National Standards Institute, New York, NY 10018.

(x) Specifications for Protective Headgear for Vehicular Users, ANSI Z90.1; American National Standards Institute, New York, NY 10018.

(xi) Testing Physical Fitness; Davis and Santa Maria, Fire Command, April 1975.

(xii) Development of a Job-Related Physical Performance Examination for Fire Fighters; Dotson and Others. A summary report for the National Fire Prevention and Control Administration, Washington, D.C., March 1977.

(xiii) Proposed Sample Standards for Fire Fighters' Protective Clothing and Equipment; International Association of Fire Fighters, Washington, D.C.

(xiv) A Study of Facepiece Leakage of Self-Contained Breathing Apparatus by DOP Man Tests; Los Alamos Scientific Laboratory, Los Alamos, N.M.

(xv) The Development of Criteria for Fire Fighters' Gloves; Vol. II: Glove Criteria and Test Methods; National Institute for Occupational Safety and Health, Cincinnati, Ohio, 1976.

(xvi) Model Performance Criteria for Structural Fire Fighters' Helmets; National Fire Prevention and Control Administration, Washington, D.C., 1977.

(xvii) Fire Fighters; Job Safety and Health Magazine, Occupational Safety and Health Administration, Washington, D.C., June 1978.

(xviii) Eating Smoke—The Dispensable Diet; Utech, H.P. The Fire Independent, 1975.

(xix) Project Monoxide—A Medical Study of an Occupational Hazard of Fire Fighters; International Association of Fire Fighters, Washington, D.C.

(xx) Occupational Exposures to Carbon Monoxide in Baltimore Fire Fighters; Radford Baltimore, MD. Journal of Occupational Medicine, September, 1976.

(xxi) Fire Brigades; National Safety Council, Chicago, IL, 1966.

(xxii) American National Standard, Practice for Respiratory Protection for the Fire Service, ANSI Z88.5; American National Standards Institute, New York, NY 10018.

(xxiii) Respirator Studies for the Nuclear Regulatory Commission; October 1, 1977—September 30, 1978. Evaluation and Performance of Open-Circuit Breathing Apparatus. NUREG/CR-1235. Los Alamos Scientific Laboratory; Los Alamos, NM 87545, January, 1980.

(b) WAC 296-24-592 - Portable fire extinguishers:

(i) Standard for Portable Fire Extinguishers, ANSI/NFPA 10; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(ii) Methods for Hydrostatic Testing of Compressed-Gas Cylinders, C-1; Compressed Gas Association, 500 Fifth Avenue, New York, NY 10036.

(iii) Recommendations for the Disposition of Unserviceable Compressed-Gas Cylinders, C-2; Compressed Gas Association, 500 Fifth Avenue, New York, NY 10036.

(iv) Standard for Visual Inspection of Compressed-Gas Cylinders, C-6; Compressed Gas Association, 500 Fifth Avenue, New York, NY 10036.

(v) Portable Fire Extinguisher Selection Guide, National Association of Fire Equipment Distributors; 111 East Wacker Drive, Chicago, IL 60601.

(c) WAC 296-24-602 - Standpipe and hose systems:

(i) Standard for the Installation of Sprinkler Systems, ANSI/NFPA 13; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(ii) Standard of the Installation of Standpipe and Hose Systems, ANSI/NFPA 14; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(iii) Standard for the Installation of Centrifugal Fire Pumps, ANSI/NFPA 20; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(iv) Standard for Water Tanks for Private Fire Protection, ANSI/NFPA 22; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(v) Standard for Screw Threads and Gaskets for Fire Hose Connections, ANSI/NFPA 194; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(vi) Standard for Fire Hose, NFPA 196; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(vii) Standard for the Care of Fire Hose, NFPA 198; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(d) WAC 296-24-607 - Automatic sprinkler systems:

(i) Standard of the Installation of Sprinkler Systems, ANSI/NFPA 13; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(ii) Standard for the Care and Maintenance of Sprinkler Systems, ANSI/NFPA 13A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(iii) Standard for the Installation of Standpipe and Hose Systems, ANSI/NFPA 14; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(iv) Standard for the Installation of Centrifugal Fire Pumps, ANSI/NFPA 20; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(v) Standard for Water Tanks for Private Fire Protection, ANSI/NFPA 22; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(vi) Standard for Indoor General Storage, ANSI/NFPA 231; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(vii) Standard for Rack Storage of Materials, ANSI/NFPA 231C; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(e) WAC 296-24-617 - Fixed extinguishing systems, general information:

(i) Standard for Foam Extinguishing Systems, ANSI/NFPA 11; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(ii) Standard for Hi-Expansion Foam Systems, ANSI/NFPA 11A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(iii) Standard on Synthetic Foam and Combined Agent Systems, ANSI/NFPA 11B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(iv) Standard on Carbon Dioxide Extinguishing Systems, ANSI/NFPA 12; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(v) Standard on Halon 1301, ANSI/NFPA 12A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(vi) Standard on Halon 1211, ANSI/NFPA 12B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(vii) Standard for Water Spray Systems, ANSI/NFPA 15; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(viii) Standard for Foam-Water Sprinkler Systems and Foam-Water Spray Systems, ANSI/NFPA 16; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(ix) Standard for Dry Chemical Extinguishing Systems, ANSI/NFPA 17; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(f) WAC 296-24-622 - Fixed extinguishing systems, dry chemical:

(i) Standard for Dry Chemical Extinguishing Systems, ANSI/NFPA 17; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(ii) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(iii) Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapor from Commercial Cooling Equipment, NFPA 96; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(g) WAC 296-24-623 - Fixed extinguishing systems, gaseous agents:

(i) Standard on Carbon Dioxide Extinguishing Systems, ANSI/NFPA 12; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(ii) Standard on Halon 1301, ANSI/NFPA 12B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(iii) Standard on Halon 1211, ANSI/NFPA 12B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(iv) Standard on Explosion Prevention Systems, ANSI/NFPA 69; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(v) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(vi) Standard on Automatic Fire Detectors, ANSI/NFPA 72E; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(vii) Determination of Halon 1301/1211 Threshold Extinguishing Concentrations Using the Cup Burner Method, Riley and Olson, Ansul Report AL-530-A.

(h) WAC 296-24-627 - Fixed extinguishing systems, water spray and foam agents:

(i) Standard for Foam Extinguisher Systems, ANSI/NFPA 11; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(ii) Standard for High-Expansion Foam Systems, ANSI/NFPA 11A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(iii) Standard for Water Spray Fixed Systems for Fire Protection, ANSI/NFPA 15; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(iv) Standard for the Installation of Foam-Water Sprinkler Systems and Foam-Water Spray Systems, ANSI/NFPA 16; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(i) WAC 296-24-629 - Fire detection systems:

(i) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(ii) Standard for Central Station Signaling Systems, ANSI/NFPA 71; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(iii) Standard on Automatic Fire Detectors, ANSI/NFPA 72E; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(j) WAC 296-24-631 - Employee alarm systems:

(i) National Electrical Code, ANSI/NFPA 70; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(ii) Standard for Central Station Signaling Systems, ANSI/NFPA 71; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(iii) Standard for Local Protective Signaling Systems, ANSI/NFPA 72A; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(iv) Standard for Auxiliary Protective Signaling Systems, ANSI/NFPA 72B; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(v) Standard for Remote Station Protective Signaling Systems, ANSI/NFPA 72C; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(vi) Standard for Proprietary Protective Signaling Systems, ANSI/NFPA 72D; National Fire Protection Association, 470 Atlantic Avenue, Boston, MA 02210.

(vii) Vocal Emergency Alarms in Hospitals and Nursing Facilities: Practice and Potential, National Bureau of Standards, Washington, D.C., July, 1977.

(viii) Fire Alarm and Communication Systems, National Bureau of Standards, Washington, D.C., April, 1976.

**AMENDATORY SECTION** (Amending Order 87-24, filed 11/30/87)

**WAC 296-24-63599 Appendix E—Test methods for protective clothing.** This appendix contains test methods which must be used to determine if protective clothing affords the required level of protection as specified in WAC 296-24-58505 - fire brigades.

(1) Puncture resistance test method for foot protection.

(a) Apparatus. The puncture resistance test shall be performed on a testing machine having a movable platform adjusted to travel at one-quarter-inch per minute (0.1 cm/sec). Two blocks of hardwood, metal, or plastic shall be prepared as follows: The blocks shall be of such size and thickness as to insure a suitable rigid test ensemble and allow for at least one-inch of the pointed end of an 8D nail to be exposed for the penetration. One block shall have a hole drilled to hold an 8D common nail firmly at an angle of 98°. The second block shall have a maximum one-half inch (1.3 cm) diameter hole drilled through it so that the hole will allow free passage of the nail after it penetrates the insole during the test.

(b) Procedure. The test ensemble consisting of the sample unit, the two prepared blocks, a piece of leather outsole ten to eleven irons thick and a new 8D nail, shall be placed as follows: The 8D nail in the hole, the sample of outsole stock superimposed above the nail, the area of the sole plate to be tested placed on the outsole, and the second block with hole so placed as to allow for free passage of the nail after it passes through the outsole stock and sole plate in that order. The machine shall be started and the pressure, in pounds required for the nail to completely penetrate the outsole and sole plate, recorded to the nearest five pounds. Two determinations shall be made on each sole plate and the results averaged. A new nail shall be used for each determination.

(c) Source. These test requirements are contained in "Military Specification For Fireman's Boots," MIL-B-2885D (1973 and amendment dated 1975) and are reproduced for your convenience.

(2) Test method for determining the strength of cloth by tearing: Trapezoid method.

(a) Test specimen. The specimen shall be a rectangle of cloth three-inches by six-inches (7.6 cm by 15.2 cm). The long dimension shall be parallel to the warp for warp tests and parallel to the filling for filling tests. No two specimens for warp tests shall contain the same warp yarns, nor shall any two specimens for filling tests contain the same filling yarns. The specimen shall be taken no nearer the selvage than 1/10 the width of the cloth. An isosceles trapezoid having an altitude of three inches (7.6 cm) and bases of one inch (2.5 cm) and four inches (10.2 cm) in length, respectively, shall be marked on each specimen, preferably with the aid of a template. A cut approximately three-eighths inch (1 cm) in length shall then be made in the center of a perpendicular to the one inch (2.5 cm) edge.

(b) Apparatus.

(i) Six-ounce (.17 kg) weight tension clamps shall be used so designed that the six ounces (.17 kg) of weight are distributed evenly across the complete width of the sample.

(ii) The machine shall consist of three main parts: Straining mechanism, clamps for holding specimen, and load and elongation recording mechanisms.

(iii) A machine wherein the specimen is held between two clamps and strained by a uniform movement of the pulling clamp shall be used.

(iv) The machine shall be adjusted so that the pulling clamp shall have a uniform speed of  $12 \pm 10.5$  inches per minute ( $0.5 \pm .02$  cm/sec).

(v) The machine shall have two clamps with two jaws on each clamp. The design of the two clamps shall be such

that one gripping surface or jaw may be an integral part of the rigid frame of the clamp or be fastened to allow a slight vertical movement, while the other gripping surface or jaw shall be completely moveable. The dimension of the immovable jaw of each clamp parallel to the application of the load shall measure one inch, and the dimension of the jaw perpendicular to this direction shall measure three inches or more. The face of the moveable jaw of each clamp shall measure one inch by three inches.

Each jaw face shall have a flat, smooth, gripping surface. All edges which might cause a cutting action shall be rounded to a radius of not over 1/64 inch (.04 cm). In cases where a cloth tends to slip when being tested, the jaws may be faced with rubber or other material to prevent slippage. The distance between the jaws (gage length) shall be one inch at the start of the test.

(vi) Calibrated dial; scale or chart shall be used to indicate applied load and elongation. The machine shall be adjusted or set, so that the maximum load required to break the specimen will remain indicated on the calibrated dial or scale after the test specimen has ruptured.

(vii) The machine shall be of such capacity that the maximum load required to break the specimen shall be not greater than eighty-five percent or less than fifteen percent of the rated capacity.

(viii) The error of the machine shall not exceed two percent up to and including a fifty-pound load (22.6 kg) and one percent over a fifty-pound load (22.6 kg) at any reading within its loading range.

(ix) All machine attachments for determining maximum loads shall be disengaged during this test.

(c) Procedure.

(i) The specimen shall be clamped in the machine along the nonparallel sides of the trapezoid so that these sides lie along the lower edge of the upper clamp and the upper edge of the lower clamp with the cut halfway between the clamps. The short trapezoid base shall be held taut and the long trapezoid base shall lie in the folds.

(ii) The machine shall be started and the force necessary to tear the cloth shall be observed by means of an autographic recording device. The speed of the pulling clamp shall be 12 inches  $\pm$  0.5-inch per minute (0.5  $\pm$  .02 cm/sec).

(iii) If a specimen slips between the jaws, breaks in or at the edges of the jaws, or if for any reason attributable to faulty technique, an individual measurement falls markedly below the average test results for the sample unit, such result shall be discarded and another specimen shall be tested.

(iv) The tearing strength of the specimen shall be the average of the five highest peak loads of resistance registered for three inches (7.6 cm) of separation of the tear.

(d) Report.

(i) Five specimens in each of the warp and filling direction shall be tested from each sample unit.

(ii) The tearing strength of the sample unit shall be the average of the result obtained from the specimens tested in each of the warp and filling directions and shall be reported separately to the nearest 0.1 pound (.05 kg).

(e) Source. These test requirements are contained in "Federal Test Method Standard 191, Method 5136," and are reproduced for your convenience.

(3) Test method for determining flame resistance of cloth; vertical.

(a) Test specimen. The specimen shall be a rectangle of cloth two and three-quarter inches (7.0 cm) by twelve inches (30.5 cm) with the long dimension parallel to either the warp or filling direction of the cloth. No two warp specimens shall contain the same warp yarns, and no two filling specimens shall contain the same filling yarn.

(b) Number of determinations. Five specimens from each of the warp and filling directions shall be tested from each sample unit.

(c) Apparatus.

(i) Cabinet. A cabinet and accessories shall be fabricated in accordance with the requirements specified in Figures L-1, L-2, and L-3. Galvanized sheet metal or other suitable metal shall be used. The entire inside back wall of the cabinet shall be painted black to facilitate the viewing of the test specimen and pilot flame.

(ii) Burner. The burner shall be equipped with a variable orifice to adjust the flame height, a barrel having a three-eighth inch (9.5 mm) inside diameter and a pilot light.

(A) The burner may be constructed by combining a three-eighth inch (1 cm) inside diameter barrel  $3 \pm 1/4$ -inches ( $7.6 \pm .6$  cm) long from a fixed orifice burner with a base from a variable orifice burner.

(B) The pilot light tube shall have a diameter of approximately one-sixteenth inch (.2 cm) and shall be spaced one-eighth inch (.3 cm) away from the burner edge with a pilot flame one-eighth inch (.3 cm) long.

(C) The necessary gas connections and the applicable plumbing shall be as specified in Figure L-4 except that a solenoid valve may be used in lieu of the stopcock valve to which the burner is attached. The stopcock valve or solenoid valve, whichever is used, shall be capable of being fully opened or fully closed in 0.1 second.

(D) On the side of the barrel of the burner, opposite the pilot light there shall be a metal rod of approximately one-eighth inch (.3 cm) diameter spaced one-half inch (1.3 cm) from the barrel and extending above the burner. The rod shall have two five-sixteenth inch (.8 cm) prongs marking the distances of three-quarters inch (1.9 cm), and one and one-half inches (3.8 cm) above the top of the burner.

(E) The burner shall be fixed in a position so that the center of the barrel of the burner is directly below the center of the specimen.

(iii) There shall be a control valve system with a delivery rate designed to furnish gas to the burner under a pressure of  $2-1/2 \pm 1/4$  (psi) ( $17.5 \pm 1.8$  kPa) ((per square inch)) at the burner inlet. The manufacturer's recommended delivery rate for the valve system shall be included in the required pressure.

(iv) A synthetic gas mixture shall be of the following composition within the following limits (analyzed at standard conditions): 55  $\pm$  3 percent hydrogen, 24  $\pm$  1 percent methane, 3  $\pm$  1 percent ethane, and 18  $\pm$  1 percent carbon monoxide which will give a specific gravity of 0.365  $\pm$  0.018 (air = 1) and a B.T.U. content of 540  $\pm$  20 per cubic foot (20.1  $\pm$  3.7 kJL) (dry basis) at 69.8 F (21 C).

(v) There shall be metal hooks and weights to produce a series of total loads to determine length of char. The metal hooks shall consist of No. 19 gage steel wire or equivalent and shall be made from three inch (7.6 cm)



lengths of wire and bent one-half inch (1.3 cm) from one end to a 45-degree hook. One end of the hook shall be fastened around the neck of the weight to be used.

(vi) There shall be a stop watch or other device to measure the burning time 0.2 second.

(vii) There shall be a scale, graduated in 0.1 inch (.3 cm) to measure the length of char.

(d) Procedure.

(i) The material undergoing test shall be evaluated for the characteristics of after-flame time and char length on each specimen.

(ii) All specimens to be tested shall be at moisture equilibrium under standard atmospheric conditions in accordance with subsection (3)(c) of this appendix. Each specimen to be tested shall be exposed to the test flame within twenty seconds after removal from the standard atmosphere. In case of dispute, all testing will be conducted under standard atmospheric conditions in accordance with subsection (3)(c) of this appendix.

(iii) The specimen in its holder shall be suspended vertically in the cabinet in such a manner that the entire length of the specimen is exposed and the lower end is three-quarters inch (1.9 cm) above the top of the gas burner. The apparatus shall be set up in a draft-free area.

(iv) Prior to inserting the specimen, the pilot flame shall be adjusted to approximately one-eighth inch (.3 cm) in height measured from its lowest point to the tip.

The burner flame shall be adjusted by means of the needle valve in the base of the burner to give a flame height of one and one-half inches (3.8 cm) with the stopcock fully open and the air supply to burner shut off and taped. The one and one-half inch (3.8 cm) flame height is obtained by adjusting the valve so that the uppermost portion (tip) of the flame is level with the tip of the metal prong (see Fig. L-2) specified for adjustment of flame height. It is an important aspect of the evaluation that the flame height to be adjusted with the tip of the flame level with the tip of the metal prong. After inserting the specimen, the stopcock shall be fully opened, and the burner flame applied vertically at the middle of the lower edge of the specimen for twelve seconds and the burner turned off. The cabinet door shall remain shut during testing.

(v) The after-flame shall be the time the specimen continues to flame after the burner flame is shut off.

(vi) After each specimen is removed, the test cabinet shall be cleared of fumes and smoke prior to testing the next specimen.

(vii) After both flaming and glowing have ceased, the char length shall be measured. The char length shall be the distance from the end of the specimen, which was exposed to the flame, to the end of a tear (made lengthwise) of the specimen through the center of the charred area as follows: The specimen shall be folded lengthwise and creased by hand along a line through the highest peak of the charred area. The hook shall be inserted in the specimen (or a hole, one-quarter inch (.6 cm) diameter or less, punched out for the hook) at one side of the charred area one-quarter inch (.6 cm) from the adjacent outside edge and one-quarter inch (.6 cm) in from the lower end. A weight of sufficient size such that the weight and hook together shall equal the total tearing load required in Table L-2 of this section shall be attached to the hook.

(viii) A tearing force shall be applied gently to the specimen by grasping the corner of the cloth at the opposite edge of the char from the load and raising the specimen and weight clear of the supporting surface. The end of the tear shall be marked off on the edge and the char length measurement made along the undamaged edge.

Loads for determining char length applicable to the weight of the test cloth shall be as shown in Table L-2.

TABLE L-2

Specified weight per square yard of cloth before any fire retardant treatment or coating - ounces	Total learning weight for determining the charred length - pound
2.0 to 6.0	0.25
Over 6.0 to 15.0	0.50
Over 15.0 to 23.0	0.75
Over 23.0	1.0

To change into S.I. (System International) units, 1 ounce = 28.35 grams, 1 pound = 453 grams, 1 yard = .91 metre.

(ix) The after-flame time of the specimen shall be recorded to the nearest 0.2 second and the ((ear)) char length to the nearest 0.1 inch (.3 cm).

(e) Report.

(i) The after-flame time and char length of the sample unit shall be the average of the results obtained from the individual specimens tested. All values obtained from the individual specimens shall be recorded.

(ii) The after-flame time shall be reported in the nearest 0.2 second and the char length to the nearest 0.1 inch (.3 cm).

(f) Source. These test requirements are contained in "Federal Test Method Standard 191, Method 5903 (1971)," and are reproduced for your convenience.

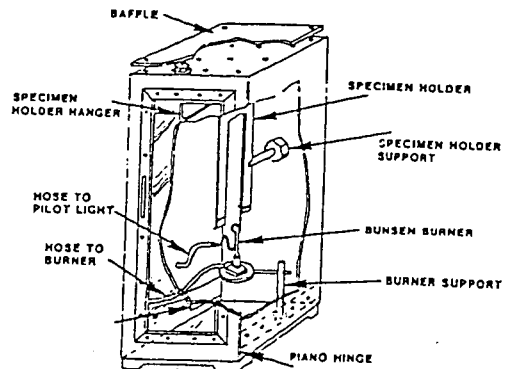


Figure L-1 - Vertical flame resistance textile apparatus. All given dimensions are in inches. System International (S.I.) unit: 1 inch = 2.54 cm.

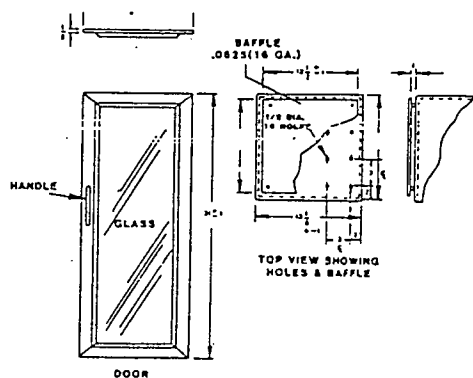


Figure L-2 - Vertical flame resistance textile apparatus, door and top view w/baffle. All given dimensions are in inches. System International (S.I.) unit: 1 inch = 2.54 cm.

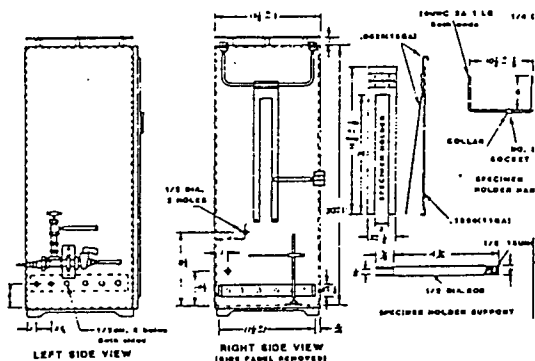


Figure L-3 - Vertical flame resistance textile apparatus, views and details. All given dimensions are in inches. System International (S.I.) unit: 1 inch = 2.54 cm.

SIDE VIEW SHOWING GAS HOSE CONNECTION

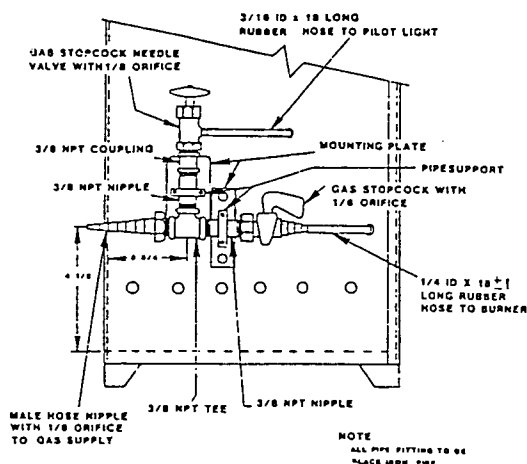


Figure L-4 - Vertical flame resistance textile apparatus. All given dimensions are in inches. System International (S.I.) unit: 1 inch = 2.54 cm.

AMENDATORY SECTION (Amending Order 91-01, filed 5/20/91, effective 6/20/91)

**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)) any person ((approved or assigned)) required by work duties to be present in regulated work areas, or authorized to do so 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)), by this section of the standard, or by the WISHA Act.

(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) Exception(s). ~~(((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.

(iii) If the employer receives reports or signs or symptoms of respiratory or dermal conditions associated with formaldehyde exposure, the employer shall promptly monitor the affected employee's exposure.

(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 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.

Full-face mask with chin style or front or back mounted type industrial size canister specifically approved for protection against formaldehyde.

<sup>1</sup> Respirators specified for use at higher concentrations may be used at lower concentrations.

<sup>2</sup> 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 ((+0)) 7.5 ppm (10 x PEL) shall be replaced every four hours and industrial sized canisters used in atmospheres up to ((+00)) 75 ppm (100 x PEL) 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:

TABLE 1  
MINIMUM REQUIREMENTS FOR RESPIRATORY PROTECTION  
AGAINST FORMALDEHYDE

Condition of use or formaldehyde concentration (ppm)	Minimum respirator required <sup>1</sup>
Up to ((+0)) <u>7.5 ppm (10 x PEL)</u> . . . . .	Full facepiece with cartridges or canisters specifically approved for protection against formaldehyde <sup>2</sup> .
Up to ((+00)) <u>75 ppm (100 x PEL)</u> . . . . .	Full-face mask with chin style or chest or back mounted type industrial size canister specifically approved for protection against formaldehyde.  Type C supplied-air respirator pressure demand or continuous flow type, with full facepiece, hood, or helmet.
Above ((+00)) <u>75 ppm or unknown (emergencies) (100 x PEL)</u> . . . . .	Self-contained breathing apparatus (SCBA) with positive-pressure full facepiece.  Combination supplied-air, full facepiece positive-pressure respirator with auxiliary self-contained air supply.
Fire fighting . . . . .	SCBA with positive-pressure in full facepiece.
Escape . . . . .	SCBA in demand or pressure demand mode.

## 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.

(h) Medical removal.

(i) The provisions of this subdivision apply when an employee reports significant irritation of the mucosa of the eyes or of the upper airways, respiratory sensitization, dermal irritation, or dermal sensitization attributed to workplace formaldehyde exposure. Medical removal provisions do not apply in case of dermal irritation or dermal

sensitization when the product suspected of causing the dermal condition contains less than 0.05% formaldehyde.

(ii) An employee's report of signs or symptoms of possible overexposure to formaldehyde shall be evaluated by a physician selected by the employer pursuant to (c) of this subsection. If the physician determines that a medical examination is not necessary under (c)(ii) of this subsection, there shall be a two-week evaluation and remediation period to permit the employer to ascertain whether the signs or symptoms subside untreated or with the use of creams, gloves, first aid treatment, or personal protective equipment. Industrial hygiene measures that limit the employee's exposure to formaldehyde may also be implemented during this period. The employee shall be referred immediately to a physician prior to expiration of the two-week period if the signs or symptoms worsen. Earnings, seniority, and benefits may not be altered during the two-week period by virtue of the report.

(iii) If the signs or symptoms have not subsided or been remedied by the end of the two-week period, or earlier if signs or symptoms warrant, the employee shall be examined by a physician selected by the employer. The physician shall presume, absent contrary evidence, that observed dermal irritation or dermal sensitization are not attributable to formaldehyde when products to which the affected employee is exposed contain less than 0.1% formaldehyde.

(iv) Medical examinations shall be conducted in compliance with the requirements of (e)(i) and (ii) of this subsection. Additional guidelines for conducting medical exams are contained in WAC 296-62-07546, Appendix C.

(v) If the physician finds that significant irritation of the mucosa of the eyes or the upper airways, respiratory sensitization, dermal irritation, or dermal sensitization result from workplace formaldehyde exposure and recommends restrictions or removal. The employer shall promptly comply with the restrictions or recommendations of removal. In the event of a recommendation of removal, the employer shall remove the affected employee from the current formaldehyde exposure and if possible, transfer the employee to work having no or significantly less exposure to formaldehyde.

(vi) When an employee is removed pursuant to item (v) of this subdivision, the employer shall transfer the employee to comparable work for which the employee is qualified or can be trained in a short period (up to six months), where the formaldehyde exposures are as low as possible, but not higher than the action level. The employer shall maintain the employee's current earnings, seniority, and other benefits. If there is no such work available, the employer shall maintain the employee's current earnings, seniority, and other benefits until such work becomes available, until the employee is determined to be unable to return to workplace formaldehyde exposure, until the employee is determined to be able to return to the original job status, or for six months, whichever comes first.

(vii) The employer shall arrange for a follow-up medical examination to take place within six months after the employee is removed pursuant to this subsection. This examination shall determine if the employee can return to the original job status, or if the removal is to be permanent. The physician shall make a decision within six months of the date the employee was removed as to whether the employee

can be returned to the original job status, or if the removal is to be permanent.

(viii) An employer's obligation to provide earnings, seniority, and other benefits to a removed employee may be reduced to the extent that the employee receives compensation for earnings lost during the period of removal either from a publicly or employer-funded compensation program or from employment with another employer made possible by virtue of the employee's removal.

(ix) In making determinations of the formaldehyde content of materials under this subsection the employer may rely on objective data.

(i) Multiple physician review.

(i) After the employer selects the initial physician who conducts any medical examination or consultation to determine whether medical removal or restriction is appropriate, the employee may designate a second physician to review any findings, determinations, or recommendations of the initial physician and to conduct such examinations, consultations, and laboratory tests as the second physician deems necessary and appropriate to evaluate the effects of formaldehyde exposure and to facilitate this review.

(ii) 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 for the purpose of medical removal or restriction.

(iii) 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 notification of the right to seek a second medical opinion, or receipt of the initial physician's written opinion, whichever is later:

(A) The employee informs the employer of the intention to seek a second medical opinion; and

(B) The employee initiates steps to make an appointment with a second physician.

(iv) 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 the disagreement. If the two physicians are unable to quickly resolve their disagreement, then the employer and the employee through their respective physicians shall designate a third physician who shall be a specialist in the field at issue:

(A) To review the findings, determinations, or recommendations of the prior physicians; and

(B) To conduct such examinations, consultations, laboratory tests, and discussions with prior physicians as the third physician deems necessary to resolve the disagreement of the prior physicians.

(v) In the alternative, the employer and the employee or authorized employee representative may jointly designate such third physician.

(vi) 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.

(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. The definitions of the hazard communication standard shall apply under this standard.

(i) ~~((For purposes of hazard communication,))~~ The following shall be subject to the hazard communication requirements of this section: 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)) reasonably foreseeable 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))~~ of materials listed in (a)(i) of this subsection, except to the extent that (a)(i) of this subsection is inconsistent with this item.

(ii) Information on labels. As a minimum, for all materials listed in (a)(i) of this subsection, capable of releasing formaldehyde at levels of 0.1 ppm to 0.5 ppm, labels shall identify ((the hazardous chemical;)) that the product contains formaldehyde: 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)) and state that physical and health hazard information is readily available from the employer and from material safety data sheets.

(iii) For materials listed in (a)(i) of this subsection, capable of releasing formaldehyde at levels above 0.5 ppm, labels shall appropriately address all the hazards as defined in Part C, WAC 296-62-054 through 296-62-05425, and Appendices A and B, including respiratory sensitization, and shall contain the words "Potential Cancer Hazard."

(iv) In making the determinations of anticipated levels of formaldehyde release, the employer may rely on objective data indicating the extent of potential formaldehyde release under reasonably foreseeable conditions of use.

(v) 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))~~ listed in (a)(i) of this subsection shall comply with



the requirements of WAC 296-62-05413 with regard to the development and updating of material safety data sheets.

(i) Manufacturers, importers, and distributors of formaldehyde containing materials (~~(that constitute a health hazard as defined in this standard)~~) listed in (a)(i) of this subsection 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.

(e) Written hazard communication program. The employer shall develop, implement, and maintain at the workplace, a written hazard communication program for formaldehyde exposures in the workplace, which at a minimum describes how the requirements specified in this section for labels and other forms of warning and material safety data sheets, and subsection (14) of this section for employee information and training, will be met. Employees in multi-employer workplaces shall comply with the requirements of WAC 296-62-05409 (2)(b).

(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, except that where the employer can show, using objective data, that employees are not exposed to formaldehyde at or above 0.1 ppm, the employer is not required to provide training.

~~((e)) (b) Frequency. ((f)) Employers shall provide ((employees with)) such information and training ((on formaldehyde)) to employees at the time of their initial assignment and whenever a new ((hazard from)) exposure to formaldehyde is introduced into their work area. The training shall be repeated at least annually.~~

~~((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)) (c) 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)) (d) 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 in accordance with WAC 296-62-05201 through 296-62-05209, and 296-62-05213 through 296-62-05217.

(16) ~~((Effective))~~ Dates.

(a) Effective dates.

(i) General. This standard shall become effective December 28, 1992, except as noted below.

(ii) Laboratories. This standard shall become effective for anatomy, histology, and pathology laboratories (~~((thirty days after the adoption date))~~) February 2, 1988, except as noted in (~~((b) of this))~~ the start-up date subsection. For all other laboratories (~~((other than anatomy, histology, and pathology)),~~ subsections (~~((2))~~) (1) and ((4) through (15)) (3) of this section shall become effective on (~~((September 1))~~) February 2, 1988, and subsections (2) and (4) through (15) of this section shall become effective on September 1, 1988, except as noted in (~~((b) of this))~~ the start-up date subsection.

(b) Start-up dates.

(i) Exposure determinations. Initial monitoring or objective determinations that no monitoring is required by the standard shall be completed by April 27, 1993.

(ii) Medical surveillance. The initial medical surveillance of all eligible employees shall be completed by April 27, 1993.

(iii) Emergencies. The emergency procedures required by this standard shall be implemented by April 27, 1993.

(iv) Respiratory protection. Respiratory protection required to meet the amended PEL of 0.75 ppm TWA shall be provided as soon as possible, but no later than January 1, 1993.

(v) 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)) November 26, 1993.

((e)) (vi) 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)) January 27, 1993.

(c) Start-up dates of amended sections.

(i) Respiratory protection. Respiratory protection required to meet the amended PEL of 0.75 ppm TWA shall be provided as soon as possible but no later than March 27, 1993.

(ii) Engineering and work practice controls. Engineering and work practice controls required to meet the amended PEL of 0.75 ppm TWA shall be implemented as soon as possible, but no later than December 27, 1993.

(iii) Medical removal protection. The medical removal protection provisions including the multiple physician review mechanism shall be implemented no later than December 26, 1992.

(iv) Hazard communication. The labeling provisions contained in amended subsection (13) of this section shall be implemented no later than December 28, 1992. Labeling of containers of formaldehyde products shall continue to comply with the provisions of WAC 296-62-054 until that time.

(v) Training. The periodic training mandated for all employees exposed to formaldehyde between 0.1 ppm and 0.5 ppm shall begin no later than February 28, 1993.

AMENDATORY SECTION (Amending Order 88-23, filed 10/6/88, effective 11/7/88)

**WAC 296-62-07542 Appendix A—Substance technical guideline for formalin.** (1) The following substance technical guideline for formalin provides information on uninhibited formalin solution (thirty-seven percent formaldehyde, no methanol stabilizer). It is designed to inform employees at the production level of their rights and duties under the formaldehyde standard whether their job title defines them as workers or supervisors. Much of the information provided is general; however, some information is specific for formalin. When employee exposure to formaldehyde is from resins capable of releasing formaldehyde, the resin itself and other impurities or decomposition products may also be toxic, and employers should include this information as well when informing employees of the hazards associated with the materials they handle. The precise hazards associated with exposure to formaldehyde depend both on the form (solid, liquid, or gas) of the material and the concentration of formaldehyde present. For example, thirty-seven to fifty percent solutions of formaldehyde present a much greater hazard to the skin and eyes from spills or splashes than solutions containing less than one percent formaldehyde. Individual substance technical guidelines used by the employer for training employees should be modified to properly give information on the material actually being used.

(a) Substance identification.

(i) Chemical name: Formaldehyde.

(ii) Chemical family: Aldehyde.

(iii) Chemical formula: HCHO.

(iv) Molecular weight: 30.03.

(v) Chemical abstracts service number (CAS number): 50-00-0.

Synonyms: Formalin; Formic Aldehyde; Paraform; Formol; Formalin (Methanol-free); Fyde; Formalith; Methanal; Methyl Aldehyde; Methylene Glycol; Methylene Oxide; Tetraoxymethalene; Oxomethane; Oxymethylene.

- (b) Components and contaminants.
  - (i) Percent: 37.0 Formaldehyde.
  - (ii) Percent: 63.0 water.

Note: Inhibited solutions contain methanol.

- (iii) Other contaminants: Formic acid (alcohol free).
- Exposure limits:
  - (A) WISHA TWA-((+)) 0.75 ppm.
  - (B) WISHA STEL-2 ppm.
- (c) Physical data.
  - (i) Description: Colorless liquid, pungent odor.
  - (ii) Boiling point: 214°F (101°C).
  - (iii) Specific gravity: 1.08 (H<sub>2</sub>O=1 @ 20 C).
  - (iv) pH: 2.8-4.0.
  - (v) Solubility in water: Miscible.
  - (vi) Solvent solubility: Soluble in alcohol and acetone.
  - (vii) Vapor density: 1.04 (Air=1 @ 20 C).
  - (viii) Odor threshold: 0.8-1 ppm.
- (d) Fire and explosion hazard.
  - (i) Moderate fire and explosion hazard when exposed to heat or flame.
  - (ii) The flash point of thirty-seven percent formaldehyde solutions is above normal room temperature, but the explosion range is very wide, from seven to seventy-three percent by volume in air.
  - (iii) Reaction of formaldehyde with nitrogen dioxide, nitromethane, perchloric acid and aniline, or peroxyformic acid yields explosive compounds.
  - (iv) Flash point: 185°F (85°C) closed cup.
  - (v) Lower explosion limit: Seven percent.
  - (vi) Upper explosion limit: Seventy-three percent.
  - (vii) Autoignition temperature: 806°F (430°C).
  - (viii) Flammable class (WISHA): III A.

Extinguishing media:

(I) Use dry chemical, "alcohol foam," carbon dioxide, or water in flooding amounts as fog. Solid streams may not be effective. Cool fire-exposed containers with water from side until well after fire is out.

(II) Use of water spray to flush spills can also dilute the spill to produce nonflammable mixtures. Water runoff, however, should be contained for treatment.

(ix) National Fire Protection Association Section 325M Designation:

(A) Health: 2-Materials hazardous to health, but areas may be entered with full-faced mask self-contained breathing apparatus which provides eye protection.

(B) Flammability: 2-Materials which must be moderately heated before ignition will occur. Water spray may be used to extinguish the fire because the material can be cooled below its flash point.

(C) Reactivity: D-Materials which (in themselves) are normally stable even under fire exposure conditions and which are not reactive with water. Normal fire fighting procedures may be used.

(e) Reactivity.

(i) Stability: Formaldehyde solutions may self-polymerize to form paraformaldehyde which precipitates.

(ii) Incompatibility (materials to avoid):

(A) Strong oxidizing agents, caustics, strong alkalis, isocyanates, anhydrides, oxides, and inorganic acids.

(B) Formaldehyde reacts with hydrochloric acid to form the potent carcinogen, bis-chloromethyl ether. Formaldehyde

reacts with nitrogen dioxide, nitromethane, perchloric acid and aniline, or peroxyformic acid to yield explosive compounds. A violent reaction occurs when formaldehyde is mixed with strong oxidizers.

(C) Hazardous combustion or decomposition products: Oxygen from the air can oxidize formaldehyde to formic acid, especially when heated. Formic acid is corrosive.

(f) Health hazard data.

(i) Acute effects of exposure.

(A) Ingestion (swallowing): Liquids containing ten to forty percent formaldehyde cause severe irritation and inflammation of the mouth, throat, and stomach. Severe stomach pains will follow ingestion with possible loss of consciousness and death. Ingestion of dilute formaldehyde solutions (0.03-0.04%) may cause discomfort in the stomach and pharynx.

(B) Inhalation (breathing):

(I) Formaldehyde is highly irritating to the upper respiratory tract and eyes. Concentrations of 0.5 to 2.0 ppm may irritate the eyes, nose, and throat of some individuals.

(II) Concentrations of 3 to 5 ppm also cause tearing of the eyes and are intolerable to some persons.

(III) Concentrations of 10 to 20 ppm cause difficulty in breathing, burning of the nose and throat, coughing, and heavy tearing of the eyes, and 25 to 30 ppm causes severe respiratory tract injury leading to pulmonary edema and pneumonitis. A concentration of 100 ppm is immediately dangerous to life and health. Deaths from accidental exposure to high concentrations of formaldehyde have been reported.

(C) Skin (dermal): Formalin is a severe skin irritant and a sensitizer. Contact with formalin causes white discoloration, smarting, drying, cracking, and scaling. Prolonged and repeated contact can cause numbness and a hardening or tanning of the skin. Previously exposed persons may react to future exposure with an allergic eczematous dermatitis or hives.

(D) Eye contact: Formaldehyde solutions splashed in the eye can cause injuries ranging from transient discomfort to severe, permanent corneal clouding and loss of vision. The severity of the effect depends on the concentration of formaldehyde in the solution and whether or not the eyes are flushed with water immediately after the accident.

Note: The perception of formaldehyde by odor and eye irritation becomes less sensitive with time as one adapts to formaldehyde. This can lead to overexposure if a worker is relying on formaldehyde's warning properties to alert him or her to the potential for exposure.

(E) Acute animal toxicity:

(I) Oral, rats: LD<sub>50</sub>=800 mg/kg.

(II) Oral, mouse: LD<sub>50</sub>=42 mg/kg.

(III) Inhalation, rats: LC<sub>50</sub>=250 mg/kg.

(IV) Inhalation, mouse: LC<sub>50</sub>=900 mg/kg.

(V) Inhalation, rats: LC<sub>50</sub>=590 mg/kg.

(g) Chronic effects of exposure.

(i) Carcinogenicity: Formaldehyde has the potential to cause cancer in humans. Repeated and prolonged exposure increases the risk. Various animal experiments have conclusively shown formaldehyde to be a carcinogen in rats. In humans, formaldehyde exposure has been associated with cancers of the lung, nasopharynx and oropharynx, and nasal passages.

(ii) **Mutagenicity:** Formaldehyde is genotoxic in several *in vitro* test systems showing properties of both an initiator and a promoter.

(iii) **Toxicity:** Prolonged or repeated exposure to formaldehyde may result in respiratory impairment. Rats exposed to formaldehyde at 2 ppm developed benign nasal tumors and changes of the cell structure in the nose as well as inflamed mucous membranes of the nose. Structural changes in the epithelial cells in the human nose have also been observed. Some persons have developed asthma or bronchitis following exposure to formaldehyde, most often as the result of an accidental spill involving a single exposure to a high concentration of formaldehyde.

(h) **Emergency and first-aid procedures.**

(i) **Ingestion (swallowing):** If the victim is conscious, dilute, inactivate, or absorb the ingested formaldehyde by giving milk, activated charcoal, or water. Any organic material will inactivate formaldehyde. Keep affected person warm and at rest. Get medical attention immediately. If vomiting occurs, keep head lower than hips.

(ii) **Inhalation (breathing):** Remove the victim from the exposure area to fresh air immediately. Where the formaldehyde concentration may be very high, each rescuer must put on a self-contained breathing apparatus before attempting to remove the victim, and medical personnel should be informed of the formaldehyde exposure immediately. If breathing has stopped, give artificial respiration. Keep the affected person warm and at rest. Qualified first-aid or medical personnel should administer oxygen, if available, and maintain the patient's airways and blood pressure until the victim can be transported to a medical facility. If exposure results in a highly irritated upper respiratory tract and coughing continues for more than ten minutes, the worker should be hospitalized for observation and treatment.

(iii) **Skin contact:** Remove contaminated clothing (including shoes) immediately. Wash the affected area of your body with soap or mild detergent and large amounts of water until no evidence of the chemical remains (at least fifteen to twenty minutes). If there are chemical burns, get first aid to cover the area with sterile, dry dressing, and bandages. Get medical attention if you experience appreciable eye or respiratory irritation.

(iv) **Eye contact:** Wash the eyes immediately with large amounts of water occasionally lifting lower and upper lids, until no evidence of chemical remains (at least fifteen to twenty minutes). In case of burns, apply sterile bandages loosely without medication. Get medical attention immediately. If you have experienced appreciable eye irritation from a splash or excessive exposure, you should be referred promptly to an ((~~ophthalmologist~~)) ophthalmologist for evaluation.

(i) **Emergency procedures.**

(i) **Emergencies:**

(A) If you work in an area where a large amount of formaldehyde could be released in an accident or from equipment failure, your employer must develop procedures to be followed in event of an emergency. You should be trained in your specific duties in the event of an emergency, and it is important that you clearly understand these duties. Emergency equipment must be accessible and you should be trained to use any equipment that you might need.

Formaldehyde contaminated equipment must be cleaned before reuse.

(B) If a spill of appreciable quantity occurs, leave the area quickly unless you have specific emergency duties. Do not touch spilled material. Designated persons may stop the leak and shut off ignition sources if these procedures can be done without risk. Designated persons should isolate the hazard area and deny entry except for necessary people protected by suitable protective clothing and respirators adequate for the exposure. Use water spray to reduce vapors. Do not smoke, and prohibit all flames or flares in the hazard area.

(ii) **Special fire fighting procedures:**

(A) Learn procedures and responsibilities in the event of a fire in your workplace.

(B) Become familiar with the appropriate equipment and supplies and their location.

(C) In fire fighting, withdraw immediately in case of rising sound from venting safety device or any discoloration of storage tank due to fire.

(j) **Spill, leak, and disposal procedures.**

(i) **Occupational spill:** For small containers, place the leaking container in a well ventilated area. Take up small spills with absorbent material and place the waste into properly labeled containers for later disposal. For larger spills, dike the spill to minimize contamination and facilitate salvage or disposal. You may be able to neutralize the spill with sodium hydroxide or sodium sulfite. Your employer must comply with EPA rules regarding the clean-up of toxic waste and notify state and local authorities, if required. If the spill is greater than 1,000 lb/day, it is reportable under EPA's superfund legislation.

(ii) **Waste disposal:** Your employer must dispose of waste containing formaldehyde in accordance with applicable local, state, and federal law and in a manner that minimizes exposure of employees at the site and of the clean-up crew.

(k) **Monitoring and measurement procedures.**

(i) **Monitoring requirements:** If your exposure to formaldehyde exceeds the 0.5 ppm action level or the 2 ppm STEL, your employer must monitor your exposure. Your employer need not measure every exposure if a "high exposure" employee can be identified. This person usually spends the greatest amount of time nearest the process equipment. If you are a "representative employee," you will be asked to wear a sampling device to collect formaldehyde. This device may be a passive badge, a sorbent tube attached to a pump, or an impinger containing liquid. You should perform your work as usual, but inform the person who is conducting the monitoring of any difficulties you are having wearing the device.

(ii) **Evaluation of 8-hour exposure:** Measurements taken for the purpose of determining time-weighted average (TWA) exposures are best taken with samples covering the full shift. Samples collected must be taken from the employee's breathing zone air.

(iii) **Short-term exposure evaluation:** If there are tasks that involve brief but intense exposure to formaldehyde, employee exposure must be measured to assure compliance with the STEL. Sample collections are for brief periods, only fifteen minutes, but several samples may be needed to identify the peak exposure.

(iv) Monitoring techniques: WISHA's only requirement for selecting a method for sampling and analysis is that the methods used accurately evaluate the concentration of formaldehyde in employees' breathing zones. Sampling and analysis may be performed by collection of formaldehyde on liquid or solid sorbents with subsequent chemical analysis. Sampling and analysis may also be performed by passive diffusion monitors and short-term exposure may be measured by instruments such as real-time continuous monitoring systems and portable direct reading instruments.

(v) Notification of results: Your employer must inform you of the results of exposure monitoring representative of your job. You may be informed in writing, but posting the results where you have ready access to them constitutes compliance with the standard.

(l) Protective equipment and clothing.

(Material impervious to formaldehyde is needed if the employee handles formaldehyde solutions of one percent or more. Other employees may also require protective clothing or equipment to prevent dermatitis.)

(i) Respiratory protection:

(A) Use NIOSH-approved full facepiece negative pressure respirators equipped with approved cartridges or canisters within the use limitations of these devices. (Present restrictions on cartridges and canisters do not permit them to be used for a full workshift.) In all other situations, use positive pressure respirators such as the positive-pressure air purifying respirator or the self-contained breathing apparatus (SCBA).

(B) If you use a negative pressure respirator, your employer must provide you with fit testing of the respirator at least once a year in accordance with the procedures outlined in WAC 296-62-07550 Appendix E.

(ii) Protective gloves:

(A) Wear protective (impervious) gloves provided by your employer, at no cost, to prevent contact with formalin.

(B) Your employer should select these gloves based on the results of permeation testing and in accordance with the ACGIH guidelines for selection of chemical protective clothing.

(iii) Eye protection:

(A) If you might be splashed in the eyes with formalin, it is essential that you wear goggles or some other type of complete protection for the eye.

(B) You may also need a face shield if your face is likely to be splashed with formalin, but you must not substitute face shields for eye protection. (This section pertains to formaldehyde solutions of one percent or more.)

(iv) Other protective equipment:

(A) You must wear protective (impervious) clothing and equipment provided by your employer at no cost to prevent repeated or prolonged contact with formaldehyde liquids.

(B) If you are required to change into whole-body chemical protective clothing, your employer must provide a change room for your privacy and for storage of your normal clothing.

(C) If you are splashed with formaldehyde, use the emergency showers and eyewash fountains provided by your employer immediately to prevent serious injury. Report the incident to your supervisor and obtain necessary medical support.

(2) Entry into an IDLH atmosphere. Enter areas where the formaldehyde concentration might be 100 ppm or more only with complete body protection including a self-contained breathing apparatus with a full facepiece operated in a positive pressure mode or a supplied-air respirator with full facepiece and operated in a positive pressure mode. This equipment is essential to protect your life and health under such extreme conditions.

(a) Engineering controls.

(i) Ventilation is the most widely applied engineering control method for reducing the concentration of airborne substances in the breathing zones of workers. There are two distinct types of ventilation.

(ii) Local exhaust: Local exhaust ventilation is designed to capture airborne contaminants as near to the point of generation as possible. To protect you, the direction of contaminant flow must always be toward the local exhaust system inlet and away from you.

(iii) General (mechanical):

(A) General dilution ventilation involves continuous introduction of fresh air into the workroom to mix with the contaminated air and lower your breathing zone concentration of formaldehyde. Effectiveness depends on the number of air changes per hour.

(B) Where devices emitting formaldehyde are spread out over a large area, general dilution ventilation may be the only practical method of control.

(iv) Work practices: Work practices and administrative procedures are an important part of a control system. If you are asked to perform a task in a certain manner to limit your exposure to formaldehyde, it is extremely important that you follow these procedures.

(b) Medical surveillance.

(i) Medical surveillance helps to protect employees' health. You are encouraged strongly to participate in the medical surveillance program.

(ii) Your employer must make a medical surveillance program available at no expense to you and at a reasonable time and place if you are exposed to formaldehyde at concentrations above 0.5 ppm as an 8-hour average or 2 ppm over any fifteen-minute period.

(A) You will be offered medical surveillance at the time of your initial assignment and once a year afterward as long as your exposure is at least 0.5 ppm (TWA) or 2 ppm (STEL).

(B) Even if your exposure is below these levels, you should inform your employer if you have signs and symptoms that you suspect, through your training, are related to your formaldehyde exposure because you may need medical surveillance to determine if your health is being impaired by your exposure.

(iii) The surveillance plan includes:

(A) A medical disease questionnaire.

(B) A physical examination if the physician determines this is necessary.

(iv) If you are required to wear a respirator, your employer must offer you a physical examination and a pulmonary function test every year.

(v) The physician must collect all information needed to determine if you are at increased risk from your exposure to formaldehyde. At the physician's discretion, the medical

examination may include other tests, such as a chest x-ray, to make this determination.

(vi) After a medical examination the physician will provide your employer with a written opinion which includes any special protective measures recommended and any restrictions on your exposure. The physician must inform you of any medical conditions you have which would be aggravated by exposure to formaldehyde. All records from your medical examinations, including disease surveys, must be retained at your employer's expense.

(c) Emergencies.

(i) If you are exposed to formaldehyde in an emergency and develop signs or symptoms associated with acute toxicity from formaldehyde exposure, your employer must provide you with a medical examination as soon as possible.

(ii) This medical examination will include all steps necessary to stabilize your health.

(iii) You may be kept in the hospital for observation if your symptoms are severe to ensure that any delayed effects are recognized and treated.

**AMENDATORY SECTION** (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

**WAC 296-62-07721 Communication of hazards to employees.** (1) Upon written or oral request, a copy of the written report required in WAC 296-62-07707 and 296-65-020 shall be given to the collective bargaining representatives or employee representatives of any employee who may be exposed to any asbestos or asbestos-containing material. A copy of the written report shall be posted conspicuously at the location where employees report to work.

(2) Warning signs.

(a) Warning signs shall be provided and displayed at each regulated area. In addition, warning signs shall be posted at all approaches to regulated areas so that an employee may read the signs and take necessary protective steps before entering the area.

(b) The warning signs required by (a) of this subsection shall bear the following information:

DANGER  
ASBESTOS

CANCER AND LUNG DISEASE HAZARD  
AUTHORIZED PERSONNEL ONLY

RESPIRATORS AND PROTECTIVE CLOTHING ARE REQUIRED  
IN THIS AREA

(c) The employer shall ensure that employees working in and contiguous to regulated areas comprehend the warning signs required to be posted by paragraph (2)(a) of this section. Means to ensure employee comprehension may include the use of foreign languages, pictographs, and graphics.

(3) Warning labels.

(a) Warning labels shall be affixed to all products containing asbestos including raw materials, mixtures, scrap, waste, debris, and other products containing asbestos fibers, and to their containers including waste containers. Where feasible, installed asbestos products shall contain a visible label.

(b) Labels shall be printed in large, bold letters on a contrasting background.

(c) The labels shall comply with the requirements of WAC 296-62-05411, and shall include the following information:

DANGER  
CONTAINS ASBESTOS FIBERS  
AVOID CREATING DUST  
CANCER AND LUNG DISEASE HAZARD  
AVOID BREATHING AIRBORNE ASBESTOS FIBERS

~~((d) Where minerals to be labeled are only tremolite, anthophyllite, or actinolite, the employer may replace the term "asbestos" with the appropriate mineral name.))~~

(4) Material safety data sheets. Employers who are manufacturers or importers of asbestos, or asbestos products shall comply with the requirements regarding development of material safety data sheets as specified in WAC 296-62-05413, except as provided by subsection (5) of this section.

(5) The provisions for labels required by subsection (3) of this section or for material safety data sheets required by subsection (4) of this section do not apply where:

(a) Asbestos fibers have been modified by a bonding agent, coating, binder, or other material, provided that the manufacturer can demonstrate that during any reasonably foreseeable use, handling, storage, disposal, processing, or transportation, no airborne concentrations of fibers of asbestos in excess of the action level and/or excursion limit will be released; or

(b) Asbestos is present in a product in concentrations less than 0.1 percent by weight.

(6) Employee information and training.

(a) The employer shall institute a training program for all employees who are exposed to airborne concentrations of asbestos at or above the action level and/or excursion limit and ensure their participation in the program.

(b) Training shall be provided prior to or at the time of initial assignment, unless the employee has received equivalent training within the previous twelve months, and at least annually thereafter.

(c) The training program shall be conducted in a manner which the employee is able to understand. The employer shall ensure that each employee is informed of the following:

(i) The health effects associated with asbestos;

(ii) The relationship between smoking and exposure to asbestos in producing lung cancer;

(iii) Methods of recognizing asbestos and the quantity, location, manner of use, release, and storage of asbestos and the specific nature of operations which could result in exposure to asbestos;

(iv) The engineering controls and work practices associated with the employee's job assignment;

(v) The specific procedures implemented to protect employees from exposure to asbestos such as appropriate work practices, housekeeping procedures, hygiene facilities, decontamination procedures, emergency and clean-up procedures, personal protective equipment to be used, and waste disposal procedures, and any necessary instructions in the use of these controls and procedures;

(vi) The purpose, proper use, and limitations of respirators and protective clothing;

(vii) The purpose and a description of the medical surveillance program required by WAC 296-62-07725;

(viii) The content of this standard, including appendices;

(ix) The names, addresses, and phone numbers of public health organizations which provide information, materials, and/or conduct programs concerning smoking cessation. The employer may distribute the list of such organizations contained in Appendix I, to comply with this requirement; and

(x) The requirements for posting signs and affixing labels and the meaning of the required legends for such signs and labels.

(d) Access to information and training materials.

(i) The employer shall make a copy of this standard and its appendices readily available without cost to all affected employees.

(ii) The employer shall provide, upon request, all materials relating to the employee information and training program to the director.

(iii) The employer shall inform all employees concerning the availability of self-help smoking cessation program material. Upon employee request, the employer shall distribute such material, consisting of NIH Publication No. 89-1647, or equivalent self-help material, which is approved or published by a public health organization listed in Appendix I.

(7) Certification.

(a) All individuals working or supervising asbestos projects, as defined in WAC 296-65-003(4) shall be certified as required by WAC 296-65-010, 296-65-012, and 296-65-030.

(b) In cases excepted under WAC 296-65-030 (2) and (3), all employees shall be trained according to subsection (6) of this section, regardless of their exposure levels.

**AMENDATORY SECTION** (Amending Order 88-04, filed 5/11/88)

**WAC 296-155-428 General requirements. (1) Protection of employees.**

(a) No employer shall permit an employee to work in such proximity to any part of an electric power circuit that the employee could contact the electric power circuit in the course of work, unless the employee is protected against electric shock by de-energizing the circuit and grounding it or by guarding it effectively by insulation or other means.

(b) No person, firm, corporation, or agent of same, shall require or permit any employee to perform any function in proximity to electrical conductors or to engage in any excavation, construction, demolition, repair, or other operation, unless and until danger from accidental contact with said electrical conductors has been effectively guarded by de-energizing the circuit and grounding it or by guarding it by effective insulation or other effective means.

(c) In work areas where the exact location of underground electric powerlines is unknown, employees using jack-hammers, bars, or other hand tools which may contact a line shall be provided with insulated protective gloves. (See (b) of this subsection.)

(d) Before work is begun the employer shall ascertain by inquiry or direct observation, or by instruments, whether any part of an energized electric power circuit, exposed or

concealed, is so located that the performance of the work may bring any person, tool, or machine into physical or electrical contact with the electric power circuit. The employer shall post and maintain proper warning signs where such a circuit exists. The employer shall advise employees of the location of such lines, the hazards involved, and the protective measures to be taken.

~~((d))~~ (e) No work shall be performed, no material shall be piled, stored or otherwise handled, no scaffolding, commercial signs, or structures shall be erected or dismantled, nor any tools, machinery or equipment operated within the specified minimum distances from any energized high voltage electrical conductor capable of energizing the material or equipment; except where the electrical distribution and transmission lines have been de-energized and visibly grounded at point of work, or where insulating barriers not a part of or an attachment to the equipment have been erected, to prevent physical contact with the lines, equipment shall be operated proximate to, under, over, by, or near energized conductors only in accordance with the following:

(i) For lines rated 50 kV. or below, minimum clearance between the lines and any part of the equipment or load shall be ten feet.

(ii) For lines rated over 50 kV. minimum, clearance between the lines and any part of the equipment or load shall be ten feet plus 0.4 inch or each 1 kV. over 50 kV., or twice the length of the line insulator but never less than ten feet.

~~((e))~~ (f) If relocation of the electrical conductors is necessary, arrangements shall be made with the owners of the lines for such relocation.

~~((f))~~ (g) Barriers.

(i) Barriers shall be of such character and construction as to effectively provide the necessary protection without creating other hazards or jeopardizing the operation of the electrical circuits.

(ii) Barriers installed within the ten feet clearance from conductors shall be installed only under the supervision of authorized and qualified persons and this shall include a representative of the electrical utility or owner involved.

~~((g))~~ (h) Exceptions.

(i) These rules do not apply to the construction, reconstruction, operation, and maintenance, of overhead electrical lines, structures, and associated equipment by authorized and qualified electrical workers.

(ii) These rules do not apply to authorized and qualified employees engaged in the construction, reconstruction, operation, and maintenance, of overhead electrical circuits or conductors and associated equipment of rail transportation systems or electrical generating, transmission, distribution and communication systems which are covered by chapters 296-45 and 296-32 WAC.

~~((h))~~ (i) Special precautions must be taken.

(i) When handling any winch lines, guy wires, or other free cable, wire or rope in the vicinity of any electrical conductors.

(ii) When pulling a winch line, or other cable or rope under energized electrical conductors from a boom, mast, pile driver, etc., in such a manner as to make possible an approach to within ten feet of a conductor.

(iii) When there is possibility of a winch line, cable, etc., either becoming disconnected or breaking under load



because of excessive strain and flipping up into overhead conductors.

(iv) When placing steel, concrete reinforcement, wire mesh, etc.

(v) When handling pipe or rod sections in connection with digging wells or test holes.

(vi) When moving construction equipment, apparatus, machinery, etc., all such movements must avoid striking supporting structures, guy wires, or other elements of the electrical utility system causing the conductors to so swing or move as to decrease clearances to less than ten feet from construction equipment, or to cause them to come together.

((+)) (j) Warning sign required.

(i) An approved durable warning sign legible at twelve feet, reading "It is unlawful to operate this equipment within ten feet of electrical conductors" shall be posted and maintained in plain view of the operator at the controls of each crane, derrick, shovel, drilling rig, pile driver or similar apparatus which is capable of vertical, lateral or swinging motion.

(ii) A similar sign shall be installed on the outside of the equipment and located as to be readily visible to mechanics or other persons engaged in the work operation.

(iii) Signs shall be not less than 6" x 8" dimensions with the word "WARNING" or "DANGER" in large letters and painted red across the top and the other letters in black painted on yellow background.

((+)) (k) Any overhead wire shall be considered to be an energized line until the owner of such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded.

(2) Passageways and open spaces.

(a) Barriers or other means of guarding shall be provided to ensure that workspace for electrical equipment will not be used as a passageway during periods when energized parts of electrical equipment are exposed.

(b) Working spaces, walkways, and similar locations shall be kept clear of cords so as not to create a tripping hazard to employees.

(3) Load ratings. In existing installations, no changes in circuit protection shall be made to increase the load in excess of the load rating of the circuit wiring.

(4) Fuses. When fuses are installed or removed with one or both terminals energized, special tools insulated for the voltage shall be used.

(5) Cords and cables.

(a) Worn or frayed electric cords or cables shall not be used.

(b) Extension cords shall not be fastened with staples, hung from nails, or suspended by wire.

**AMENDATORY SECTION** (Amending Order 88-04, filed 5/11/88)

**WAC 296-155-444 General requirements.** (1) Approval. All electrical conductors and equipment shall be approved.

(2) Examination, installation, and use of equipment.

(a) Examination. The employer shall ensure that electrical equipment is free from recognized hazards that are likely to cause death or serious physical harm to employees.

Safety of equipment shall be determined on the basis of the following considerations:

(i) Suitability for installation and use in conformity with the provisions of this part. Suitability of equipment for an identified purpose may be evidenced by listing, labeling, or certification for that identified purpose.

(ii) Mechanical strength and durability, including, for parts designed to enclose and protect other equipment, the adequacy of the protection thus provided.

(iii) Electrical insulation.

(iv) Heating effects under conditions of use.

(v) Arcing effects.

(vi) Classification by type, size, voltage, current capacity, specific use.

(vii) Other factors which contribute to the practical safeguarding of employees using or likely to come in contact with the equipment.

(b) Installation and use. Listed, labeled, or certified equipment shall be installed and used in accordance with instructions included in the listing, labeling, or certification.

(3) Interrupting rating. Equipment intended to break current shall have an interrupting rating at system voltage sufficient for the current that must be interrupted.

(4) Mounting and cooling of equipment.

(a) Mounting. Electric equipment shall be firmly secured to the surface on which it is mounted. Wooden plugs driven into holes in masonry, concrete, plaster, or similar materials shall not be used.

(b) Cooling. Electrical equipment which depends upon the natural circulation of air and convection principles for cooling of exposed surfaces shall be installed so that room air flow over such surfaces is not prevented by walls or by adjacent installed equipment. For equipment designed for floor mounting, clearance between top surfaces and adjacent surfaces shall be provided to dissipate rising warm air. Electrical equipment provided with ventilating openings shall be installed so that walls or other obstructions do not prevent the free circulation of air through the equipment.

(5) Splices. Conductors shall be spliced or joined with splicing devices designed for the use or by brazing, welding, or soldering with a fusible metal or alloy. Soldered splices shall first be so spliced or joined as to be mechanically and electrically secure without solder and then soldered. All splices and joints and the free ends of conductors shall be covered with an insulation equivalent to that of the conductors or with an insulating device designed for the purpose.

(6) Arcing parts. Parts of electric equipment which in ordinary operation produce arcs, sparks, flames, or molten metal shall be enclosed or separated and isolated from all combustible material.

(7) Marking. Electrical equipment shall not be used unless the manufacturer's name, trademark, or other descriptive marking by which the organization responsible for the product may be identified is placed on the equipment and unless other markings are provided giving voltage, current, wattage, or other ratings as necessary. The marking shall be of sufficient durability to withstand the environment involved.

(8) Identification of disconnecting means and circuits. Each disconnecting means required by this part for motors and appliances shall be legibly marked to indicate its

purpose, unless located and arranged so the purpose is evident. Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident. These markings shall be of sufficient durability to withstand the environment involved.

(9) Construction site. Precautions shall be taken to make any necessary open wiring inaccessible to unauthorized personnel.

(10) 750 volts, nominal, or less. This subsection applies to equipment operating at 750 volts, nominal, or less.

(a) Working space about electric equipment. Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

(i) Working clearances. Except as required or permitted elsewhere in this part, the dimension of the working space in the direction of access to live parts operating at 750 volts or less and likely to require examination, adjustment, servicing, or maintenance while alive shall not be less than indicated in Table I-1. In addition to the dimensions shown in Table I-1, workspace shall not be less than 30 inches (762 mm) wide in front of the electric equipment. Distances shall be measured from the live parts if they are exposed, or from the enclosure front or opening if the live parts are enclosed. Walls constructed of concrete, brick, or tile are considered to be grounded. Working space is not required in back of assemblies such as dead-front switchboards or motor control centers where there are no renewable or adjustable parts such as fuses or switches on the back and where all connections are accessible from locations other than the back.

Table I-1  
Working Clearances

Nominal Voltage to Ground	Minimum Clear Distance for Conditions <sup>1</sup>		
	(a)	(b)	(c)
	Feet <sup>2</sup>	Feet <sup>2</sup>	Feet <sup>2</sup>
0-150	3	3	3
151-750	3	3 1/2	4

<sup>1</sup> Conditions (a), (b), and (c) are as follows: (a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by insulating material. Insulated wire or insulated busbars operating at not over 300 volts are not considered live parts. (b) Exposed live parts on one side and grounded parts on the other side. (c) Exposed live parts on both sides of the workspace not guarded provided in condition (a) with the operator between.

<sup>2</sup> Note: For International System of Units (SI): One foot=0.3048m.

(ii) Clear spaces. Working space required by this part shall not be used for storage. When normally enclosed live parts are exposed for inspection or servicing, the working space, if in a passageway or general open space, shall be guarded.

(iii) Access and entrance to working space. At least one entrance shall be provided to give access to the working space about electric equipment.

(iv) Front working space. Where there are live parts normally exposed on the front of switchboards or motor

control centers, the working space in front of such equipment shall not be less than 3 feet (914 mm).

(v) Headroom. The minimum headroom of working spaces about service equipment, switchboards, panelboards, or motor control centers shall be 6 feet 3 inches (1.91 m).

(b) Guarding of live parts.

(i) Except as required or permitted elsewhere in this part, live parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by cabinets or other forms of enclosures, or by any of the following means:

(A) By location in a room, vault, or similar enclosure that is accessible only to qualified persons.

(B) By partitions or screens so arranged that only qualified persons will have access to the space within reach of the live parts. Any openings in such partitions or screens shall be so sized and located that persons are not likely to come into accidental contact with the live parts or to bring conducting objects into contact with them.

(C) By location on a balcony, gallery, or platform so elevated and arranged as to exclude unqualified persons.

(D) By elevation of 8 feet (2.44 m) or more above the floor or other working surface and so installed as to exclude unqualified persons.

(ii) In locations where electric equipment would be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

(iii) Entrances to rooms and other guarded locations containing exposed live parts shall be marked with conspicuous warning signs forbidding unqualified persons to enter.

(11) Over 750 volts, nominal.

(a) General. Conductors and equipment used on circuits exceeding 750 volts, nominal, shall comply with all applicable provisions of subsections (1) through (7) of this section and with the following provisions which supplement or modify those requirements. The provisions of (b), (c), and (d) of this subsection do not apply to equipment on the supply side of the service conductors.

(b) Enclosure for electrical installations. Electrical installations in a vault, room, closet or in an area surrounded by a wall, screen, or fence, access to which is controlled by lock and key or other equivalent means, are considered to be accessible to qualified persons only. A wall, screen, or fence less than 8 feet (2.44 m) in height is not considered adequate to prevent access unless it has other features that provide a degree of isolation equivalent to an 8 foot (2.44 m) fence. The entrances to all buildings, rooms or enclosures containing exposed live parts or exposed conductors operating at over 750 volts, nominal, shall be kept locked or shall be under the observation of a qualified person at all times.

(i) Installations accessible to qualified persons only. Electrical installations having exposed live parts shall be accessible to qualified persons only and shall comply with the applicable provisions of (c) of this subsection.

(ii) Installations accessible to unqualified persons. Electrical installations that are open to unqualified persons shall be made with metal-enclosed equipment or shall be enclosed in a vault or in an area, access to which is controlled by a lock. Metal-enclosed switchgear, unit substations, transformers, pull boxes, connection boxes, and

other similar associated equipment shall be marked with appropriate caution signs. If equipment is exposed to physical damage from vehicular traffic, guards shall be provided to prevent such damage. Ventilating or similar openings in metal-enclosed equipment shall be designed so that foreign objects inserted through these openings will be deflected from energized parts.

(c) **Workspace about equipment.** Sufficient space shall be provided and maintained about electric equipment to permit ready and safe operation and maintenance of such equipment. Where energized parts are exposed, the minimum clear workspace shall not be less than 6 feet 6 inches (1.98 m) high (measured vertically from the floor or platform,) or less than 3 feet (914 mm) wide (measured parallel to the equipment.) The depth shall be as required in Table I-2. The workspace shall be adequate to permit at least a ninety degree opening of doors or hinged panels.

(i) **Working space.** The minimum clear working space in front of electric equipment such as switchboards, control panels, switches, circuit breakers, motor controllers, relays, and similar equipment shall not be less than specified in Table I-2 unless otherwise specified in this part. Distances shall be measured from the live parts if they are exposed, or from the enclosure front or opening if the live parts are enclosed. However, working space is not required in back of equipment such as deadfront switchboards or control assemblies where there are no renewable or adjustable parts (such as fuses or switches) on the back and where all connections are accessible from locations other than the back. Where rear access is required to work on de-energized parts on the back of enclosed equipment, a minimum working space of 30 inches (762 mm) horizontally shall be provided.

Table I-2  
Minimum Depth of Clear Working Space in Front of electric Equipment

Nominal Voltage to Ground	Minimum Clear Distance for Conditions <sup>1</sup>		
	(a)	(b)	(c)
	Feet <sup>2</sup>	Feet <sup>2</sup>	Feet <sup>2</sup>
751 to 2,500	3	4	5
2,501 to 9,000	4	5	6
9,001 to 25,000	5	6	9
25,001 to 75kV	6	8	10
Above 75kV	8	10	12

<sup>1</sup> Conditions (a), (b), and (c) are as follows: (a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by insulating materials. Insulated wire or insulated busbars operating at not over 300 volts are not considered live parts. (b) Exposed live parts on one side and grounded parts on the other side. Walls constructed of concrete, brick, or the tile are considered to be grounded surfaces. (c) Exposed live parts on both sides of the workspace (not guarded as provided in Condition (a)) with the operator between.

<sup>2</sup> Note: For SI units: One foot=0.3048m.

(ii) **Lighting outlets and points of control.** The lighting outlets shall be so arranged that persons changing lamps or making repairs on the lighting system will not be endangered

by live parts or other equipment. The points of control shall be so located that persons are not likely to come in contact with any live part or moving part of the equipment while turning on the lights.

(iii) **Elevation of unguarded live parts.** Unguarded live parts above working space shall be maintained at elevations not less than specified in Table I-3.

Table I-3  
Elevation of Unguarded Energized Parts Above Working Space

Nominal Voltage to Between Phases	Minimum Elevation
751(±) to 7,500	8 feet 6 inches <sup>1</sup>
7,501 to 35,000	9 feet
Over 35kV	9 feet + 0.37 inches per kV above 35kV

<sup>1</sup> Note: For SI units: One inch=25.4mm, one foot=0.3048m.

(d) **Entrance and access to workspace.** At least one entrance not less than 24 inches (610 mm) wide and 6 feet 6 inches (1.98 m) high shall be provided to give access to the working space about electric equipment. On switchboard and control panels exceeding 48 inches (1.22 m) in width, there shall be one entrance at each end of such board where practicable. Where bare energized parts at any voltage or insulated energized parts above 750 volts are located adjacent to such entrance, they shall be guarded.

(12) **Welding and cutting equipment.** Welding and cutting equipment shall meet the requirements specified in Parts D and H of this chapter.

**AMENDATORY SECTION** (Amending Order 88-04, filed 5/11/88)

**WAC 296-155-449 Wiring methods, components, and equipment for general use.** (1) Wiring methods. The provisions of this subsection do not apply to conductors which form an integral part of equipment such as motors, controllers, motor control centers and like equipment.

(a) **General requirements.**

(i) **Electrical continuity of metal raceways and enclosures.** Metal raceways, cable armor, and other metal enclosures for conductors shall be metallicity joined together into a continuous electric conductor and shall be so connected to all boxes, fittings, and cabinets as to provide effective electrical continuity.

(ii) **Wiring in ducts.** No wiring systems of any type shall be installed in ducts used to transport dust, loose stock or flammable vapors. No wiring system of any type shall be installed in any duct used for vapor removal or in any shaft containing only such ducts.

(iii) **Receptacles for attachment plugs shall be approved, concealed contact type with a contact for extending ground continuity and shall be so designed and constructed that the plug may be pulled out without leaving any live parts exposed to accidental contact. All temporary outlet boxes shall be of a type suitable for use in wet or damp locations.**

(iv) **Attachment plugs or other connectors supplying equipment at more than 300 volts shall be of the skirted type or otherwise so designed that arcs will be confined.**

(b) Temporary wiring.

(i) Scope. The provisions of (b) of this subsection apply to temporary electrical power and lighting wiring methods which may be of a class less than would be required for a permanent installation. Except as specifically modified in (b) of this subsection, all other requirements of this part for permanent wiring shall apply to temporary wiring installations. Temporary wiring shall be removed immediately upon completion of construction or the purpose for which the wiring was installed.

(ii) General requirements for temporary wiring.

(A) Feeders shall originate in a distribution center. The conductors shall be run as multiconductor cord or cable assemblies or within raceways; or, where not subject to physical damage, they may be run as open conductors on insulators not more than 10 feet (3.05 m) apart.

(B) Branch circuits shall originate in a power outlet or panelboard. Conductors shall be run as multiconductor cord or cable assemblies or open conductors, or shall be run in raceways. All conductors shall be protected by overcurrent devices at their ampacity. Runs of open conductors shall be located where the conductors will not be subject to physical damage, and the conductors shall be fastened at intervals not exceeding 10 feet (3.05 m). No branch-circuit conductors shall be laid on the floor. Each branch circuit that supplies receptacles or fixed equipment shall contain a separate equipment grounding conductor if the branch circuit is run as open conductors.

(C) Receptacles shall be of the grounding type. Unless installed in a complete metallic raceway, each branch circuit shall contain a separate equipment grounding conductor, and all receptacles shall be electrically connected to the grounding conductor. Receptacles for uses other than temporary lighting shall not be installed on branch circuits which supply temporary lighting. Receptacles shall not be connected to the same ungrounded conductor of multiwire circuits which supply temporary lighting.

(D) Disconnecting switches or plug connectors shall be installed to permit the disconnection of all ungrounded conductors of each temporary circuit.

~~(E) (Temporary lights shall be protected by guards of a nonconductive or insulated material to prevent accidental contact with the bulb, except that guards are not required when the construction of the reflector is such that the bulb is deeply recessed.)~~ All lamps for general illumination shall be protected from accidental contact or breakage. Metal-case sockets shall be grounded.

(F) Temporary lights shall be equipped with hard usage (S or SJ types) electric cords with connections and insulation maintained in safe condition. "Brewery" cord (type CBO or NB) may be substituted for hard usage cord provided it is protected from physical damages. Temporary lights shall not be suspended by their electric cords unless cords and lights are designed for this means of suspension. Splices shall retain the insulation, outer sheath properties, flexibility, and usage characteristics of the cord being spliced.

When pin-type connectors or lampholders are utilized, the area of perforations caused by lampholder removal shall be restored to the insulation capabilities of the cord.

(G) Portable electric lighting used in wet and/or other conductive locations, as for example, drums, tanks, and vessels, shall be operated at 12 volts or less. However, 120-

volt lights may be used if protected by a ground-fault circuit interrupter.

(H) A box shall be used wherever a change is made to a raceway system or a cable system which is metal clad or metal sheathed.

(I) Flexible cords and cables shall be protected from damage. Sharp corners and projections shall be avoided. Flexible cords and cables may pass through doorways or other pinch points, if protection is provided to avoid damage.

(J) Extension cord sets used with portable electric tools and appliances shall be of three-wire type and shall be designed for hard or extra-hard usage. Flexible cords used with temporary and portable lights shall be designed for hard or extra-hard usage.

Note: The National Electrical Code, ANSI/NFPA 70, in Article 400, Table 400-4, lists various types of flexible cords, some of which are noted as being designed for hard or extra-hard usage. Examples of these types of flexible cords include hard service cord (types S, ST, SO, STO) and junior hard service cord (types SJ, SJO, SJT, SJTO).

(iii) Guarding. For temporary wiring over 750 volts, nominal, fencing, barriers, or other effective means shall be provided to prevent access of other than authorized and qualified personnel.

(2) Cabinets, boxes, and fittings.

(a) Conductors entering boxes, cabinets, or fittings. Conductors entering boxes, cabinets, or fittings shall be protected from abrasion, and openings through which conductors enter shall be effectively closed. Unused openings in cabinets, boxes, and fittings shall also be effectively closed.

(b) Covers and canopies. All pull boxes, junction boxes, and fittings shall be provided with covers. If metal covers are used, they shall be grounded. In energized installations each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear.

(c) Pull and junction boxes for systems over 750 volts, nominal. In addition to other requirements in this section for pull and junction boxes, the following shall apply to these boxes for systems over 750 volts, nominal:

(i) Complete enclosure. Boxes shall provide a complete enclosure for the contained conductors or cables.

(ii) Covers. Boxes shall be closed by covers securely fastened in place. Underground box covers that weigh over 100 pounds (43.6 kg) meet this requirement. Covers for boxes shall be permanently marked "HIGH VOLTAGE." The marking shall be on the outside of the box cover and shall be readily visible and legible.

(3) Knife switches. Single-throw knife switches shall be so connected that the blades are dead when the switch is in the open position. Single-throw knife switches shall be so placed that gravity will not tend to close them. Single-throw knife switches approved for use in the inverted position shall be provided with a locking device that will ensure that the blades remain in the open position when so set. Double-throw knife switches may be mounted so that the throw will be either vertical or horizontal. However, if the throw is vertical, a locking device shall be provided to ensure that the blades remain in the open position when so set.

(4) Switchboards and panelboards. Switchboards that have any exposed live parts shall be located in permanently dry locations and accessible only to qualified persons. Panelboards shall be mounted in cabinets, cutout boxes, or enclosures designed for the purpose and shall be dead front. However, panelboards other than the dead front externally-operable type are permitted where accessible only to qualified persons. Exposed blades of knife switches shall be dead when open.

(5) Enclosures for damp or wet locations.

(a) Cabinets, fittings, and boxes. Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations shall be installed so as to prevent moisture or water from entering and accumulating within the enclosures. In wet locations the enclosures shall be weatherproof.

(b) Switches and circuit breakers. Switches, circuit breakers, and switchboards installed in wet locations shall be enclosed in weatherproof enclosures.

(6) Conductors for general wiring. All conductors used for general wiring shall be insulated unless otherwise permitted in this part. The conductor insulation shall be of a type that is suitable for the voltage, operating temperature, and location of use. Insulated conductors shall be distinguishable by appropriate color or other means as being grounded conductors, ungrounded conductors, or equipment grounding conductors.

(7) Flexible cords and cables.

(a) Use of flexible cords and cables.

(i) Permitted uses. Flexible cords and cables shall be suitable for conditions of use and location. Flexible cords and cables shall be used only for:

(A) Pendants;

(B) Wiring of fixtures;

(C) Connection of portable lamps or appliances;

(D) Elevator cables;

(E) Wiring of cranes and hoists;

(F) Connection of stationary equipment to facilitate their frequent interchange;

(G) Prevention of the transmission of noise or vibration; or

(H) Appliances where the fastening means and mechanical connections are designed to permit removal for maintenance and repair.

(ii) Attachment plugs for cords. If used as permitted in (a)(i)(C), (F), or (H) of this subsection, the flexible cord shall be equipped with an attachment plug and shall be energized from a receptacle outlet.

(iii) Prohibited uses. Unless necessary for a use permitted in (a)(i) of this subsection, flexible cords and cables shall not be used:

(A) As a substitute for the fixed wiring of a structure;

(B) Where run through holes in walls, ceilings, or floors;

(C) Where run through doorways, windows, or similar openings, except as permitted in subsection (1)(b)(ii)(I) of this section;

(D) Where attached to building surfaces; or

(E) Where concealed behind building walls, ceilings, or floors.

(b) Identification, splices, and terminations.

(i) Identification. A conductor of a flexible cord or cable that is used as a grounded conductor or an equipment

grounding conductor shall be distinguishable from other conductors.

(ii) Marking. Type SJ, SJO, SJT, SJTO, S, SO, ST, and STO cords shall not be used unless durably marked on the surface with the type designation, size, and number of conductors.

(iii) Splices. Flexible cords shall be used only in continuous lengths without splice or tap. Hard service flexible cords No. 12 or larger may be repaired if spliced so that the splice retains the insulation, outer sheath properties, and usage characteristics of the cord being spliced.

(iv) Strain relief. Flexible cords shall be connected to devices and fittings so that strain relief is provided which will prevent pull from being directly transmitted to joints or terminal screws.

(v) Cords passing through holes. Flexible cords and cables shall be protected by bushings or fittings where passing through holes in covers, outlet boxes, or similar enclosures.

(vi) Trailing cables shall be protected from damage.

(vii) Cord and cable passing through work areas shall be covered or elevated to protect it from damage which would create a hazard to employees.

(8) Portable cables over 750 volts, nominal. Multiconductor portable cable for use in supplying power to portable or mobile equipment at over 750 volts, nominal, shall consist of No. 8 or larger conductors employing flexible stranding. Cables operated at over 2000 volts shall be shielded for the purpose of confining the voltage stresses to the insulation. Grounding conductors shall be provided. Connectors for these cables shall be of a locking type with provisions to prevent their opening or closing while energized. Strain relief shall be provided at connections and terminations. Portable cables shall not be operated with splices unless the splices are of the permanent molded, vulcanized, or other equivalent type. Termination enclosures shall be marked with a high voltage hazard warning, and terminations shall be accessible only to authorized and qualified personnel.

(9) Fixture wires.

(a) General. Fixture wires shall be suitable for the voltage, temperature, and location of use. A fixture wire which is used as a grounded conductor shall be identified.

(b) Uses permitted. Fixture wires may be used:

(i) For installation in lighting, fixtures and in similar equipment where enclosed or protected and not subject to bending or twisting in use; or

(ii) For connecting lighting fixtures to the branch-circuit conductors supplying the fixtures.

(c) Uses not permitted. Fixture wires shall not be used as branch-circuit conductors except as permitted for Class 1 power-limited circuits.

(10) Equipment for general use.

(a) Lighting fixtures, lampholders, lamps, and receptacles.

(i) Live parts. Fixtures, lampholders, lamps, rosettes, and receptacles shall have no live parts normally exposed to employee contact. However, rosettes and cleat-type lampholders and receptacles located at least 8 feet (2.44 m) above the floor may have exposed parts.

(ii) Support. Fixtures, lampholders, rosettes, and receptacles shall be securely supported. A fixture that weighs more than 6 pounds (2.72 kg) or exceeds 16 inches

(406 mm) in any dimension shall not be supported by the screw shell of a lampholder.

(iii) Portable lamps. Portable lamps shall be wired with flexible cord and an attachment plug of the polarized or grounding type. If the portable lamp uses an Edison-based lampholder, the grounded conductor shall be identified and attached to the screw shell and the identified blade of the attachment plug. In addition, portable handlamps shall comply with the following:

(A) Metal shell, paperlined lampholders shall not be used;

(B) Handlamps shall be equipped with a handle of molded composition or other insulating material;

(C) Handlamps shall be equipped with a substantial guard attached to the lampholder or handle;

(D) Metallic guards shall be grounded by the means of an equipment grounding conductor run within the power supply cord.

(iv) Lampholders. Lampholders of the screw-shell type shall be installed for use as lampholders only. Lampholders installed in wet or damp locations shall be of the weatherproof type.

(v) Fixtures. Fixtures installed in wet or damp locations shall be identified for the purpose and shall be installed so that water cannot enter or accumulate in wireways, lampholders, or other electrical parts.

(b) Receptacles, cord connectors, and attachment plugs (caps).

(i) Configuration. Receptacles, cord connectors, and attachment plugs shall be constructed so that no receptacle or cord connector will accept an attachment plug with a different voltage or current rating than that for which the device is intended. However, a 20-ampere T-slot receptacle or cord connector may accept a 15-ampere attachment plug of the same voltage rating. Receptacles connected to circuits having different voltages, frequencies, or types of current (AC or DC) on the same premises shall be of such design that the attachment plugs used on these circuits are not interchangeable.

(ii) Damp and wet locations. A receptacle installed in a wet or damp location shall be designed for the location.

(c) Appliances.

(i) Live parts. Appliances, other than those in which the current-carrying parts at high temperatures are necessarily exposed, shall have no live parts normally exposed to employee contact.

(ii) Disconnecting means. A means shall be provided to disconnect each appliance.

(iii) Rating. Each appliance shall be marked with its rating in volts and amperes or volts and watts.

(d) Motors. This subdivision applies to motors, motor circuits, and controllers.

(i) In sight from. If specified that one piece of equipment shall be "in sight from" another piece of equipment, one shall be visible and not more than 50 feet (15.2 m) from the other.

(ii) Disconnecting means.

(A) A disconnecting means shall be located in sight from the controller location. The controller disconnecting means for motor branch circuits over 750 volts, nominal, may be out of sight of the controller, if the controller is marked with a warning label giving the location and

identification of the disconnecting means which is to be locked in the open position.

(B) The disconnecting means shall disconnect the motor and the controller from all ungrounded supply conductors and shall be so designed that no pole can be operated independently.

(C) If a motor and the driven machinery are not in sight from the controller location, the installation shall comply with one of the following conditions:

(I) The controller disconnecting means shall be capable of being locked in the open position.

(II) A manually operable switch that will disconnect the motor from its source of supply shall be placed in sight from the motor location.

(D) The disconnecting means shall plainly indicate whether it is in the open (off) or closed (on) position.

(E) The disconnecting means shall be readily accessible. If more than one disconnect is provided for the same equipment, only one need be readily accessible.

(F) An individual disconnecting means shall be provided for each motor, but a single disconnecting means may be used for a group of motors under any one of the following conditions:

(I) If a number of motors drive special parts of a single machine or piece of apparatus, such as a metal or woodworking machine, crane, or hoist;

(II) If a group of motors is under the protection of one set of branch-circuit protective devices; or

(III) If a group of motors is in a single room in sight from the location of the disconnecting means.

(iii) Motor overload, short-circuit, and ground-fault protection. Motors, motor-control apparatus, and motor branch-circuit conductors shall be protected against overheating due to motor overloads or failure to start, and against short-circuits or ground faults. These provisions do not require overload protection that will stop a motor where a shutdown is likely to introduce additional or increased hazards, as in the case of fire pumps, or where continued operation of a motor is necessary for a safe shutdown of equipment or process and motor overload sensing devices are connected to a supervised alarm.

(iv) Protection of live parts—all voltages.

(A) Stationary motors having commutators, collectors, and brush rigging located inside of motor end brackets and not conductively connected to supply circuits operating at more than 150 volts to ground need not have such parts guarded. Exposed live parts of motors and controllers operating at 50 volts or more between terminals shall be guarded against accidental contact by any of the following:

(I) By installation in a room or enclosure that is accessible only to qualified persons;

(II) By installation on a balcony, gallery, or platform, so elevated and arranged as to exclude unqualified persons; or

(III) By elevation 8 feet (2.44 m) or more above the floor.

(B) Where live parts of motors or controllers operating at over 150 volts to ground are guarded against accidental contact only by location, and where adjustment or other attendance may be necessary during the operation of the apparatus, insulating mats or platforms shall be provided so that the attendant cannot readily touch live parts unless standing on the mats or platforms.

## (e) Transformers.

(i) Application. The following subsections cover the installation of all transformers, except:

(A) Current transformers;

(B) Dry-type transformers installed as a component part of other apparatus;

(C) Transformers which are an integral part of an x-ray, high frequency, or electrostatic-coating apparatus;

(D) Transformers used with Class 2 and Class 3 circuits, sign and outline lighting, electric discharge lighting, and power-limited fire-protective signaling circuits.

~~((E) Transformers mounted on utility poles at a height of more than 12 feet from the ground are exempt from the requirements of this subsection.))~~

(ii) Operating voltage. The operating voltage of exposed live parts of transformer installations shall be indicated by warning signs or visible markings on the equipment or structure.

(iii) Transformers over 35 kV. Dry-type, high fire point liquid-insulated, and askarel-insulated transformers installed indoors and rated over 35 kV shall be in a vault.

(iv) Oil-insulated transformers. If they present a fire hazard to employees, oil-insulated transformers installed indoors shall be in a vault.

(v) Fire protection. Combustible material, combustible buildings and parts of buildings, fire escapes, and door and window openings shall be safeguarded from fires which may originate in oil-insulated transformers attached to or adjacent to a building or combustible material.

(vi) Transformer vaults. Transformer vaults shall be constructed so as to contain fire and combustible liquids within the vault and to prevent unauthorized access. Locks and latches shall be so arranged that a vault door can be readily opened from the inside.

(vii) Pipes and ducts. Any pipe or duct system foreign to the vault installation shall not enter or pass through a transformer vault.

(viii) Material storage. Materials shall not be stored in transformer vaults.

## (f) Capacitors.

(i) Drainage of stored charge. All capacitors, except surge capacitors or capacitors included as a component part of other apparatus, shall be provided with an automatic means of draining the stored charge and maintaining the discharged state after the capacitor is disconnected from its source of supply.

(ii) Over 750 volts. Capacitors rated over 750 volts, nominal, shall comply with the following additional requirements:

(A) Isolating or disconnecting switches (with no interrupting rating) shall be interlocked with the load interrupting device or shall be provided with prominently displayed caution signs to prevent switching load current.

(B) For series capacitors the proper switching shall be assured by use of at least one of the following:

(I) Mechanically sequenced isolating and bypass switches;

(II) Interlocks; or

(III) Switching procedure prominently displayed at the switching location.

**WSR 92-18-099**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**

[Order 92-13—Filed September 2, 1992, 11:21 a.m.]

## Original Notice.

Title of Rule: Chapter 296-306 WAC, Safety standards for agriculture.

Purpose: Chapter 296-306 WAC, Safety standards for agriculture, proposed state-initiated amendments and new sections to the agriculture standards are made to include legislative amendments issued by 1992 SHB 2831, effective April 1, 1992, and other recommendations and requests from representative farmworker advocates where adequate justification indicated additional farmworker protection and hygiene practices were required.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Statute Being Implemented: RCW 49.17.040, [49.17].050, and [49.17].060.

Summary: Proposed amendments to WAC 296-306-010 Purpose and scope, are made to be more precise in the interpretation and presentation of applicable industries and activities within the major standard agricultural industries classification groups, and subsection (4), which exempts air contaminant standards of the general occupational health standards, is deleted; proposed amendment to WAC 296-306-012 Definitions, is made to add a new term describing how "handling pesticides" will be interpreted and applied; proposed amendments to WAC 296-306-035 Accident prevention program, are made to reflect requirements in the general safety and health standards which are comparable to similar requirements in construction and general industry. The amendments will allow all employees the capability of representing the employee group whereas temporary and seasonal employees were previously excluded; proposed amendments to WAC 296-306-060 Personal protective equipment, are made to include language similar to new EPA regulations on protective equipment requirements for persons handling pesticides. It also provides more detailed descriptions of the requirements the equipment must meet. Language on the use of enclosed cabs, closed missing [mixing] and loading systems, and laundering of personal protective equipment is also similar to new EPA regulations; proposed new sections WAC 296-306-061, 296-306-062, 296-306-063, 296-306-064, 296-306-067, and 296-306-068 are to include applicable material from chapter 296-24 WAC. The specific sections included are Machine guarding, WAC 296-306-06101 through 296-306-06119; Definitions, WAC 296-306-062; General requirements (machine guarding), WAC 296-306-063; General requirements (power transmission belts), WAC 296-306-064 and 296-306-06401 through 296-306-06417; Power lawn mowers, WAC 296-306-06701 through 296-306-06709; Jacks, WAC 296-306-06801 through 296-306-06805. These sections were selected for inclusion as a result of statistical review which indicated areas where farmsteads had been previously cited in violation. The standards are included in chapter 296-306 WAC to make the requirements more visible to affected



employers and employees; proposed amendment to WAC 296-306-070 is to delete the text of this section. Farm shops, where workers may be exposed, are not exempt from the safety requirements of the standard. Therefore, the exemption currently stated is no longer pertinent. New sections for shop machinery replace this exemption; proposed new sections WAC 296-306-081, 296-306-082, 296-306-083, and 296-306-084, concerning portable power tools and abrasive grinders are added for the same logic. Specific sections included are WAC 296-306-08101 through 296-306-08105, WAC 296-306-08301 through 296-306-08307, and WAC 296-306-08401 through 296-306-08409. These sections were selected for inclusion as a result of statistical review which indicated areas where farmsteads had been previously cited in violation. The standards are included in chapter 296-306 WAC to make the requirements more visible to affected employers and employees; proposed amendments to WAC 296-306-105 Orchard ladders, are made to provide additional ladder safety for farm workers. These requirements are similar to ladder requirements in general industry; proposed amendment to WAC 296-306-115 is made to include new requirements of trenching and excavations adopted to be at-least-as-effective-as the federal rule to chapter 296-155 WAC, Safety standards for construction work. This change will make agricultural requirements equal to those required industry-wide within the state; proposed new sections WAC 296-306-14501 General requirements, 296-306-14503 Wiring design and protection, 296-306-14505 Wiring methods, components, and equipment for general use, 296-306-14507 Hazardous (classified) locations, and 296-306-14509 Working on or near exposed energized parts, (electrical protection), are added to make applicable sections of the general safety and health standard available to users in the agriculture industries. Documented citations indicate that these sections are encountered at agriculture establishments and, therefore, they are included for user convenience; proposed new sections WAC 296-306-146 Definitions applicable to WAC 296-306-145 through 296-306-148, 296-306-147 Selection and use of work practices, and 296-306-148 Personal protective equipment for electrical applications are also added from the general safety standards; proposed amendments to WAC 296-306-165 General requirements for all agricultural equipment, are made to include requirement for written program and employee training for equipment/area operation; proposed amendments to WAC 296-306-26001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors, 296-306-265 Protective frame (ROPS) test procedures and performance requirements for wheeltypes agricultural and industrial tractors used in agriculture, and 296-306-270 Overhead protection for operators of agricultural and industrial tractors are made to eliminate duplication of descriptive illustration references, thereby making the standard easier to interpret and apply; proposed amendments to WAC 296-306-27095 Exhibit B, Figures C-17 through C-34, are made to eliminate duplicate illustrations, thereby making the standard easier to interpret and apply; proposed new section WAC 296-306-330 Emergency washing facilities for pesticide handlers, was developed to implement requirements researched by Environmental Protection Agency (EPA). This rule will provide needed protection for

employees in affected workplaces. It requires certain emergency wash facilities and employee training on hygiene; proposed amendment to WAC 296-306-400 Posting requirements, adds a requirement for employee notification and evacuation of areas of pesticide application, and deletes a "7-day" posting time limitation to comply with and include legislative mandated changes in 1992 SHB 2831, effective April 19, 1992; proposed amendments to WAC 296-306-40003 General requirements (pesticide application) are made to comply with, and include, legislative mandated changes of SHB 2831, effective April 19, 1992; proposed new section WAC 296-306-40007 Emergency medical care information, is added to make information readily available to employees; proposed new section WAC 296-306-40009 Emergency assistance, adds required protection for employees of agricultural establishments when accidentally exposed, poisoned, or injured by pesticides; and proposed new section WAC 296-306-40011 Cholinesterase monitoring for employees mixing, loading, or applying pesticides, and/or early reentering of treated areas, is added as a nonmandatory reference to methods of medical monitoring for these employees.

**Reasons Supporting Proposal:** To provide a safe and healthful workplace for all Washington agriculture employees.

**Name of Agency Personnel Responsible for Drafting:** Ray V. Wax, 7273 Linderson Way, Tumwater, WA, (206) 956-5526; **Implementation and Enforcement:** J. N. Kirchoff, 7273 Linderson Way, Tumwater, WA, (206) 956-5495.

**Name of Proponent:** Department of Labor and Industries, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** Purpose, Summary, Reasons Supporting Proposal, and Small Business Economic Impact Statement.

**Proposal Changes the Following Existing Rules:** Purpose, Summary, Reasons Supporting Proposal, and Small Business Economic Impact Statement.

**Small Business Economic Impact Statement:** Proposed amendments and new sections to chapter 296-306 WAC, Safety standards for agriculture.

#### Background

The Department of Labor and Industries is proposing changes to the safety standards for agriculture, chapter 296-306 WAC.

The department had extensive involvement of both growers and farmworkers and their advocates in the process of developing these final proposed amendments. Five informal monthly meetings were held separately with grower and farmworker representatives and advocates starting in October 1991 to discuss drafts and redrafts of the proposed rule changes, and to solicit suggestions for changes. Eight "informal" public hearings were held around the state in June 1992 to receive additional public comment on a draft of proposed amendments. Finally a joint meeting with both grower and farmworker advocates was held in July 1992 to further discuss the proposed amendments and input from the informal public hearings. As a result of these meetings and public hearings significant changes were made in this final

proposed amendment that mitigate costs of emergency and routine washing facilities for employees handling pesticides.

### Summary of Amendments

The following are new requirements that agricultural employers will have to follow to comply with these proposed changes for which there may be significant costs: Prepare a written accident prevention program and minutes of weekly foreman-crew safety meetings; provide goggles and gloves to employees who mix or load any pesticide or work on pesticide-contaminated equipment; wash or launder any pesticide label-specified personal protective clothing or gear worn by employees mixing, loading or applying pesticides; provide clean change areas and places where personal clothing can be stored when changing into label-specified personal protective equipment such as protective clothing, boots, gloves, goggles, or respirators; change respirator cartridges daily or after 8 hours of use when respirators must be worn as specified on pesticide labels; provide orientation and training for employees using orchard ladders or operating tractors; provide emergency washing facilities for employees who mix, load or apply pesticides. (This was partially covered in existing standards, WAC 296-62-130 Emergency washing facilities in the general occupational health standards, which require emergency showers and eyewash.); and conduct air monitoring, and provide respirators or install engineering controls when employees are exposed to nonpesticide chemicals above the permissible exposure limits (PELs) of those chemicals. "Nonpesticide chemicals" are defined as chemicals that are not insecticides, herbicides, fungicides, rodenticides, or fumigants.

Although there is new language on safety requirements for machine guarding, electrical safety, they are primarily clarifications of requirements in existing less specific regulatory language or were previously enforced through the "safe place standard," WAC 296-24-073. In addition new language regarding personal protective equipment clarifies existing less specific requirements in the agriculture standard and makes specific reference to pesticide label requirements currently mandated by the United States Environmental Protection Agency for the use of personal protective equipment. There is also additional language on pesticide posting and recordkeeping which was mandated by the legislature which changed existing posting and recordkeeping requirements, and mitigated costs of pesticide storage recordkeeping.

### Professional Services Possibly Needed

In order to comply with these new requirements, the agricultural employer may require the following professional services: Commercial laundry services to launder personal protective clothing; industrial hygiene consulting services for determining possible overexposures to nonpesticide chemicals and methods or equipment to lower employee exposure. However, the department does provide industrial hygiene consultation services at no charge, to assist agricultural employers in this area; and professional consulting services to prepare accident prevention programs, ladder and tractor safety training programs and respirator protection programs. However, the department again has free consultation and training services available to employers through both the department's safety and health and

industrial insurance divisions. In addition, grower trade organizations have already prepared some of these programs for grower-members.

### Costs of Compliance

Personal protective equipment costs: Gloves - \$2 to \$35 per pair per pesticide mixing/loading employee; goggles - \$3 to \$10 each per pesticide mixing/loading employee; dust mask respirators - \$1 to \$2 each per employee required to wear a respirator; half-face respirators - \$20 to \$25 each per employee required to wear a respirator; full-face respirators - \$100 to \$175 each per employee required to wear a respirator; half-mask pesticide cartridges - \$10 each per 8 hours of use; and helmet respirator pesticide filters - \$20 to \$35 each per 8 hours of use. Personal protective equipment replacement costs will depend on frequency of use and type of equipment.

Protective clothing cleaning costs: Commercial laundry services - \$2 per piece; washing machine - \$250 to \$900 (new) or \$100 to \$400 (used); and dryer - \$220 to \$700 (new) or \$100 to \$300 (used). Larger employers may need to purchase more than one washer and dryer.

Emergency washing facilities costs: Portable eyewash - \$200 to \$225 per nonplumbed mixing and loading station; plumbed eyewash - \$200 to \$250 per plumbed mixing and loading station; and hand bottle eyewash - \$5 per pesticide handling employee.

Other costs: There will be additional "administrative" costs to prepare written accident prevention programs, safety meeting minutes and respirator programs, and to provide orientation and training on the safe use of orchard ladders and tractors. Some employers who have employees exposed to nonpesticide chemicals above the permissible exposure limits (PELs), may have to conduct air monitoring and purchase additional respirators or install engineering controls. These costs are difficult to predict as it would depend on the particular circumstances of exposure. However farm employee overexposure to nonpesticide chemicals is expected to be a rare occurrence because other chemicals are infrequently used and much farm work is outdoors where ventilation is usually adequate.

### Comparison of Cost - Small versus Large Employers

Personal protective equipment (PPE): The cost for personal protective equipment per employee would be the same for the small employer compared to the large employer since individual employees wear the equipment. Larger agricultural employers would be expected to have more employees who would be required to wear PPE. The extra costs for PPE required by these amendments is only for gloves and goggles to always be worn by pesticide mixer and loaders, replacing respirator cartridges after 8 hours of use by pesticide handlers and extra respirators which may be required for employees exposed to nonpesticide chemicals above the permissible exposure limits. All other PPE use is currently required by existing regulations and by pesticide labels.

Protective clothing cleaning costs: Costs for cleaning protective clothing would be proportionally more for the small employer. The cost of a washing machine and dryer would be the same whether one employee or ten employees clothing was washed. Commercial laundry services may not

be feasible for many small employers in rural locations. However, for those employers who could use commercial laundry services, the cost should be proportionate for small employers compared to large employers.

Emergency washing facilities: Costs for portable or plumbed eyewashes would be somewhat more per employee for small employers compared to larger employers since one eyewash is required at every pesticide mixing and loading station. A small employer with several mixing and loading stations and only a small number of mixing/loading employees would incur higher costs per employee than a larger employer with only one or two mixing and loading stations and several mixer/loader employees.

Administrative costs: The costs for preparing written accident prevention programs, respirator programs and training and orientation on ladder and tractor safety will be proportionally more per employee for small employers. These programs will have to be prepared regardless of the number of employees an employer may have. However, as mentioned above, both the department and agriculture trade organizations can and have provided assistance in this area. It would cost significantly more per employee, per hour of labor or per \$100 of sales for a small employer to contract private industrial hygiene consultants to conduct air monitoring and provide advice on respirators and engineering controls. However as stated previously, the department does offer free I.H. consultation services which is available to the small employer in the rare cases where these services would be needed on a small farm to conduct air monitoring. In addition, the current exemption from the permissible exposure limits is only in agriculture. It should be noted that nonagriculture small employers have had to comply with these PELs for over twenty years.

Mitigation of Disproportionate Costs to Small Employers

Some costs to small agricultural employers were reduced in the redrafting process in response to small employers concerns. For example, an earlier proposed amendment required emergency showers at each pesticide mixing and loading site, that met ANSI standards which included specifications for construction and large volumes of running water. Testimony in public hearings revealed that the cost of providing the equipment and water would be quite expensive with smaller employers having to spend proportionally more money per employee needing these facilities. Therefore, the strict ANSI requirements for equipment and volumes of water were modified. In addition, a requirement in the previous draft for routine showers for persons handling pesticides was removed completely. Again, a small employer would have spent proportionally more per employee for routine shower facilities than a larger employer.

A written accident prevention program provides the basic structure for a safe workplace and has been required for all nonagriculture employers since the Washington Industrial Safety and Health Act was enacted twenty years ago. Similarly, the permissible exposure limit regulations have been in place for all nonagriculture employers for the past twenty years. These requirements which are currently exempted only in agriculture are too essential to the safety and health of agricultural workers to mitigate. They have

proven to be extremely useful in reducing injuries and illnesses in all other industries.

Mitigation of other requirements would jeopardize the health of employees working for small employers. Laundering of protective clothing must be done to protect the health of the wearer by removing pesticides which can be absorbed through the skin from the clothing. Change and clean storage areas for employees to change into protective clothing and segregate personal clothing is needed to prevent contamination of personal clothing which is worn home. Some form of eyewash for employees mixing and loading pesticides is needed in the case of spills or splashes to the eyes. The department has not been informed of alternatives to these requirements that would be as protective to the employee of a small agricultural employer.

Finally the costs to small employers to develop written accident prevention programs and training programs for use of ladder, tractors, and respirators would be significantly reduced because consulting services are provided by the department at no charge as a service particularly for the small employer.

Hearing Location: The public hearings will commence at 9:30 a.m. at the following locations: On October 7, 1992, Red Lion/Hanford House, 802 George Washington Way, Richland, WA 99352, (509) 946-7611; on October 8, 1992, Red Lion, I-90 and Sullivan Road, Spokane, Washington 99037, (509) 924-9000; on October 13, 1992, Cedars Inn, 1 Appleway, Okanogan, WA 98840, (509) 422-6431; on October 14, 1992, Eagles Lodge, 1510 9th, Wenatchee, WA, (509) 662-6700; on October 15, 1992, Red Lion Inn, 1507 North 1st Street, Yakima, WA, (509) 248-7850; on October 19, 1992, Department of Labor and Industries, 7273 Linderson Way, Tumwater, WA 98501, 1-800-423-7233; and on October 26, 1992, Elks Lodge, 211 Riverside Drive, Mt. Vernon, WA 98273, (206) 424-1051.

Submit Written Comments to: J. N. Kirchoff, Assistant Director, P.O. Box 44600, Olympia, WA 98504-4600, by October 26, 1992, 5:00 p.m.

Date of Intended Adoption: December 2, 1992.

September 2, 1992

Joseph A. Dear  
Director

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

**WAC 296-306-010 Purpose and scope.** (1) The standards in this chapter apply to all agricultural operations with one or more employees, when such employees are covered by the Washington Industrial Safety and Health Act (WISHA).

(2) In the event that the provisions of this chapter conflict with the provisions contained in any other chapter of Title 296 WAC, this chapter shall prevail. Sections of other chapters 296-24 WAC apply only when specifically referenced in this chapter.

(3) When employees are assigned to perform tasks other than those directly related to agricultural operations, the proper chapter of Title 296 WAC shall apply.

(4) ~~((The air contaminant standards contained in WAC 296-62-073 through 296-62-07389 and 296-62-075 do not~~

~~apply to chapter 296-306 WAC, Safety standards for agricultural code.~~

(5)) The requirement that the employer shall develop and maintain a hazard communication program as required by WAC 296-62-054 through 296-62-05427 which will provide information to all employees relative to hazardous chemicals or substances to which they are exposed or may become exposed in the course of their employment, shall apply to chapter 296-306 WAC.

Note: Such assignments may involve logging, mining, sawmills, etc., when the products of such activities are removed from the farm site for commercial distribution.

**AMENDATORY SECTION** (Amending Order 86-46, filed 4/22/87)

**WAC 296-306-012 Definitions applicable to all sections of this chapter.**

Note: Meaning of words. Unless the context indicates otherwise, words used in this chapter shall have the meaning given in this section.

(1) "Approved" means approved by the director of the department of labor and industries or his authorized representative: *Provided, however,* That should a provision of this chapter state that approval by an agency or organization other than the department of labor and industries is required, such as Underwriters' Laboratories or the Bureau of Mines, the provisions of WAC 296-24-006 shall apply.

(2) "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.

(3) "Competent person" means one who is capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous, or dangerous to employees, and who has authorization to take prompt corrective action to eliminate them.

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

(5) "Director" means the director of the department of labor and industries, or designated representative.

(6) "Employer" means any person, firm, corporation, partnership, business trust, legal representative, or other business entity which engages in any business, industry, profession, or activity in this state and employs one or more employees or who contracts with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations: *Provided,* That any person, partnership, or business entity not having employees, and who is covered by the industrial insurance act shall be considered both an employer and an employee.

(7) "Handling pesticides" means mixing, loading, or applying pesticide products, or maintaining, servicing or cleaning pesticide-contaminated equipment, or entering fields or treated areas before re-entry intervals are expired.

(8) "Hazard" means that condition, potential or inherent, which can cause injury, death, or occupational disease.

~~((8))~~ (9) "Safety factor" means the ratio of the ultimate breaking strength of a member or piece of material or

equipment to the actual working stress or safe load when in use.

~~((9))~~ (10) "Shall" or "must" means mandatory.

~~((10))~~ (11) "Should" or "may" means recommended.

~~((11))~~ (12) "Standard safeguard" means a device designed and constructed with the object of removing the hazard of accident incidental to the machine, appliance, tool, building, or equipment to which it is attached.

Standard safeguards shall be constructed of either metal or wood or other suitable material or a combination of these. The final determination of the sufficiency of any safeguard rests with the director of the department of labor and industries through the division of safety.

~~((12))~~ (13) "Suitable" means that which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

~~((13))~~ (14) "Working day," for the purpose of appeals and accident reporting, means a calendar day, except Saturdays, Sundays, and legal holidays, as set forth in RCW 1.16.050, as now or hereafter amended, and for the purposes of the computation of time within which an act is to be done under the provisions of this chapter, shall be computed by excluding the first working day and including the last working day.

~~((14))~~ (15) "Workmen," "personnel," "man," "person," "employee," and other terms of like meaning, unless the context of the provision containing such term indicates otherwise, mean an employee of an employer who is employed in the business of his employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his personal labor for an employer whether by manual labor or otherwise.

**AMENDATORY SECTION** (Amending Order 75-2, filed 1/24/75)

**WAC 296-306-035 Accident prevention program.**

(1) The agricultural employer shall instruct all employees in safe working practices. Such instruction shall be tailored to the types of hazards to which the employees will be exposed.

(2) The agricultural employer or a delegated representative shall schedule and take part in monthly safety meetings with year-round employee(s), or ~~((representatives they may select))~~ employees selected by their peers.

(3) The employer shall conduct weekly inspections of active job sites, materials, equipment and operating procedures. Findings from such inspections shall be discussed at safety meetings.

Note: Employers should consider the advantage of having an employee representative participate in such inspections.

(4) A record of safety meetings and inspections shall be kept by the employer. This record shall be made available to personnel of the department of labor and industries upon request.

(5) Agricultural employers shall give appropriate safety instruction to seasonal employees and temporary crews at the beginning of employment.

(6) The following are the minimal program elements for all employers:

(a) A safety orientation program describing the employer's safety program and including:

(i) How and when to report injuries, including instruction as to the location of first-aid facilities.

(ii) How to report unsafe conditions and practices.

(iii) The use and care of required personal protective equipment.

(iv) What to do in emergencies.

(v) An on-the-job review of the practices necessary to perform the initial job assignments in a safe manner.

(b) A designated safety and health committee consisting of management and employee representatives with the employee representatives being elected or appointed by fellow employees from among their peers.

(7) The accident-prevention program shall be outlined in written format.

**AMENDATORY SECTION** (Amending Order 83-34, filed 11/30/83)

**WAC 296-306-060 Personal protective equipment.**

(1) Employers shall make certain that employees are protected from injury or impairment of any bodily function that might occur through absorption, inhalation or physical contact of any substance, vapor, radiation or mechanical irritant. Adequate protective equipment for eyes, face, head and extremities, protective clothing, respiratory devices, shields and barriers shall be provided and used wherever appropriate. Such equipment shall be maintained in sanitary and reliable condition.

(2) If employees provide their own protective equipment, the employer shall require that such equipment be adequate, and properly maintained and sanitary.

(3) Every item of personal protective equipment shall be designed and constructed in such a way that it will be safe to use for the work being done, and reasonably comfortable to wear.

(4) Eye protectors shall be required wherever workers are exposed to flying objects, welding or cutting glare, injurious liquids, injurious radiation or any combination of these. Eye protectors shall meet the criteria of the American National Standard for Occupational and Educational Eye and Face Protection.

(a) The employer shall provide and require employees to wear eye protection and gloves whenever opening or pouring out pesticide containers, mixing, loading, or transferring pesticides or pesticide solutions, or washing or cleaning pesticide containers or tanks containing pesticides or applying pesticides with hand-held equipment, or adjusting, cleaning, or repairing pesticide application equipment containing pesticides.

(b) Eye protection and gloves as required above shall be initially provided at no cost to the employee, including replacement due to normal wear and tear thereafter.

(c) Unless otherwise stated by the pesticide label, eye protection shall be either goggles or splash face shields.

(d) Unless otherwise stated by the pesticide label, gloves shall be made of chemical resistant material as defined in this section, such as neoprene, nitrile rubber, or PVC. Leather, cotton, or other absorbent-type gloves shall not be worn.

(e) When gloves must be used as required in this section, employees shall be provided with clean gloves at the beginning of the work shift and at any time during the shift if the gloves become contaminated. Clean gloves are unused gloves or previously used gloves that have been washed with soap and water, inside and outside.

(5) The respiratory protection requirements of the general occupational health standards, chapter 296-62 WAC, shall apply when respiratory protection is required by the pesticide label or when a permissible exposure limit of chemicals listed in the air contaminant standards of chapter 296-62 WAC are exceeded, or when respiratory protection is used to protect employees in oxygen-deficient atmospheres, or when respirators are used for emergency or rescue use.

(6) Pesticide personal protective equipment requirements.

(a) Any person who handles pesticide shall use the clothing and personal protective equipment specified on the labeling for use of the product.

(b) Personal protective equipment (PPE) for pesticide use means devices and apparel that are required by pesticide labeling to be worn to protect the body from contact with pesticides or pesticide residues, including, but not limited to, coveralls, long-sleeved shirts, pants and socks, chemical-resistant suits, chemical-resistant gloves, chemical-resistant footwear, respiratory protection devices, chemical-resistant aprons, chemical-resistant headgear, and protective eyewear.

(c) Provision. When personal protective equipment is specified by the labeling of any pesticide for any handling activity, the employer shall provide the appropriate personal protective equipment in clean and operating condition at no cost to the employee, including replacement due to normal wear and tear. Normal work clothing, including long-sleeved shirts, long-legged pants, and socks, do not need to be provided by employers.

(i) When "chemical-resistant" apparel is specified on the product labeling, it shall be made of material that allows no measurable movement of the pesticide being used through the material during use.

(ii) When "waterproof gloves" are specified on the product labeling, they shall be made of material that allows no measurable movement of water or aqueous solutions through the material during use.

(iii) When a "chemical-resistant suit" is required by the product labeling, it shall be a loose-fitting, one- or two-piece chemical-resistant garment that covers, at a minimum, the entire body except head, hands, and feet.

(iv) When "coveralls" are specified on the product labeling, they shall be a loose-fitting, one- or two-piece garment, such as a cotton and polyester coveralls that cover, at a minimum, the entire body except head, hands, and feet. The product labeling may specify that coveralls be worn over another layer of clothing.

(v) Gloves shall be of the type specified by the product labeling. Gloves or glove linings made of leather, cotton, or other absorbent material may not be worn for the handling

activities unless they are listed on the product labeling as acceptable for such use.

(vi) When "chemical-resistant footwear" is specified by the product labeling, one of the following types of footwear must be worn:

(A) Chemical-resistant shoes.

(B) Chemical-resistant boots.

(C) Chemical-resistant shoe coverings worn over shoes or boots.

(vii) When "protective eyewear" is specified by the product labeling, one of the following types of eyewear must be worn:

(A) Goggles.

(B) Face shield.

(C) Safety glasses with front, brow, and temple protection.

(viii) When a "chemical-resistant apron" is specified by the product labeling, an apron that covers the front of the body from mid-chest to the knees shall be worn.

(ix) When a respirator is specified by the product labeling, it shall be appropriate for the pesticide product used and for the activity to be performed. The employer shall assure that the respirator fits correctly by using procedures consistent with WAC 296-62-071. If the label does not specify the type of respirator to be used, it shall meet the requirements of WAC 296-62-071.

(x) When "chemical-resistant headgear" is required, it shall be either a chemical-resistant hood or a chemical-resistant hat with a wide brim.

(d) Exceptions to personal protective equipment specified on product labeling.

(i) Body protection.

(A) A chemical-resistant suit may be substituted for "coveralls," and any requirement for an additional layer of clothing beneath is waived.

(B) A chemical-resistant suit may be substituted for "coveralls" and a chemical-resistant apron.

(ii) Boots. If chemical-resistant footwear with sufficient durability and a tread appropriate for wear in rough terrain is not obtainable, then leather boots may be worn in such terrain.

(iii) Gloves. If chemical-resistant gloves with sufficient durability and suppleness are not obtainable, then during handling activities with roses and other plants with sharp thorns, leather gloves may be worn over chemical-resistant glove liners. However, once leather gloves are worn for protection from pesticide exposure, thereafter they only shall be worn with chemical-resistant liners and must be clearly marked with that distinction.

(iv) Closed systems. If handling tasks are performed using properly functioning systems designed by the manufacturer to enclose the pesticide to prevent it from contacting handlers or other persons and such systems are used and are maintained in accordance with that manufacturer's written operating instructions, exceptions to labeling-specified personal protective equipment for the handling activity are permitted as provided in (d)(iv)(A) and (B) of this subsection.

(A) Persons using a closed system to mix or load pesticides with a signal word of DANGER or WARNING may substitute a long-sleeved shirt, long-legged pants, shoes, socks, chemical-resistant apron, and any protective gloves

specified on the labeling for handlers for the labeling-specified personal protective equipment.

(B) Persons using a closed system to mix or load pesticides other than those in (d)(iv)(A) of this subsection or to perform other handling tasks may substitute a long-sleeved shirt, long-legged pants, shoes, and socks for the labeling-specified personal protective equipment.

(C) Persons using a closed system that operates under pressure shall wear protective eyewear.

(D) Persons using a closed system shall have all personal protective equipment specified on the pesticide label immediately available for use in an emergency.

(v) Enclosed cabs. If handling tasks are performed from inside a cab that has a nonporous barrier which totally surrounds the occupants of the cab and prevents contact with pesticides outside the cab, exceptions to personal protective equipment specified on the product labeling for that handling activity are permitted as provided in (d)(v)(A) through (C) of this section.

(A) Persons occupying an enclosed cab may substitute a long-sleeved shirt, long-legged pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device is specified on the pesticide product labeling for the handling activity, it must be worn.

(B) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by a governmental agency to provide respiratory protection equivalent to or greater than a dust/mist filtering respirator may substitute a long-sleeved shirt, long-legged pants, shoes, and socks for the labeling-specified personal protective equipment. If a respiratory protection device other than a dust/mist filtering respirator is specified on the pesticide product labeling, it must be worn.

(C) Persons occupying an enclosed cab that has a properly functioning ventilation system which is used and maintained in accordance with the manufacturer's written operating instructions and which is declared in writing by the manufacturer and by a governmental agency to provide respiratory protection equivalent to or greater than the vapor- or gas-removing respirator specified on the pesticide product labeling may substitute a long-sleeved shirt, long-legged pants, shoes, and socks for the labeling-specified personal protective equipment. If an air-supplying respirator or a self-contained breathing apparatus (SCBA) is specified on the pesticide product labeling, it must be worn.

(D) Persons occupying an enclosed cab shall have all labeling-specified personal protective equipment immediately available inside the cab and shall wear such personal protective equipment if it is necessary to exit the cab and contact pesticide-treated surfaces in the treated area. Once personal protective equipment is worn in the treated area, it may not be worn into or taken into the cab. It must be removed before reentering the cab and must be stored outside the cab or be taken into the cab only in a closed chemical-resistant container. Occupants of an enclosed cab may exit and reenter the cab for the purposes of limited repairs or adjustments to the equipment after spraying is stopped and the vehicle is moved at least 20 feet outside the treated area.

(vi) Aerial applications.



(A) Use of gloves. Chemical-resistant gloves shall be worn when entering or leaving an aircraft contaminated by pesticide residues. In the cockpit, the gloves shall be kept in an enclosed container to prevent contamination of the inside of the cockpit.

(B) Open cockpits. Persons occupying an open cockpit shall use the personal protective equipment specified in the product labeling for use during application, except that chemical-resistant footwear need not be worn. A helmet may be substituted for a chemical-resistant hat or hood. A visor may be substituted for protective eyewear.

(C) Enclosed cockpit. Persons occupying an enclosed cockpit may substitute a long-sleeved shirt, long-legged pants, shoes, and socks for labeling-specified personal protective equipment.

(e) Use of personal protective equipment.

(i) The employer shall assure that personal protective equipment is used correctly for its intended purpose and is used according to the manufacturer's instructions.

(ii) The employer shall assure that, before each use, all personal protective equipment is inspected for leaks, holes, tears, or worn places, and any damaged equipment is repaired or discarded.

(f) Cleaning and maintenance of personal protective equipment.

(i) The employer shall assure that all label-specified personal protective equipment, including long-sleeved shirts, long-legged pants and socks, is cleaned according to the manufacturer's instructions or pesticide product labeling instructions before it is reused. In the absence of any such instructions, it shall be washed thoroughly in detergent and hot water.

(ii) If any personal protective equipment cannot be cleaned properly, the employer shall dispose of the personal protective equipment in accordance with any applicable federal, state, and local regulations. Coveralls or other absorbent materials that have been drenched or heavily contaminated with an undiluted pesticide that has the signal word DANGER or WARNING on the label shall not be reused.

(iii) The employer shall assure that contaminated personal protective equipment is kept separately and washed separately from any other clothing or laundry.

(iv) The employer shall assure that all clean personal protective equipment shall be dried thoroughly before being stored or put in a well-ventilated place to dry.

(v) The employer shall assure that all personal protective equipment is stored separately from personal clothing and apart from pesticide-contaminated areas.

(vi) The employer shall assure that when dust/mist filtering respirators are used, the filters shall be replaced:

(A) When breathing resistance becomes excessive.

(B) When the filter element has physical damage or tears.

(C) According to manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(D) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(vii) The employer shall assure that when gas- and vapor-removing respirators are used the gas- or vapor-removing canisters or cartridges shall be replaced:

(A) At the first indication of odor, taste, or irritation.

(B) According to the manufacturer's recommendations or pesticide product labeling, whichever is more frequent.

(C) In the absence of any other instructions or indications of service life, at the end of each day's work period.

(viii) The employer shall inform any person who was not the wearer and who cleans or launders personal protective equipment:

(A) That such equipment may be contaminated with pesticides.

(B) Of the potentially harmful effects of exposure to pesticides.

(C) Of the correct way(s) to handle and clean personal protective equipment and to protect themselves when handling equipment contaminated with pesticides.

(ix) The employer shall assure that handlers have clean place(s) away from pesticide-storage and pesticide-use areas, and adjacent to showers required by WAC 296-306-340, where they may:

(A) Store personal clothing not in use.

(B) Put on label-specified personal protective equipment at the start of any exposure period.

(C) Remove label-specified personal protective equipment at the end of any exposure period.

(x) The employer shall not allow or direct any handler to wear home or to take home label-specified personal protective equipment, including long-sleeved shirts, long-legged pants or socks contaminated with pesticides.

(h) Heat-related illness. When the use of personal protective equipment is specified by the labeling of any pesticide for the handling activity, the employer shall assure that no handler is allowed or directed to perform the handling activity unless the appropriate measures are implemented if necessary to prevent heat-related illness.

~~((6))~~ (7) Employers shall instruct each employee in the proper use of any item of personal protective equipment used. Such instruction shall include, but not be limited to, any special limitations or precautions indicated by the manufacturer.

~~((7) At least five gallons of water shall be supplied for emergency while using pesticides or herbicides.))~~

**NEW SECTION**

**WAC 296-306-061 Machinery and machine guarding.** Farm shops shall be exempt from these standards when the following conditions are met:

(1) When the shop equipment is used solely by the owner or others not covered by WISHA.

(2) When employees are not permitted in the shop while shop equipment is being operated.

**NEW SECTION**

**WAC 296-306-06101 Anchoring fixed machinery.** Machines designed for a fixed location shall be securely anchored to prevent walking or moving. However, machines using rubber feet or other nonskid (high coefficient of friction) foot pads or similar vibration dampening materials (in lieu of anchoring fixed machinery to prevent walking) shall be acceptable provided the machines do not present a tipping or falling-over or walking hazard.



NEW SECTION**WAC 296-306-06103 Means to prevent slipping.**

Operators of dangerous machinery, shall be safeguarded against slipping on smooth, oily or otherwise slippery floor, where they are required to stand while at the point of operation of such dangerous machinery, by covering such portion of the floor with a rubber mat, cork, nonslip composition flooring, or some other effective means of preventing slipping.

NEW SECTION

**WAC 296-306-06105 Stopping machines during repair.** All power-driven machinery shall be stopped and brought to a complete standstill before any repairs or adjustments are made or pieces of material or refuse removed, except where motion is necessary to make adjustment.

NEW SECTION

**WAC 296-306-06107 Machine controls and equipment.** (1) A mechanical or electrical power control shall be provided on each machine to make it possible for the operator to cut off the power from each machine without leaving his position at the point of operation.

(2) On machines driven by belts and shafting, a locking-type belt shifter or an equivalent positive device shall be used.

(3) On applications where injury to the operator might result if motors were to restart after power failures, provision shall be made to prevent machines from automatically restarting upon restoration of power.

(4) Power controls and operating controls should be located within easy reach of the operator while he is at his regular work location, making it unnecessary for him to reach over the cutter to make adjustments. This does not apply to constant pressure controls used only for setup purposes.

(5) On each machine operated by electric motors, positive means shall be provided for rendering such controls or devices inoperative while repairs or adjustments are being made to the machines they control.

(6) Each operating treadle shall be protected against unexpected or accidental tripping.

(7) Feeder attachments shall have the feed rolls or other moving parts so covered or guarded as to protect the operator from hazardous points.

NEW SECTION

**WAC 296-306-06109 Circular hand-fed ripaws and crosscut table saws.** (1) Each circular hand-fed ripaw 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 ripaw 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 ripaw 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, dadoing, or rabbeting is not required. On the completion of such operations; the spreader shall be immediately replaced.

(4) Each hand-fed circular ripaw 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.

NEW SECTION**WAC 296-306-06111 Hand-fed crosscut table saws.**

(1) Each circular crosscut table saw shall be guarded by a hood which shall meet all the requirements of WAC 296-306-06109(1) for hoods for circular ripaws.

(2) Each circular crosscut saw should also be provided with a spreader which should meet all the requirements of WAC 296-306-06109.

NEW SECTION

**WAC 296-306-06113 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.

(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.

(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.

#### NEW SECTION

**WAC 296-306-06115 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.

#### NEW SECTION

**WAC 296-306-06117 Bandsaws.** (1) All portions of the saw blade shall be enclosed or guarded, except for the working portion of the blade between the bottom of the guide rolls and the table. Bandsaw wheels shall be fully encased. The outside periphery of the enclosure shall be solid. The front and back of the band wheels shall be either enclosed by solid material or by wire mesh or perforated metal. Such mesh or perforated metal shall be not less than 0.037 inch (U.S. Gage No. 20), and the openings shall be not greater than three-eighths inch. Solid material used for this purpose shall be of an equivalent strength and firmness. The guard for the portion of the blade between the sliding guide and the upper-saw-wheel guard shall protect the saw blade at the front and outer side. This portion of the guard shall be self-adjusting to raise and lower with the guide. The upper-wheel guard shall be made to conform to the travel of the saw on the wheel, and the top member of the guard should have at least a 2-inch clearance outside the saw and be lined with smooth material, preferably metal. Effective brakes should be provided to stop the wheel in case of blade breakage.

(2) Each bandsaw machine shall be provided with a tension control device to indicate a proper tension for the standard saws used on the machine, in order to assist in the elimination of saw breakage due to improper tension.

(3) Feed rolls of bandsaws shall be protected with a suitable guard to prevent the hands of the operator from coming in contact with the in-running rolls at any point. The guard shall be constructed of heavy material, preferably

metal, and the edge of the guard shall come to within three-eighths inch of the plane formed by the inside face of the feed roll in contact with the stock being cut.

#### NEW SECTION

**WAC 296-306-06119 Inspection and maintenance of machinery.** (1) Dull, badly set, improperly filed, or improperly tensioned saws shall be immediately removed from service, before they begin to cause the material to stick, jam, or kick back when it is fed to the saw at normal speed. Saws to which gum has adhered on the sides shall be immediately cleaned.

(2) All knives and cutting heads of machines shall be kept sharp, properly adjusted, and firmly secured. Where two or more knives are used in one head, they shall be properly balanced.

(3) Bearings shall be kept free from lost motion and shall be well lubricated.

(4) Arbors of all circular saws shall be free from play.

(5) Sharpening or tensioning of saw blades or cutters shall be done only by persons of demonstrated skill in this kind of work.

(6) Emphasis is placed upon the importance of maintaining cleanliness around machinery, particularly as regards the effective functioning of guards and the prevention of fire hazards in switch enclosures, bearings, and motors.

(7) All cracked saws shall be removed from service.

(8) The practice of inserting wedges between the saw disk and the collar to form what is commonly known as a "wobble saw" shall not be permitted.

(9) Push sticks or push blocks shall be provided at the work place in the several sizes and types suitable for the work to be done.

#### NEW SECTION

**WAC 296-306-062 Definitions.** (1) "Belts" include all power transmission belts, such as flat belts, round belts, V-belts, etc., unless otherwise specified.

(2) "Belt shifter" means a device for mechanically shifting belts from tight to loose pulleys or vice versa, or for shifting belts on cones of speed pulleys.

(3) "Belt pole" (sometimes called a "belt shipper" or "shipper pole") means a device used in shifting belts on and off fixed pulleys on line or countershaft where there are no loose pulleys.

(4) "Enclosed" for vertical and inclined belts means that only the portion of a belt that is seven feet or less from the floor is required to be enclosed by a guard.

(5) "Exposed to contact" means that the location of an object is such that a person is likely to come into contact with it and be injured.

(6) "Flywheels" include flywheels, balance wheels, and flywheel pulleys mounted and revolving on crankshaft of engine or other shafting.

(7) "Fully enclosed" applies to the sides of a power transmission system not guarded by location as described in WAC 296-24-20511 (1)(a), which includes both runs of a horizontal belt, pulley, and flywheel. Small units with slightly inclined belts are included in this category.

(8) "Maintenance runway" means any permanent runway or platform used for oiling, maintenance, running adjustment, or repair work, but not for passageway.

(9) "Nip-point belt and pulley guard" means a device which encloses the pulley and is provided with rounded or rolled edge slots through which the belt passes.

(10) "Point of operation" means that point at which cutting, shaping, or forming is accomplished upon the stock and shall include such other points as may offer a hazard to the operator in inserting or manipulating the stock in the operation of the machine.

(11) "Prime movers" include steam, gas, oil, and air engines, motors, steam and hydraulic turbines, and other equipment used as a source of power.

(12) "Sheaves" mean grooved pulleys and shall be so classified unless used as flywheels.

#### NEW SECTION

**WAC 296-306-063 General requirements—Abrasive wheel grinders.** (1) Machine guarding. Abrasive wheels shall be used only on machines provided with safety guards as defined in WAC 296-24-18005, except:

(a) Wheels used for internal work while within the work being ground;

(b) Mounted wheels used in portable operations 2 inches and smaller in diameter; and

(c) Types 16, 17, 18, 18R, and 19 cones, plugs, and threaded hole pot balls where the work offers protection.

(2) Guard design. The safety guard shall cover the spindle end, nut, and flange projections. The safety guard shall be mounted so as to maintain proper alignment with the wheel, and the strength of the fastenings shall exceed the strength of the guard, except:

(a) Safety guards on all operations where the work provides a suitable measure of protection to the operator, may be so constructed that the spindle end, nut, and outer flange are exposed; and where the nature of the work is such as to entirely cover the side of the wheel, the side covers of the guard may be omitted; and

(b) The spindle end, nut, and outer flange may be exposed on machines designed as portable saws.

(3) Flanges. Grinding machines shall be equipped with flanges in accordance with WAC 296-24-18007.

(4) Work rests. On offhand grinding machines, work rests shall be used to support the work. They shall be of rigid construction and designed to be adjustable to compensate for wheel wear. Work rests shall be kept adjusted closely to the wheel with a maximum opening of one-eighth inch to prevent the work from being jammed between the wheel and the rest, which may cause wheel breakage. The work rest shall be securely clamped after each adjustment. The adjustment shall not be made with the wheel in motion.

(5) Excluded machinery. Natural sandstone wheels and metal, wooden, cloth, or paper discs, having a layer of abrasive on the surface are not covered by WAC 296-306-063.

(6) Exposure adjustment. Safety guards of the types described in (3) and (4) of this section, where the operator stands in front of the opening, shall be constructed so that the peripheral protecting member can be adjusted to the

constantly decreasing diameter of the wheel. The maximum angular exposure above the horizontal plane of the wheel spindle as specified in (3) and (4) of this section shall never be exceeded, and the distance between the wheel periphery and the adjustable tongue or the end of the peripheral member at the top shall never exceed one-fourth inch. (See Figures O-18, O-19, O-20, O-21, O-22, and O-23 of WAC 296-24-18005.)

**NEW SECTION**

**WAC 296-306-064 General requirements—Transmission belts.** (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 296-306-06401(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) 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.

**NEW SECTION**

**WAC 296-306-06401 Belt, rope, and chain drives.**

(1) Horizontal belts and ropes.

(a) Where both runs of horizontal belts are seven feet or less from the floor level, the guard shall extend to at least fifteen inches above the belt or to a standard height (see Table O-12), except that where both runs of a horizontal belt are 42 inches or less from the floor, the belt shall be fully enclosed in accordance with WAC 296-306-06411 and 296-306-06415.

(b) In powerplants or power development rooms, a guardrail may be used in lieu of the guard required by (a) of this subsection.

(2) Overhead horizontal belts.

(a) Overhead horizontal belts, with lower parts seven feet or less from the floor or platform, shall be guarded on sides and bottom in accordance with WAC 296-306-06415(3).

(b) Horizontal overhead belts more than seven feet above floor or platform shall be guarded for their entire length under the following conditions:

(i) If located over passageways or work places and traveling 1,800 feet or more per minute.

(ii) If center to center distance between pulleys is ten feet or more.

(iii) If belt is eight inches or more in width.

(c) Where the upper and lower runs of horizontal belts are so located that passage of persons between them would be possible, the passage shall be either:

(i) Completely barred by a guardrail or other barrier in accordance with WAC 296-306-06411 and 296-306-06415; or

(ii) Where passage is regarded as necessary, there shall be a platform over the lower run guarded on either side by a railing completely filled in with wire mesh or other filler, or by a solid barrier. The upper run shall be so guarded as to prevent contact therewith either by the worker or by objects carried by him. In powerplants only the lower run of the belt need be guarded.

(d) Overhead chain and link belt drives are governed by the same rules as overhead horizontal belts and shall be guarded in the same manner as belts.

(e) American or continuous system rope drives so located that the condition of the rope (particularly the splice) cannot be constantly and conveniently observed, shall be equipped with a telltale device (preferably electric-bell type) that will give warning when rope begins to fray.

(3) Vertical and inclined belts.

(a) Vertical and inclined belts shall be enclosed by a guard conforming to standards in WAC 296-306-06411 and 296-306-06415.

(b) All guards for inclined belts shall be arranged in such a manner that a minimum clearance of seven feet is maintained between belt and floor at any point outside of guard.

(4) Vertical belts. Vertical belts running over a lower pulley more than seven feet above floor or platform shall be guarded at the bottom in the same manner as horizontal overhead belts, if conditions are as stated in subsection (2)(b)(i) and (iii) of this section.

(5) Cone-pulley belts.

(a) The cone belt and pulley shall be equipped with a belt shifter so constructed as to adequately guard the nip point of the belt and pulley. If the frame of the belt shifter does not adequately guard the nip point of the belt and pulley, the nip point shall be further protected by means of a vertical guard placed in front of the pulley and extending at least to the top of the largest step of the cone.

(b) If the belt is of the endless type or laced with rawhide laces, and a belt shifter is not desired, the belt will be considered guarded if the nip point of the belt and pulley is protected by a nip point guard located in front of the cone extending at least to the top of the largest step of the cone, and formed to show the contour of the cone in order to give the nip point of the belt and pulley the maximum protection.

(c) If the cone is located less than 3 feet from the floor or working platform, the cone pulley and belt shall be guarded to a height of 3 feet regardless of whether the belt is endless or laced with rawhide.

(6) Belt tighteners.

(a) Suspended counterbalanced tighteners and all parts thereof shall be of substantial construction and securely fastened; the bearings shall be securely capped. Means must be provided to prevent tightener from falling, in case the belt breaks.

(b) Where suspended counterweights are used and not guarded by location, they shall be so encased as to prevent accident.

(c) Belt tighteners, used for starting and stopping machinery, other than those which are securely held in "off" or "out of service" position by gravity, shall be provided

with means or mechanism that will securely hold the belt tightener away from the belt when the machine or part thereof driven by the belt is not in use. Such means or mechanism shall be automatic in its action in gripping, latching or otherwise fastening itself to and holding the belt tightener in "off" or "out of service" position until manually released. (Released by hand.)

(d) Counterbalanced belt tighteners and all parts thereof shall be of substantial construction, and securely fastened. The bearings shall be securely capped. If exposed to contact, means shall be installed to catch the belt tightener, to prevent tightener from falling on any person below, should the belt break or throw the tightener.

#### NEW SECTION

##### **WAC 296-306-06403 Gears, sprockets, and chains.**

(1) Gears. Gears shall be guarded in accordance with one of the following methods:

(a) By a complete enclosure; or

(b) By a standard guard as described in WAC 296-306-06415, at least seven feet high extending six inches above the mesh point of the gears; or

(c) By a band guard covering the face of gear and having flanges extended inward beyond the root of the teeth on the exposed side or sides. Where any portion of the train of gears guarded by a band guard is less than six feet from the floor a disk guard or a complete enclosure to the height of six feet shall be required.

(2) Hand-operated gears. Subsection (1) of this section does not apply to hand-operated gears used only to adjust machine parts and which do not continue to move after hand power is removed. However, the guarding of these gears is highly recommended.

(3) Sprockets and chains. All sprocket wheels and chains shall be enclosed unless they are more than seven feet above the floor or platform. Where the drive extends over other machine or working areas, protection against falling shall be provided. This section does not apply to manually operated sprockets.

(4) Openings for oiling. When frequent oiling must be done, openings with hinged or sliding self-closing covers shall be provided. All points not readily accessible shall have oil feed tubes if lubricant is to be added while machinery is in motion.

#### NEW SECTION

**WAC 296-306-06405 Guarding friction drives.** The driving point of all friction drives when exposed to contact shall be guarded, all arm or spoke friction drives and all web friction drives with holes in the web shall be entirely enclosed, and all projecting belts on friction drives where exposed to contact shall be guarded.

#### NEW SECTION

**WAC 296-306-06407 Keys, setscrews, and other projections.** (1) All projecting keys, setscrews, and other projections in revolving parts shall be removed or made flush or guarded by metal covers. This section does not apply to keys or setscrews within gear or sprocket casings or other enclosures, nor to keys, setscrews, or oilcups in hubs

of pulleys less than twenty inches in diameter where they are within the plane of the rim of the pulley.

Note: It is recommended, however, that no projecting setscrews or oilcups be used in any revolving pulley or part of machinery.

#### NEW SECTION

**WAC 296-306-06409 Collars and couplings.** (1) Collars. All revolving collars, including split collars, shall be cylindrical, and screws or bolts used in collars shall not project beyond the largest periphery of the collar.

(2) Couplings. Shaft couplings shall be so constructed as to present no hazard from bolts, nuts, setscrews, or revolving surfaces. Bolts, nuts, and setscrews will, however, be permitted where they are covered with safety sleeves or where they are used parallel with the shafting and are countersunk or else do not extend beyond the flange of the coupling.

#### NEW SECTION

**WAC 296-306-06411 Standard guards—General requirements.** (1) Materials.

(a) Standard conditions shall be secured by the use of the following materials. Expanded metal, perforated or solid sheet metal, wire mesh on a frame of angle iron, or iron pipe securely fastened to floor or to frame of machine.

(b) All metal should be free from burrs and sharp edges.

(c) Wire mesh should be of the type in which the wires are securely fastened at every cross point either by welding, soldering, or galvanizing, except in case of diamond or square wire mesh made of No. 14 gage wire, 3/4-inch mesh or heavier.

(2) Methods of manufacture.

(a) Expanded metal, sheet or perforated metal, and wire mesh shall be securely fastened to frame by one of the following methods:

(i) With rivets or bolts spaced not more than five inches center to center. In case of expanded metal or wire mesh, metal strips or clips shall be used to form a washer for rivets or bolts.

(ii) By welding to frame every four inches.

(iii) By weaving through channel or angle frame, or if No. 14 gage 3/4-inch mesh or heavier is used by bending entirely around rod frames.

(iv) Where openings in pipe railing are to be filled in with expanded metal, wire mesh or sheet metal, the filler material shall be made into panels with rolled edges or bound with "V" or "U" edging of No. 24 gage or heavier sheet metal fastened to the panels with bolts or rivets spaced not more than five inches center to center. The bound panels shall be fastened to the railing by sheet-metal clips spaced not more than five inches center to center.

(v) Diamond or square mesh made of crimped wire fastened into channels, angle or round-iron frames, may also be used as a filler in guards. Size of mesh shall correspond to Table O-12.

(b) Where the design of guards requires filler material of greater area than 12 square feet, additional frame members shall be provided to maintain panel area within this limit.

(c) All joints of framework shall be made equivalent in strength to the material of the frame.

#### NEW SECTION

##### **WAC 296-306-06413 Disk, shield, and "U" guards.**

(1) Disk guards. A disk guard shall consist of a sheet-metal disk not less than No. 22 gage fastened by "U" bolts or rivets to spokes of pulleys, flywheels, or gears. Where possibility of contact with sharp edges of the disk exists, the edge shall be rolled or wired. In all cases the nuts shall be provided with locknuts which shall be placed on the unexposed side of the wheel.

##### (2) Shield guards.

(a) A shield guard shall consist of a frame filled in with wire mesh, expanded, perforated, or solid sheet metal.

(b) If area of shield does not exceed six square feet the wire mesh or expanded metal may be fastened in a framework of 3/8-inch solid rod, 3/4-inch by 3/4-inch by 1/8-inch angle iron or metal construction of equivalent strength. Metal shields may have edges entirely rolled around a 3/8-inch solid iron rod.

(3) "U" guards. A "U" guard consisting of a flat surface with edge members shall be designed to cover the under surface and lower edge of a belt, multiple chain, or rope drive. It shall be constructed of materials specified in Table O-12, and shall conform to the requirements of WAC 296-306-06415 (3) and (4). Edges shall be smooth and if size of guard requires, the edges shall be reinforced by rolling, wiring, or by binding with angle or flat iron.

#### NEW SECTION

##### **WAC 296-306-06415 Approved materials.**

(1) Minimum requirements. The materials and dimensions specified in this section shall apply to all guards, except horizontal overhead belts, rope, cable, or chain guards more than seven feet above floor, or platform. (For the latter, see Table O-13.)

(a) Minimum dimensions of materials for the framework of all guards, except as noted in (a)(iii) of this subsection shall be angle iron 1 inch by 1 inch by 1/8 inch, metal pipe of 3/4-inch inside diameter or metal construction of equivalent strength.

(i) All guards shall be rigidly braced every three feet or fractional part of their height to some fixed part of machinery or building structure. Where guard is exposed to contact with moving equipment additional strength may be necessary.

(ii) The framework for all guards fastened to floor or working platform and without other support or bracing shall consist of 1 1/2-inch by 1 1/2-inch by 1/8-inch angle iron, metal pipe of 1 1/2-inch inside diameter, or metal construction of equivalent strength. All rectangular guards shall have at least four upright frame members each of which shall be carried to the floor and be securely fastened thereto. Cylindrical guards shall have at least three supporting members carried to floor.

(iii) Guards thirty inches or less in height and with a total surface area not in excess of ten square feet may have a frame work of 3/8-inch solid rod, 3/4-inch by 3/4-inch by 1/8-inch angle, or metal construction of equivalent strength.

The filling material shall correspond to the requirements of Table O-12.

(b) The specifications given in Table O-12 and (a) of this subsection are minimum requirements; where guards are exposed to unusual wear, deterioration or impact, heavier material and construction should be used to protect amply against the specific hazards involved.

##### (2) Wood guards.

(a) Wood guards may be used in the woodworking and chemical industries, in industries where the presence of fumes or where manufacturing conditions would cause the rapid deterioration of metal guards; also in construction work and in locations outdoors where extreme cold or extreme heat make metal guards and railings undesirable. In all other industries, wood guards shall not be used.

(i) Wood shall be sound, tough, and free from any loose knots.

(ii) Guards shall be made of planed lumber not less than one inch rough board measure, and edges and corners rounded off.

(iii) Wood guards shall be securely fastened together with wood screws, hardwood dowel pins, bolts, or rivets.

(iv) While no definite dimensions are given under this heading for framework or filler materials, wood guards shall be equal in strength and rigidity to metal guards specified in subsection (1)(a) and (b) of this section and Table O-12.

(v) For construction of standard wood railing, see subsection (5) of this section.

##### (3) Guards for horizontal overhead belts.

(a) Guards for horizontal overhead belts shall run the entire length of the belt and follow the line of the pulley to the ceiling or be carried to the nearest wall, thus enclosing the belt effectively. Where belts are so located as to make it impracticable to carry the guard to wall or ceiling, construction of guard shall be such as to enclose completely the top and bottom runs of belt and the face of pulleys.

(b) The guard and all its supporting members shall be securely fastened to wall or ceiling by gimlet-point lag screws or through bolts. In case of masonry construction, expansion bolts shall be used. The use of bolts placed horizontally through floor beams or ceiling rafters is recommended.

(c) Suitable reinforcement shall be provided for the ceiling rafters or overhead floor beams, where such is necessary, to sustain safely the weight and stress likely to be imposed by the guard. The interior surface of all guards, by which is meant the surface of the guard with which a belt will come in contact, shall be smooth and free from all projections of any character, except where construction demands it; protruding shallow roundhead rivets may be used. Overhead belt guards shall be at least one-quarter wider than belt which they protect, except that this clearance need not in any case exceed six inches on each side. Overhead rope drive and block and roller-chain-drive guards shall be not less than six inches wider than the drive on each side. In overhead silent chain-drive guards where the chain is held from lateral displacement on the sprockets, the side clearances required on drives of twenty inch centers or under shall be not less than one-fourth inch from the nearest moving chain part, and on drives of over twenty inch centers a minimum of one-half inch from the nearest moving chain part.

(d) Table O-13 gives the sizes of materials to be used and the general construction specifications of guards for belts ten inches or more in width. No material for overhead belt guards should be smaller than that specified in Table O-13 for belts ten to fourteen inches wide, even if the overhead belt is less than ten inches in width. However, No. 20 gage sheet metal may be used as a filler on guards for belts less than ten inches wide. Expanded metal, because of the sharp edges, should not be used as a filler in horizontal belt guards.

(e) For clearance between guards and belts, ropes or chains of various center to center dimensions between the shafts, see bottom of Table O-13.

(4) Guards for horizontal overhead-rope and chain-drives. Overhead-rope and chain-drive guard construction shall conform to the rules for overhead-belt guard construction of similar width, except that the filler material shall be of the solid type as shown in Table O-13, unless the fire hazard demands the use of open construction. A side guard member of the same solid filling material should be carried up in a vertical position two inches above the level of the lower run of the rope or chain drive and two inches within the periphery of the pulleys which the guard encloses thus forming a trough. These side filler members should be reinforced on the edges with 1 1/2-inch by 1/4-inch flat steel, riveted to the filling material at not greater than eight inch centers; the reinforcing strip should be fastened or bolted to all guard supporting members with at least one 3/8-inch rivet or bolt at each intersection, and the ends should be secured to the ceiling with lag screws or bolts. The filling material shall be fastened to the framework of the guard and the filler supports by 3/16-inch rivets spaced on 4-inch centers. The width of the multiple drive shall be determined by measuring the distance from the outside of the first to the outside of the last rope or chain in the group accommodated by the pulley.



TABLE O-12  
TABLE OF STANDARD MATERIALS AND DIMENSIONS

Material	Clearance from moving part at call points	Largest mesh or opening allowable	Minimum gauge (U.S. Standard) or thickness	Minimum height of guard from floor or platform level
	Inches	Inches	Inches	Feet
Woven wire-----	Under 2	3/8	No. 16	7
	2-4	1/2	No. 16	7
	Under 4	1/2	No. 16	7
	4-15	2	No. 12	7
	Expanded metal---Under 4	1/2	No. 18	7
	4-15	2	No. 13	7
Perforated metal-Under 4		1/2	No. 20	7
	4-15	2	No. 14	7
Sheet metal-----Under 4			No. 22	7
	4-15		No. 22	7
Wood or metal strip crossed--	Under 4	3/8	Wood 3/4	
	4-15	2	Metal No. 16	7
Wood or metal strip not crossed----	Under 4	1/2 width	Wood 3/4	
	4-15	1 width	Metal No. 16	7
Standard rail----	Min. 15		Wood 3/4	
	Max. 20		Metal No. 16	7

TABLE O-13  
HORIZONTAL OVERHEAD BELTS, ROPES, AND CHAINS  
7 FEET OR MORE ABOVE FLOOR OR PLATFORM

(TABLE O-13: Part 1--0" to 14")

Width		Material
From 0" to 14" inclusive		

MEMBERS

Framework-----	1 1/2"x1 1/2"x1/4"	Angle iron.
Filler (belt guards)---	1 1/2"x3/16"	Flat iron.
Filler and vertical side member-----	No. 20 A.W.G.	Solid sheet metal.
Filler supports-----	2"x5/16" flat iron	Flat and angle.
Guard supports-----	2"x5/16"	Flat iron.

FASTENINGS

Filler supports to framework-----	(2) 3/16"	Rivets.
Filler flats to supports (belt guards)-----	(1) 5/16"	Flush rivets.
Filler to frame and supports (chain guards)-----	3/16" rivets spaced	
Guard supports to frame work-----	(2) 3/6"	Rivets or bolts.
Guard and supports to overhead ceiling---	1/4"x3 1/2" lag screws or 1/2" bolts	Lag screws or bolts.

DETAILS--SPACING, ETC.

Width of guards-----	One-quarter wider than belt, rope, or chain drive	
Spacing between filler supports-----	20" C. to C	
Spacing between filler flats (belt guards)-----	2" apart	
Spacing between guard supports-----	36" C. to C	

OTHER BELT GUARD  
FILLING PERMITTED

Sheet metal fastened as in chain guards-----	No. 20 A.W.G.	Solid or perforated.
Woven wire, 2" mesh-----	No. 12 A.W.G.	

CLEARANCE FROM OUTSIDE OF BELT, ROPE,  
OR CHAIN DRIVE TO GUARD

Distance center to center of shafts-----Up to 15' inclusive Over 40'.  
Clearance from belt, or chain to guard-----16" 120".

-----  
(TABLE O-13: Part 2--Over 14" to 24")  
-----

		Width
		Material
Over 14" to 24" inclusive		

MEMBERS

Framework-----2"x2"x5/16"	Angle iron.
Filler (belt guards)----2"x3/16"	Flat iron.
Filler and vertical side member-----No. 18 A.W.G.	Solid sheet metal.
Filler supports-----2"x3/8" flat iron	Flat and angle.
Guard supports-----2"x3/8"	Flat iron.

FASTENINGS

Filler supports to framework----- (2) 3/6"	Rivets.
Filler flats to supports (belt guards)----- (1) 5/16"	Flush rivets.
Filler to frame and supports (chain guards)-----8" centers on sides and 4" centers on bottom	
Guard supports to framework----- (2) 7/16"	Rivets or bolts.
Guard and supports to overhead ceiling----5/8"x4" lag screws or 5/8" bolts	Lag screws or bolts.

DETAILS--SPACING, ETC.

Width of guards-----  
Spacing between filler supports-----16" C. to C  
Spacing between filler flats (belt guards)-----2 1/2" apart  
Spacing between guard supports-----36" C. to C

OTHER BELT GUARD FILLING PERMITTED

Sheet metal fastened  
 as in chain guards-----No. 18 A.W.G. Solid or perforated.  
 Woven wire, 2" mesh-----No. 10 A.W.G.

CLEARANCE FROM OUTSIDE OF BELT, ROPE,  
 OR CHAIN DRIVE TO GUARD

Distance center to  
 center of shafts-----Over 15' to 25' Over 40'.  
 inclusive

Clearance from belt,  
 or chain to guard-----10" 20".

(TABLE O-13: Part 3--Over 24")

		Width
		Material
	Over 24"	

MEMBERS

Framework-----3"x3"x3/8" Angle iron.  
 Filler (belt guards)----2"x5/16" Flat iron.  
 Filler and vertical  
 side member-----No. A.W.G. Solid sheet metal.  
 Filler supports-----2 1/2"x2 1/2"x1/4" angle Flat and angle.  
 Guard supports-----2 1/2"x3/8" Flat iron.

FASTENINGS

Filler supports  
 to framework----- (3) 1/2" Rivets.  
 Filler flats to  
 supports (belt guards)-(2) 3/8" Flush rivets.  
 Filler to frame  
 and supports (chain guards)-----  
 Guard supports  
 to frame work----- (2) 5/8" Rivets or bolts.  
 Guard and supports  
 to overhead ceiling----3/4"x6" lag screws Lag screws or  
 or 3/4" bolts. bolts.

DETAILS--SPACING, ETC.

Width of guards-----  
 Spacing between  
 filler supports-----16" C. to C.  
 Spacing between filler  
 flats (belt guards)----4" apart  
 Spacing between  
 guard supports-----36" C. to C.

OTHER BELT GUARD  
 FILLING PERMITTED

Sheet metal fastened as  
 in chain guards-----No. 18 A.W.G. Solid or perforated.  
 Woven wire, 2" mesh-----No. 8 A.W.G.

CLEARANCE FROM OUTSIDE OF BELT, ROPE,  
 OR CHAIN DRIVE TO GUARD

Distance center to  
 center of shafts-----Over 25' to 40' Over 40'.  
 inclusive

Clearance from belt,  
 or chain to guard-----15" 20".

NEW SECTION

**WAC 296-306-067 Power lawnmowers.**

NEW SECTION

**WAC 296-306-06417 Care of equipment.** (1) General. All power-transmission equipment shall be inspected at intervals not exceeding 60 days and be kept in good working condition at all times.

- (2) Shafting.
  - (a) Shafting shall be kept in alignment, free from rust and excess oil or grease.
  - (b) Where explosives, explosive dusts, flammable vapors or flammable liquids exist, the hazard of static sparks from shafting shall be carefully considered.
- (3) Bearings. Bearings shall be kept in alignment and properly adjusted.
- (4) Hangers. Hangers shall be inspected to make certain that all supporting bolts and screws are tight and that supports of hanger boxes are adjusted properly.

- (5) Pulleys.
  - (a) Pulleys shall be kept in proper alignment to prevent belts from running off.
  - (b) One or both pulleys carrying a nonshifting belt should have crowned faces.
  - (c) Cast-iron pulleys should be tested frequently with a hammer to disclose cracks in rim or spokes. It should be borne in mind that the sound is usually much different if the belt is or is not on the pulley.
- (d) Split pulleys should be inspected to ascertain if all bolts holding together the sections of the pulley are tight.

- (6) Care of belts.
  - (a) Quarter-twist belts when installed without an idler can be used on drives running in one direction only. They will run off a pulley when direction of motion is reversed.
  - (b) Inspection shall be made of belts, lacings, and fasteners and such equipment kept in good repair.
- (c) Where possible, dressing should not be applied when belt or rope is in motion; but, if this is necessary, it should be applied where belts or rope leave pulley, not where they approach. The same precautions apply to lubricating chains. In the case of V-belts, belt dressing is neither necessary nor advisable.

(7) Lubrication. The regular oilers shall wear tightfitting clothing and should use cans with long spouts to keep their hands out of danger. Machinery shall be oiled when not in motion, wherever possible.

[]

NEW SECTION

**WAC 296-306-06701 Definitions.** (1) Blade tip circle. The path described by the outermost point of the blade as it is rotated about its shaft axis.

- (2) Guards. A part or an assembly provided for shielding a hazardous area of a machine.
- (3) Catcher assemblies. Parts or combinations of parts which provide a means for collecting grass clippings or debris.
- (4) Walk-behind mower. A mower either pushed or self-propelled and normally guided by the operator walking behind the unit.
- (5) Operator area, walk-behind mowers. For discharge interference purposes, that area confined within a circle no smaller than 30 inches in diameter, the center of which is located to the rear of the mower on its longitudinal center-line 30 inches behind the nearest blade tip circle.
- (6) Power reel mower. A lawn-cutting machine utilizing a power source to rotate one or more helically formed blades about a horizontal axis to provide a shearing action with a stationary cutter bar or bed knife.
- (7) Power rotary mower. A lawn-cutting machine utilizing a power source to rotate one or more cutting blades about a vertical axis.
- (8) Lowest blade position. The lowest blade position under static conditions.
- (9) Riding mower. A powered, self-propelled lawn-cutting vehicle on which the operator rides and controls the machine.
- (10) Sulky type mower. Normally, a walk-behind mower which has been converted to a riding mower by the addition of a sulky.
- (11) Deadman control. A control designed so that it will automatically interrupt power to a drive when the operator's actuating force is removed.

NEW SECTION

**WAC 296-306-06703 General requirements.** (1) Power lawnmowers of the walk-behind, riding-rotary types, and reel power lawnmowers designed for use by employees shall meet the design specifications in "American National Standard Safety Specifications for Power Lawnmowers"

ANSI B71.1-1968. These specifications do not apply to sulky-type mowers, flail mowers, sickle-bar mowers, or mowers designed for commercial use.

(2) All power-driven chains, belts, and gears shall be so positioned or otherwise guarded to prevent the operator's accidental contact therewith, during normal starting, mounting, and operation of the machine.

(3) A shutoff device shall be provided to stop operation of the motor or engine. This device shall require manual and intentional reactivation to restart the motor or engine.

(4) All positions of the operating controls shall be clearly identified.

(5) The words, "Caution. Be sure the operating control(s) is in neutral before starting the engine," or similar wording shall be clearly visible at an engine starting control point on self-propelled mowers.

#### NEW SECTION

**WAC 296-306-06705 Walk-behind and riding rotary mowers.** (1) The mower blade shall be enclosed except on the bottom and the enclosure shall extend to or below the lowest cutting point of the blade in the lowest blade position.

(2) Guards which must be removed to install a catcher assembly shall comply with the following:

(a) Warning instructions shall be affixed to the mower near the opening stating that the mower shall not be used without either the catcher assembly or the guard in place.

(b) The catcher assembly or the guard shall be shipped and sold as part of the mower.

(c) The instruction manual shall state that the mower shall not be used without either the catcher assembly or the guard in place.

(d) The catcher assembly, when properly and completely installed, shall not create a condition which violates the limits given for the guarded opening.

(3) Openings in the blade enclosure, intended for the discharge of grass, shall be limited to a maximum vertical angle of the opening of 30°. Measurements shall be taken from the lowest blade position.

(4) The total effective opening area of the grass discharge opening(s) shall not exceed 1,000 square degrees on units having a width of cut less than 27 1/2 inches, or 2,000 square degrees on units having a width of cut 27 1/2 inches or over.

(5) The word "caution" or stronger wording, shall be placed on the mower at or near each discharge opening.

(6) Blade(s) shall stop rotating from the manufacturer's specified maximum speed within 15 seconds after declutching, or shutting off power.

(7) In a multipiece blade, the means of fastening the cutting members to the body of the blade or disc shall be so designed that they will not become worn to a hazardous condition before the cutting members themselves are worn beyond use.

(8) The maximum tip speed of any blade shall be 19,000 feet per minute.

#### NEW SECTION

**WAC 296-306-06707 Walk-behind rotary mowers.**

(1) The horizontal angle of the opening(s) in the blade enclosure, intended for the discharge of grass, shall not contact the operator area.

(2) There shall be one of the following at all openings in the blade enclosure intended for the discharge of grass:

(a) A minimum unobstructed horizontal distance of 3 inches from the end of the discharge chute to the blade tip circle.

(b) A rigid bar fastened across the discharge opening, secured to prevent removal without the use of tools. The bottom of the bar shall be no higher than the bottom edge of the blade enclosure.

(3) The highest point(s) on the front of the blade enclosure, except discharge openings, shall be such that any line extending a maximum of 15° downward from the horizontal toward the blade shaft axis (axes) shall not intersect the horizontal plane within the blade tip circle. The highest point(s) on the blade enclosure front, except discharge openings, shall not exceed 1 and 1/4 inches above the lowest cutting point of the blade in the lowest blade position. Mowers with a swingover handle are to be considered as having no front in the blade enclosure and therefore shall comply with WAC 296-306-06705(1).

(4) The mower handle shall be fastened to the mower so as to prevent loss of control by unintentional uncoupling while in operation.

(5) A positive upstop or latch shall be provided for the mower handle in the normal operating position(s). The upstop shall not be subject to unintentional disengagement during normal operation of the mower. The upstop or latch shall not allow the center or the handle grips to come closer than 17 inches horizontally behind the closest path of the mower blade(s) unless manually disengaged.

(6) A swing-over handle, which complies with the above requirements, will be permitted.

(7) Wheel drive disengaging controls, except deadman controls, shall move opposite to the direction of the vehicle motion in order to disengage the drive. Deadman controls shall comply with WAC 296-306-06701(11) and may operate in any direction to disengage the drive.

#### NEW SECTION

**WAC 296-306-06709 Riding rotary mowers.** (1) The highest point(s) of all openings in the blade enclosure, front shall be limited by a vertical angle of opening of 15° and a maximum distance of 1 1/4 inches above the lowest cutting point of the blade in the lowest blade position.

(2) Opening(s) shall be placed so that grass or debris will not discharge directly toward any part of an operator seated in a normal operator position.

(3) There shall be one of the following at all openings in the blade enclosure intended for the discharge of grass:

(a) A minimum unobstructed horizontal distance of 6 inches from the end of the discharge chute to the blade tip circle.

(b) A rigid bar fastened across the discharge opening, secured to prevent removal without the use of tools. The bottom of the bar shall be no higher than the bottom edge of the blade enclosure.

(4) Mowers shall be provided with stops to prevent jackknifing or locking of the steering mechanism.

(5) Vehicle stopping means shall be provided.

(6) Hand-operated wheel drive disengaging controls shall move opposite to the direction of vehicle motion in order to disengage the drive. Foot-operated wheel drive disengaging controls shall be depressed to disengage the drive. Deadman controls, both hand and foot operated, shall comply with WAC 296-306-06701(11) and may operate in any direction to disengage the drive.

NEW SECTION

**WAC 296-306-068 Jacks.**

NEW SECTION

**WAC 296-306-06801 Jack definitions.** (1) Jack. A jack is an appliance for lifting and lowering or moving horizontally a load by application of a pushing force.

Note: Jacks may be of the following types: Lever and ratchet, screw and hydraulic.

(2) Rating. The rating of a jack is the maximum working load for which it is designed to lift safely that load throughout its specified amount of travel.

Note: To raise the rated load of a jack, the point of application of the load, the applied force, and the length of lever arm should be those designated by the manufacturer for the particular jack considered.

NEW SECTION

**WAC 296-306-06803 Loading and marking.** (1) The operator shall make sure that the jack used has a rating sufficient to lift and sustain the load.

(2) The rated load shall be legibly and permanently marked in a prominent location on the jack by casting, stamping, or other suitable means.

NEW SECTION

**WAC 296-306-06805 Operation and maintenance.**

(1) In the absence of a firm foundation, the base of the jack shall be blocked. If there is a possibility of slippage of the cap, a block shall be placed in between the cap and the load.

(2) The operator shall watch the stop indicator, which shall be kept clean, in order to determine the limit of travel. The indicated limit shall not be overrun.

(3) After the load has been raised, it shall immediately be cribbed, blocked, or otherwise secured.

(4) Hydraulic jacks exposed to freezing temperatures shall be supplied with an adequate antifreeze liquid.

(5) All jacks shall be properly lubricated at regular intervals. The lubricating instructions of the manufacturer should be followed, and only lubricants recommended by him should be used.

(6) Each jack shall be thoroughly inspected at times which depend upon the service conditions. Inspections shall be not less frequent than the following:

(a) For constant or intermittent use at one locality, once every 6 months;

(b) For jacks sent out of shop for special work, when sent out and when returned;

(c) For a jack subjected to abnormal load or shock, immediately before and immediately thereafter.

(7) Repair or replacement parts shall be examined for possible defects.

(8) Jacks which are out of order shall be tagged accordingly, and shall not be used until repairs are made.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

~~**WAC 296-306-070 ((Farm shops)) Reserved.** ((Farm shops shall be exempt from these standards when the following conditions are met:~~

~~(1) When the shop equipment is used solely by the owner or others not covered by WISHA.~~

~~(2) When employees are not permitted in the shop while shop equipment is being operated.))~~

NEW SECTION

**WAC 296-306-081 Hand and portable powered tools and equipment—General.**

NEW SECTION

**WAC 296-306-08101 General requirements.** Each employer shall be responsible for the safe condition of tools and equipment used by employees, including tools and equipment which may be furnished by employees.

NEW SECTION

**WAC 296-306-08103 Compressed air used for cleaning.** Compressed air shall not be used for cleaning purposes except where reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment.

NEW SECTION

**WAC 296-306-08105 Compressed air tools.** (1) In the use of compressed air tools, care should be used to prevent the tool from being shot from the gun.

(2) When momentarily out of use the gun should be laid in such position that the tool cannot fly out if the pressure is accidentally released. When not in use, all tools should be removed from the gun.

(3) In disconnecting a compressed air tool from the air line, care should be exercised first to shut off the pressure and then to operate the tool to exhaust the pressure remaining in the hose.

(4) Compressed air hose or guns shall not be pointed at or brought into contact with the body of any person.

NEW SECTION

**WAC 296-306-082 Guarding of portable powered tools.**

NEW SECTION

**WAC 296-306-08201 Portable powered tools.** (1) Portable circular saws.

(a) All portable, power-driven circular saws having a blade diameter greater than 2 in. shall be equipped with



guards above and below the base plate or shoe. The upper guard shall cover the saw to the depth of the teeth, except for the minimum arc required to permit the base to be tilted for bevel cuts. The lower guard shall cover the saw to the depth of the teeth, except for the minimum arc required to allow proper retraction and contact with the work. When the tool is withdrawn from the work, the lower guard shall automatically and instantly return to covering position.

(b) (a) of this subsection does not apply to circular saws used in the meat industry for meat cutting purposes.

(2) Switches and controls.

(a) All hand-held powered circular saws having a blade diameter-greater than 2 inches, electric, hydraulic or pneumatic chain saws, and percussion tools without positive accessory holding means shall be equipped with a constant pressure switch or control that will shut off the power when the pressure is released. All hand-held gasoline powered chain saws shall be equipped with a constant pressure throttle control that will shut off the power to the saw chain when the pressure is released.

(b) All hand-held powered drills, tappers, fastener drivers, horizontal, vertical, and angle grinders with wheels greater than 2 inches in diameter, disc sanders with discs greater than 2 inches in diameter, belt sanders, reciprocating saws, saber, scroll, and jig saws with blade shanks greater than a nominal one-fourth inch, and other similarly operating powered tools shall be equipped with a constant pressure switch or control and may have a lock-on control provided that turnoff can be accomplished by a single motion of the same finger or fingers that turn it on.

(c) All other hand-held powered tools, such as, but not limited to, platen sanders, grinders with wheels 2 inches in diameter or less, disc sanders with discs 2 inches in diameter or less, routers, planers, laminate trimmers, nibblers, shears, saber, scroll, and jig saws with blade shanks a nominal one-fourth of an inch wide or less, may be equipped with either a positive "on-off" control, or other controls as described by (a) and (b) of this subsection.

(i) Saber, scroll, and jig saws with nonstandard blade holders may use blades with shanks which are nonuniform in width, provided the narrowest portion of the blade shank is an integral part in mounting the blade.

(ii) Blade shank width shall be measured at the narrowest portion of the blade shank when saber, scroll, and jig saws have nonstandard blade holders.

(iii) "Nominal" in this section means +0.05 inch.

(d) The operating control on hand-held power tools shall be so located as to minimize the possibility of its accidental operation, if such accidental operation would constitute a hazard to employees.

(e) This paragraph does not apply to concrete vibrators, concrete breakers, powered tampers, jack hammers, rock drills, garden appliances, household and kitchen appliances, personal care appliances, medical or dental equipment, or to fixed machinery.

(3) Portable belt sanding machines. Belt sanding machines shall be provided with guards at each nip point where the sanding belt runs onto a pulley. These guards shall effectively prevent the hands or fingers of the operator from coming in contact with the nip points. The unused run of the sanding belt shall be guarded against accidental contact.

(4) Cracked saws. All cracked saws shall be removed from service.

(5) Grounding. Portable electric powered tools shall meet the electrical requirements of WAC 296-24-956.

#### NEW SECTION

**WAC 296-306-083 Pneumatic powered tools and hose.**

#### NEW SECTION

**WAC 296-306-08301 Portable tools.** (1) The operating trigger on portable hand-operated utilization equipment shall be so located as to minimize the possibility of its accidental operation and shall be arranged to close the air inlet valve automatically when the pressure of the operator's hand is removed.

(2) A tool retainer shall be installed on each piece of utilization equipment which, without such a retainer, may eject the tool.

#### NEW SECTION

**WAC 296-306-08307 Airhose.** Hose and hose connections used for conducting compressed air to utilization equipment shall be designed for the pressure and service to which they are subjected.

#### NEW SECTION

**WAC 296-306-084 Portable abrasive wheels.**

#### NEW SECTION

**WAC 296-306-08401 Abrasive wheel definitions.** (1) Mounted wheels. Mounted wheels, usually 2-inch diameter or smaller, and of various shapes, may be either organic or inorganic bonded abrasive wheels. They are secured to plain or threaded steel mandrels.

(2) Tuck pointing. Removal, by grinding, of cement, mortar, or other nonmetallic jointing material.

(3) Tuck pointing wheels. Tuck pointing wheels, usually Type 1, reinforced organic bonded wheels have diameter, thickness and hole size dimension. They are subject to the same limitations of use and mounting as Type 1 wheels defined in WAC 296-306-08401(10).

**LIMITATION:** Wheels used for tuck pointing should be reinforced, organic bonded.

(4) Portable grinding. A grinding operation where the grinding machine is designed to be hand held and may be easily moved from one location to another.

(5) Organic bonded wheels. Organic wheels are wheels which are bonded by means of an organic material such as resin, rubber, shellac, or other similar bonding agent.

(6) Safety guard. A safety guard is an enclosure designed to restrain the pieces of the grinding wheel and furnish all possible protection in the event that the wheel is broken in operation.

(7) Reinforced wheels. The term "reinforced" as applied to grinding wheels shall define a class of organic wheels which contain strengthening fabric or filament. The term "reinforced" does not cover wheels using such mechanical

additions as steel rings, steel cup backs or wire or tape winding.

(8) Type 11 flaring cup wheels. Type 11 flaring cup wheels have double diameter dimensions  $D$  and  $J$ , and in addition have thickness, hole size, rim and back thickness dimensions. Grinding is always performed on rim face,  $W$  dimension. Type 11 wheels are subject to all limitations of use and mounting listed for Type 6 straight sided cup wheels definition in WAC 296-306-08401(9).

LIMITATION: Minimum back thickness,  $E$  dimension, should not be less than one-fourth  $T$  dimension. In addition when unthreaded hole wheels are specified the inside flat,  $K$  dimension, shall be large enough to accommodate a suitable flange.

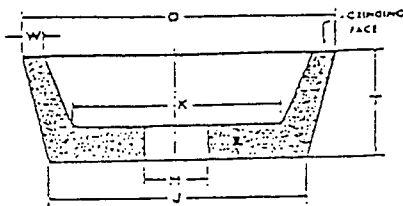


Figure P-1

Type 11—Flaring-cup wheel side grinding wheel having a wall flared or tapered outward from the back.

Wall thickness at the back is normally greater than at the grinding face ( $W$ ).

(9) Type 6 straight cup wheels. Type 6 cup wheels have diameter, thickness, hole size, rim thickness, and back thickness dimensions. Grinding is always performed on rim face,  $W$  dimension.

LIMITATION: Minimum back thickness,  $E$  dimension, should not be less than one-fourth  $T$  dimension. In addition, when unthreaded hole wheels are specified, the inside flat,  $K$  dimension, must be large enough to accommodate a suitable flange.

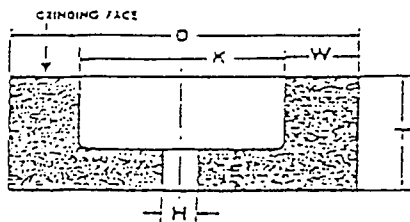


Figure P-2

Type 6—Straight-cup wheel

Side grinding wheel having a diameter, thickness and hole with one side straight or flat and the opposite side recessed.

This type, however, differs from Type 5 in that the grinding is performed on the wall of the abrasive created by difference between the diameter of the recess and the outside

diameter of the wheel. Therefore, the wall dimension " $W$ " takes precedence over the diameter of the recess as an essential intermediate dimension to describe this shape type.

(10) Type 1 straight wheels. Type 1 straight wheels have a diameter, thickness, and hole size dimensions and should be used only on the periphery. Type 1 wheels shall be mounted between flanges.

LIMITATION: Hole dimension ( $H$ ) should not be greater than two-thirds of wheel diameter dimension ( $D$ ) for precision, cylindrical, centerless, or surface grinding applications. Maximum hole size for all other application should not exceed one-half wheel diameter.

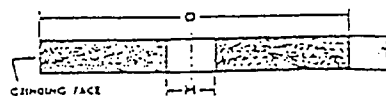


Figure P-3

Type 1—Straight wheel

Peripheral grinding wheel having a diameter, thickness and hole.

NEW SECTION

**WAC 296-306-08403 General requirements.** (1) All abrasive wheels shall be used only on machines provided with safety guards as defined in the following sections through WAC 296-306-08409.

EXCEPTIONS: This requirement shall not apply to the following classes of wheels and conditions.

(a) Wheels used for internal work while within the work being ground.

(b) Mounted wheels used in portable operations 2 inches and smaller in diameter.

(c) Types 16, 17, 18, 18R, and 19 cones and plugs and threaded hole pot balls as illustrated and described by 1.4.11 of ANSI B 7.1-1970 Safety Code for the Use, Care and Protection of Abrasive Wheels, where the work offers protection.

(2) The safety guard shall cover the spindle end, nut, and flange projections. The safety guard shall be mounted so as to maintain proper alignment with the wheel, and the strength of the fastenings shall exceed the strength of the guard.

(a) Exception: Safety guards on all operations where the work provides a suitable measure of protection to the operator, may be so constructed that the spindle end, nut, and outer flange are exposed; and where the nature of the work is such as to entirely cover the side of the wheel, the side covers of the guard may be omitted.

(b) Exception: The spindle end, nut, and outer flange may be exposed on portable machines designed for, and used with, type 6, 11, 27, and 28 abrasive wheels, cutting off wheels, and tuck pointing wheels.

(c) Exception: The spindle end, nut, and outer flange may be exposed on machines designed as portable saws.

(3) Cup wheels (Types 6 and 11) shall be guarded by:

(a) Safety guards as specified in WAC 296-306-08403;

or

(b) Special "revolving cup guards" which mount behind the wheel and turn with it. They shall be made of steel or other material with adequate strength and shall enclose the wheel sides upward from the back for one-third of the wheel thickness. The mounting features shall conform with all regulations. (See WAC 296-306-08409.) It is necessary to maintain clearance between the wheel side and the guard. The clearance shall not exceed one-sixteenth inch.

**NEW SECTION**

**WAC 296-306-08405 Vertical portable grinders.**

Safety guards used on machines known as right angle head or vertical portable grinders shall have a maximum exposure angle of 180°, and the guard shall be located so as to be between the operator and the wheel during use. Adjustment of guard shall be such that pieces of an accidentally broken wheel will be deflected away from the operator. (See Figure P-4.)

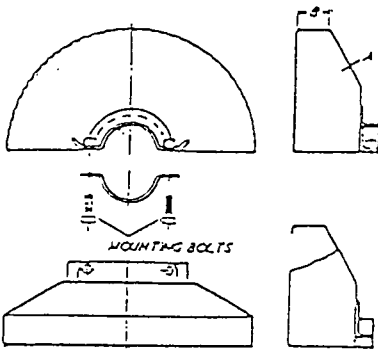


Figure No. P-4

**NEW SECTION**

**WAC 296-306-08407 Other portable grinders.**

The maximum angular exposure of the grinding wheel periphery and sides for safety guards used on other portable grinding machines shall not exceed 180° and the top half of the wheel shall be enclosed at all times. (See Figures P-5 and P-6.)

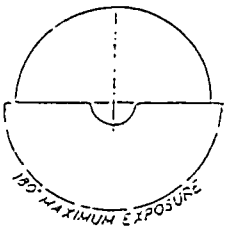


Figure No. P-5

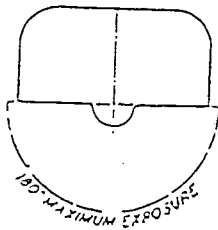


Figure No. P-6

Figure No. P-6

**NEW SECTION**

**WAC 296-306-08409 Mounting and inspection of abrasive wheels.**

Mounting and inspection of abrasive wheels. (1) Immediately before mounting, all wheels shall be closely inspected and sounded by the user (ring test) to make sure they have not been damaged in transit, storage, or otherwise. The spindle speed of the machine shall be checked before mounting of the wheel to be certain that it does not exceed the maximum operating speed marked on the wheel. Wheels should be tapped gently; if they sound cracked (dead), they shall not be used.

Note: Wheels should be tapped gently with a light nonmetallic implement, such as the handle of a screwdriver for light wheels, or a wooden mallet for heavier wheels. This is known as the "ring test."

(2) Grinding wheels shall fit freely on the spindle and remain free under all grinding conditions. The machine spindle shall be made to nominal (standard) size plus zero minus .002 inch, and the wheel hole shall be made suitably oversize to assure safety clearance under the conditions of operating heat and pressure.

Note: A controlled clearance between the wheel hole and the machine spindle (or wheel sleeves or adapters) is essential to avoid excessive pressure from mounting and spindle expansion.

(3) All contact surfaces of wheels, blotters, and flanges shall be flat and free of foreign matter.

(4) When a bushing is used in the wheel hole it shall not exceed the width of the wheel and shall not contact the flanges.

(5) For requirements for the use of flanges and blotters see WAC 296-24-18007.

Note: Excluded machinery. Natural sandstone wheels and metal, wooden, cloth, or paper discs, having a layer of abrasive on the surface are not covered by this section.

**AMENDATORY SECTION** (Amending Order 75-2, filed 1/24/75)

**WAC 296-306-105 Orchard ladders.** (1) Orchard ladders shall be maintained in good condition at all times. Joints between steps and side rails shall be tight. All hardware and fittings shall be securely attached, and the movable parts shall operate freely, without binding or undue play.

(2) Ladders shall be inspected prior to being used. Those ladders which have developed defects shall be withdrawn from service for repair or discard.

(3) Rungs shall be kept reasonably free of any substance which would make them hazardous.

(4) ~~((Proper instruction in the use of orchard ladders shall be given each employee))~~ Employers shall provide orientation and training on the proper use of ladders at the beginning of employment.

(5) The employer shall not permit employees to use the tops of ladders as steps. Employers shall provide ladders of sufficient height so that employees can harvest or thin fruit, prune tree branches, or do other work on trees without standing or sitting on the top step.

(6) Employers shall not permit employees to step off the ladder onto tree branches.

(7) Steps shall be corrugated, knurled, dimpled, or otherwise treated to minimize the possibility of slipping.

(8) The ladder shall be placed with as secure footing as possible.

**AMENDATORY SECTION** (Amending Order 75-2, filed 1/24/75)

**WAC 296-306-115 Bins, bunkers, hoppers, tanks, pits and trenches.** (1) No employee shall enter any bin, bunker, hopper or similar area when there is a danger that loose materials (such as chips, sand, grain, gravel, sawdust, etc.) may collapse around the worker, unless the worker wears a safety belt with a lifeline attached and is attended by a helper.

Note: Silage pits are exempt from this section.

(2) When employees are required to work in a trench or a pit 4 feet or more in depth, the trench or the pit shall be shored or shall be sloped to the angle of repose as shown in the following table:

- ~~((Solid rock, shale or cemented sand and gravel— Vertical — (90°)~~
- ~~Compacted gravels — 1/2:1 — (63°)~~
- ~~Average soils — 1:1 — (45°)~~
- ~~Compacted sharp sand — 1 1/2:1 — (34°)~~
- ~~Rounded, loose sand or gravel — 2:1 — (27°)~~
- ~~Clay, silt, loam — shoring required~~

Note: ~~Silage pits are exempt from this section.))~~

TABLE --1  
MAXIMUM ALLOWABLE SLOPES

SOIL OR ROCK TYPE	MAXIMUM ALLOWABLE SLOPES (H:V) [1] FOR EXCAVATIONS LESS THAN 20 FEET DEEP. [1]
STABLE ROCK	VERTICAL (90°)
TYPE A [2]	3/4 : 1 (53°)
TYPE B	1:1 (45°)
TYPE C	1 1/2 : 1 (34°)

NOTES:

1. Numbers shown in parentheses next to maximum allowable slopes are angles expressed in degrees from the horizontal. Angles have been rounded off.
2. A short-term maximum allowable slope of 1/2H:1V (51°) is allowed in excavations in Type A soil that are 12 feet (3.67 m) or less in depth. Short-term maximum allowable slopes for excavations greater than 12 feet (3.67 m) in depth shall be 3/4H:1V (53°).
3. Sloping or benching for excavations greater than 20 feet deep shall be designed by a registered professional engineer.

(3) Requirements—Classification of soil and rock deposits.

(a) Each soil and rock deposit shall be classified by a competent person as Stable Rock, Type A, B, or C according to the definitions set forth in this appendix.

(b) Basis of classification. The classification of the deposits shall be made based on the results of at least one visual and at least one manual analysis. Such analyses shall be conducted by a competent person using tests in recognized methods of soil classification and testing such as those adopted by the American Society for Testing Materials, or the U.S. Department of Agriculture textural classification system.

Proposed

(4) Definitions:

(a) Stable rock. Natural solid mineral matter that can be excavated with vertical sides and remain intact while exposed.

(b) Type A. Cohesive soils with an unconfined compressive strength of 1.5 ton per square foot (tsf) or greater. Examples of cohesive soils are clay, silty clay, sandy clay, clay loam and, sometimes, silty clay loam and sandy clay loam. Cemented soils such as caliche and hardpan are also considered Type A. No soil is Type A if:

- (i) The soil is fissured; or
- (ii) The soil is subject to vibration from heavy traffic, pile driving, or similar effects; or
- (iii) The soil has been previously disturbed; or
- (iv) The soil is part of a sloped, layered system where the layers dip into the excavation on a slope of 4 horizontal to 1 vertical (4H:1V) or greater; or
- (v) The material is subject to other factors that would require it to be classified as a less stable material.

(c) Type B.

- (i) Cohesive soil with an unconfined compressive strength greater than 0.5 tsf but less than 1.5 tsf; or
- (ii) Granular cohesionless soils including angular gravel (similar to crushed rock), silt, silt loam, sand loam and, sometimes, silty clay loam and sandy clay loam; or
- (iii) Previously disturbed soils except those that would otherwise be classified as Type C soil; or
- (iv) Soil that meets the unconfined compressive strength or cementation requirements for Type A, but is fissured or subject to vibration; or
- (v) Dry rock that is not stable; or
- (vi) A sloped, layered system where the layers dip into the excavation on a slope less than 4 horizontal to 1 vertical (4H:1V), but only if the material would otherwise be classified as Type B.

(d) Type C.

- (i) Cohesive soils with an unconfined compressive strength of 0.5 tsf or less; or
- (ii) Granular soils including gravel, sand, and loamy sand; or
- (iii) Submerged soil or soil from which water is freely seeping; or
- (iv) Submerged rock that is not stable; or
- (v) Material in a sloped, layered system where the layers dip into the excavation on a slope of 4 horizontal to 1 vertical (4H:1V) or steeper.

**AMENDATORY SECTION** (Amending Order 76-28, filed 9/28/76)

**WAC 296-306-145 Electrical.** ((General requirements.

~~(1) Main disconnects. To avoid accidental starts of machinery during maintenance or clean up, the main disconnect(s) of machines shall first be locked out or disconnected from the power source.~~

Note: ~~(Temporary) All 15 and 20 ampere receptacle outlets on single phase circuits may have approved ground fault circuit protection.~~

EXCEPTION: ~~For branch circuit extensions only in existing installations which do not have a grounding conductor in the branch circuit, the grounding conductor of a grounding-type receptacle outlet may be grounded to a metal cold-water pipe near the equipment.~~

~~(2) Electric wire fences shall be controlled by a U.L. approved control box which regulates both voltage and amperage.~~

~~(3) Whenever work is performed near outside energized electrical conductors, employees and equipment shall be kept at least ten feet away from such conductors.~~

~~Note: Special precautionary instructions shall be given to employees handling portable metal irrigation pipe near energized circuits.~~

~~(4) After October 25, 1976, the following additional rules shall apply for electrical power sources:~~

~~(a) All circuit protection devices, including those which are an integral part of a motor, shall be of the manual reset type, except where:~~

~~(i) The employer can establish that because of the nature of the operation, distances involved, and the amount of time normally spent by employees in the area of the affected equipment, use of the manual reset device would be infeasible;~~

~~(ii) There is an electrical disconnect switch available to the employee within 15 feet of the equipment upon which maintenance or service is being performed; and~~

~~(iii) A sign is prominently posted near each hazardous component which warns the employee that unless the electrical disconnect switch is utilized, the motor could automatically reset while the employee is working on the hazardous component.) This section addresses electrical safety requirements that are necessary for the practical safeguarding of employees in their work places.~~

## NEW SECTION

**WAC 296-306-14501 General requirements.** (1) Approval. The conductors and equipment required or permitted by this section shall be acceptable only if approved.

(2) Examination, installation, and use of equipment.

(a) Examination. Electrical equipment shall be free from recognized hazards that are likely to cause death or serious physical harm to employees. Safety of equipment shall be determined using the following considerations:

(i) Suitability for installation and use in conformity with the provisions of this subpart. Suitability of equipment for an identified purpose may be evidenced by listing or labeling for that identified purpose.

(ii) Mechanical strength and durability, including, for parts designed to enclose and protect other equipment, the adequacy of the protection thus provided.

(iii) Electrical insulation.

(iv) Heating effects under conditions of use.

(v) Arcing effects.

(vi) Classification by type, size, voltage, current capacity, specific use.

(vii) Other factors which contribute to the practical safeguarding of employees using or likely to come in contact with the equipment.

(b) Installation and use. Listed or labeled equipment shall be used or installed in accordance with any instructions included in the listing or labeling.

(3) Splices. Conductors shall be spliced or joined with splicing devices suitable for the use or by brazing, welding, or soldering with a fusible metal or alloy. Soldered splices shall first be so spliced or joined as to be mechanically and

electrically secure without solder and then soldered. All splices and joints and the free ends of conductors shall be covered with an insulation equivalent to that of the conductors or with an insulating device suitable for the purpose.

(4) Arcing parts. Parts of electric equipment which in ordinary operation produce arcs, sparks, flames, or molten metal shall be enclosed or separated and isolated from all combustible material.

(5) Marking. Electrical equipment may not be used unless the manufacturer's name, trademark, or other descriptive marking by which the organization responsible for the product may be identified is placed on the equipment. Other markings shall be provided giving voltage, current, wattage, or other ratings as necessary. The marking shall be of sufficient durability to withstand the environment involved.

(6) Identification of disconnecting means and circuits. Each disconnecting means required by this subpart for motors and appliances shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident. Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident. These markings shall be of sufficient durability to withstand the environment involved.

(7) 600 volts, nominal, or less.

(a) Working space about electric equipment. Sufficient access and working space shall be provided and maintained about all electric equipment to permit ready and safe operation and maintenance of such equipment.

(i) Working clearances. Except as required or permitted elsewhere in this chapter, the dimension of the working space in the direction of access to live parts operating at 600 volts or less and likely to require examination, adjustment, servicing, or maintenance while alive may not be less than indicated in Table S-1. In addition to the dimensions shown in Table S-1, workspace may not be less than 30 inches wide in front of the electric equipment. Distances shall be measured from the live parts if they are exposed, or from the enclosure front or opening if the live parts are enclosed. Concrete, brick, or tile walls are considered to be grounded. Working space is not required in back of assemblies such as dead-front switchboards or motor control centers where there are no renewable or adjustable parts such as fuses or switches on the back and where all connections are accessible from locations other than the back.

TABLE S-1--Working clearances

Nominal voltage to ground	Minimum clear distance for condition <sup>2</sup> (ft)		
	(a)	(b)	(c)
0-150	1 <sub>3</sub>	1 <sub>3</sub>	3
151-600	1 <sub>3</sub>	3-1/2	4

<sup>1</sup>Minimum clear distances may be 2 feet 6 inches for installations built prior to effective date of this section.

<sup>2</sup>Conditions (a), (b), (c), are as follows: (a) Exposed live parts on one side and no live or grounded parts on the other side of the working space, or exposed live parts on both sides effectively guarded by suitable wood or other insulating material. Insulated wire or insulated busbars operating at not over 300 volts are not considered live parts. (b) Exposed live parts on one side and grounded parts on the other side (c) Exposed live parts on both sides of the workspace (not guarded as provided in condition (a)) with the operator between.

(ii) Clear spaces. Working space required by this subpart may not be used for storage. When normally enclosed live parts are exposed for inspection or servicing, the working space, if in a passageway or general open space, shall be suitably guarded.

(iii) Access and entrance to working space. At least one entrance of sufficient area shall be provided to give access to the working space about electric equipment.

(iv) Front working space. Where there are live parts normally exposed on the front of switchboards or motor control centers, the working space in front of such equipment may not be less than 3 feet.

(v) Illumination. Illumination shall be provided for all working spaces about service equipment, switchboards, panelboards, and motor control centers installed indoors.

(vi) Headroom. The minimum headroom of working spaces about service equipment, switchboards, panelboards, or motor control centers shall be 6 feet 3 inches.

Note: As used in this section, a motor control center is an assembly of one or more enclosed sections having a common power bus and principally containing motor control units.

(b) Guarding of live parts.

(i) Except as required or permitted elsewhere in this section, live parts of electric equipment operating at 50 volts or more shall be guarded against accidental contact by approved cabinets or other forms of approved enclosures, or by any of the following means:

(A) By location in a room, vault, or similar enclosure that is accessible only to qualified persons.

(B) By suitable permanent, substantial partitions or screens so arranged that only qualified persons will have access to the space within reach of the live parts. Any openings in such partitions or screens shall be so sized and located that persons are not likely to come into accidental contact with live parts or to bring conducting objects into contact with them.

(C) By location on a suitable balcony, gallery, or platform so elevated and arranged as to exclude unqualified persons.

(D) By elevation of 8 feet or more above the floor or other working surface.

(ii) In locations where electric equipment would be exposed to physical damage, enclosures or guards shall be so arranged and of such strength as to prevent such damage.

(iii) Entrances to rooms and other guarded locations containing exposed live parts shall be marked with conspicuous warning signs forbidding unqualified persons to enter.

(8) Main disconnects. To avoid accidental starts of machinery during maintenance or clean-up, the main disconnect(s) of machines shall first be locked out from the power source.

Note: \*(Temporary) All 15- and 20- ampere receptacle outlets on single-phase circuits may have approved ground-fault circuit protection.

Exception: \*For branch-circuit extensions only in existing installations which do not have a grounding conductor in the branch-circuit, the grounding conductor of a grounding-type receptacle outlet may be grounded to a metal cold-water pipe near the equipment.

(9) Electric wire fences shall be controlled by a U.L. approved control box which regulates both voltage and amperage.

(10) Whenever work is performed near outside energized electrical conductors, employees and equipment shall be kept at least ten feet away from such conductors.

Note: \*Special precautionary instructions shall be given to employees handling portable metal irrigation pipe near energized circuits.

(11) After October 25, 1976, the following additional rule shall apply for electrical power sources: All circuit protection devices, including those which are an integral part of a motor, shall be of the manual reset type, except where:

(a) The employer can establish that because of the nature of the operation, distances involved, and the amount of time normally spent by employees in the area of the affected equipment, use of the manual reset device would be infeasible;

(b) There is an electrical disconnect switch available to the employee within 15 feet of the equipment upon which maintenance or service is being performed; and

(c) A sign is prominently posted near each hazardous component which warns the employee that unless the electrical disconnect switch is utilized, the motor could

automatically reset while the employee is working on the hazardous component.

#### NEW SECTION

#### **WAC 296-306-14503 Wiring design and protection.**

(1) Use and identification of grounded and grounding conductors.

(a) Identification of conductors. A conductor used as a grounded conductor shall be identifiable and distinguishable from all other conductors. A conductor used as an equipment grounding conductor shall be identifiable and distinguishable from all other conductors.

(b) Polarity of connections. No grounded conductor may be attached to any terminal or lead so as to reverse designated polarity.

(c) Use of grounding terminals and devices. A grounding terminal or grounding-type device on a receptacle, cord connector, or attachment plug may not be used for purposes other than grounding.

(2) Outlet devices. Outlet devices shall have an ampere rating not less than the load to be served.

(3) Outside conductors, 600 volts, nominal, or less. (a), (b), (c), and (d) of this subsection apply to branch circuit, feeder, and service conductors rated 600 volts, nominal, or less and run outdoors as open conductors. (e) of this subsection applies to lamps installed under such conductors.

(a) Conductors on poles. Conductors supported on poles shall provide a horizontal climbing space not less than the following:

(i) Power conductors below communication conductors—30 inches.

(ii) Power conductors alone or above communication conductors: 300 volts or less—24 inches; more than 300 volts—30 inches.

(iii) Communication conductors below power conductors with power conductors 300 volts or less—24 inches; more than 300 volts—30 inches.

(b) Clearance from ground. Open conductors shall conform to the following minimum clearances:

(i) 10 feet—above finished grade, sidewalks, or from any platform or projection from which they might be reached.

(ii) 12 feet—over areas subject to vehicular traffic other than truck traffic.

(iii) 15 feet—over areas other than those specified in item (b)(iv) of this subsection that are subject to truck traffic.

(iv) 18 feet—over public streets, alleys, roads, and driveways.

(c) Clearance from building openings. Conductors shall have a clearance of at least 3 feet from windows, doors, porches, fire escapes, or similar locations. Conductors run above the top level of a window are considered to be out of reach from that window and, therefore, do not have to be 3 feet away.

(d) Clearance over roofs. Conductors shall have a clearance of not less than 8 feet from the highest point of roofs over which they pass, except that:

(i) Where the voltage between conductors is 300 volts or less and the roof has a slope of not less than 4 inches in 12, the clearance from the roofs shall be at least 3 feet; or

(ii) Where the voltage between conductors is 300 volts or less and the conductors do not pass over more than 4 feet of the overhang portion of the roof and they are terminated at a through-the-roof raceway or approved support, the clearance from the roofs shall be at least 18 inches.

(e) Location of outdoor lamps. Lamps for outdoor lighting shall be located below all live conductors, transformers, or other electric equipment, unless such equipment is controlled by a disconnecting means that can be locked in the open position or unless adequate clearances or other safeguards are provided for relamping operations.

(4)(a) Services.

(b) Disconnecting means.

(i) General. Means shall be provided to disconnect all conductors in a building or other structure from the service-entrance conductors. The disconnecting means shall plainly indicate whether it is in the open or closed position and shall be installed at a readily accessible location nearest the point of entrance of the service-entrance conductors.

(ii) Simultaneous opening of poles. Each service disconnecting means shall simultaneously disconnect all ungrounded conductors.

(5)(a) Overcurrent protection.

(b) 600 volts, nominal, or less. The following requirements apply to overcurrent protection of circuits rated 600 volts, nominal, or less.

(i) Protection of conductors and equipment. Conductors and equipment shall be protected from overcurrent in accordance with their ability to safely conduct current.

(ii) Grounded conductors. Except for motor running overload protection, overcurrent devices may not interrupt the continuity of the grounded conductor unless all conductors of the circuit are opened simultaneously.

(iii) Disconnection of fuses and thermal cutouts. Except for service fuses, all cartridge fuses which are accessible to other than qualified persons and all fuses and thermal cutouts on circuits over 150 volts to ground shall be provided with disconnecting means. This disconnecting means shall be installed so that the fuse or thermal cutout can be disconnected from its supply without disrupting service to equipment and circuits unrelated to those protected by the overcurrent device.

(iv) Location in or on premises. Overcurrent devices shall be readily accessible to each employee or authorized building management personnel. These overcurrent devices may not be located where they will be exposed to physical damage nor in the vicinity of easily ignitable material.

(v) Arcing or suddenly moving parts. Fuses and circuit breakers shall be so located or shielded that employees will not be burned or otherwise injured by their operation.

(vi) Circuit breakers.

(A) Circuit breakers shall clearly indicate whether they are in the open (off) or closed (on) position.

(B) Where circuit breaker handles on switchboards are operated vertically rather than horizontally or rotationally, the up position of the handle shall be the closed (on) position. (See WAC 296-24-95603 (2)(c).)

(C) If used as switches in 120-volt, fluorescent lighting circuits, circuit breakers shall be approved for the purpose and marked "SWD." (See WAC 296-24-95603 (2)(c).)



(6) Grounding. (a) through (g) of this subsection contain grounding requirements for systems, circuits, and equipment.

(a) Systems to be grounded. The following systems which supply premises wiring shall be grounded:

(i) All 3-wire DC systems shall have their neutral conductor grounded.

(ii) Two-wire DC systems operating at over 50 volts through 300 volts between conductors shall be grounded unless:

(A) They supply only industrial equipment in limited areas and are equipped with a ground detector; or

(B) They are rectifier-derived from an AC system complying with (a)(iii), (iv), and (v) of this subsection; or

(C) They are fire-protective signaling circuits having a maximum current of 0.030 amperes.

(iii) AC circuits of less than 50 volts shall be grounded if they are installed as overhead conductors outside of buildings or if they are supplied by transformers and the transformer primary supply system is ungrounded or exceeds 150 volts to ground.

(iv) AC systems of 50 volts to 1000 volts shall be grounded under any of the following conditions, unless exempted by (a)(v) of this subsection:

(A) If the system can be so grounded that the maximum voltage to ground on the ungrounded conductors does not exceed 150 volts;

(B) If the system is nominally rated 480Y/277 volt, 3-phase, 4-wire in which the neutral is used as a circuit conductor;

(C) If the system is nominally rated 240/120 volt, 3-phase, 4-wire in which the midpoint of one phase is used as a circuit conductor; or

(D) If a service conductor is uninsulated.

(v) AC systems of 50 volts to 1000 volts are not required to be grounded under any of the following conditions:

(A) If the system is used exclusively to supply industrial electric furnaces for melting, refining, tempering, and the like.

(B) If the system is separately derived and is used exclusively for rectifiers supplying only adjustable speed industrial drives.

(C) If the system is separately derived and is supplied by a transformer that has a primary voltage rating less than 1000 volts, provided all of the following conditions are met:

(I) The system is used exclusively for control circuits;

(II) The conditions of maintenance and supervision assure that only qualified persons will service the installation;

(III) Continuity of control power is required; and

(IV) Ground detectors are installed on the control system.

(D) If the system is an isolated power system that supplies circuits in health care facilities.

(b) Conductors to be grounded. For AC premises wiring systems the identified conductor shall be grounded.

(c) Grounding connections.

(i) For a grounded system, a grounding electrode conductor shall be used to connect both the equipment grounding conductor and the grounded circuit conductor to the grounding electrode. Both the equipment grounding

conductor and the grounding electrode conductor shall be connected to the grounded circuit conductor on the supply side of the service disconnecting means, or on the supply side of the system disconnecting means or overcurrent devices if the system is separately derived.

(ii) For an ungrounded service-supplied system, the equipment grounding conductor shall be connected to the grounding electrode conductor at the service equipment. For an ungrounded separately derived system, the equipment grounding conductor shall be connected to the grounding electrode conductor at, or ahead of, the system disconnecting means or overcurrent devices.

(iii) On extensions of existing branch circuits which do not have an equipment grounding conductor, grounding-type receptacles may be grounded to a grounded cold water pipe near the equipment.

(d) Grounding path. The path to ground from circuits, equipment, and enclosures shall be permanent and continuous.

(e) Supports, enclosures, and equipment to be grounded.

(i) Supports and enclosures for conductors. Metal cable trays, metal raceways, and metal enclosures for conductors shall be grounded, except that:

(A) Metal enclosures such as sleeves that are used to protect cable assemblies from physical damage need not be grounded; or

(B) Metal enclosures for conductors added to existing installations of open wire, knob-and-tube wiring, and nonmetallic-sheathed cable need not be grounded if all of the following conditions are met:

(I) Runs are less than 25 feet;

(II) Enclosures are free from probable contact with ground, grounded metal, metal laths, or other conductive materials; and

(III) Enclosures are guarded against employee contact.

(ii) Service equipment enclosures. Metal enclosures for service equipment shall be grounded.

(iii) Frames of ranges and clothes dryers. Frames of electric ranges, wall-mounted ovens, counter-mounted cooking units, clothes dryers, and metal outlet or junction boxes which are part of the circuit for these appliances shall be grounded.

(iv) Fixed equipment. Exposed noncurrent-carrying metal parts of fixed equipment which may become energized shall be grounded under any of the following conditions:

(A) If within 8 feet vertically or 5 feet horizontally of ground or grounded metal objects and subject to employee contact.

(B) If located in a wet or damp location and not isolated.

(C) If in electrical contact with metal.

(D) If in a hazardous (classified) location.

(E) If supplied by a metal-clad, metal-sheathed, or grounded metal raceway wiring method.

(F) If equipment operates with any terminal at over 150 volts to the ground; however, the following need not be grounded:

(I) Enclosures for switches or circuit breakers used for other than service equipment and accessible to qualified persons only;

(II) Metal frames of electrically heated appliances which are permanently and effectively insulated from ground; and

(III) The cases of distribution apparatus such as transformers and capacitors mounted on wooden poles at a height exceeding 8 feet above ground or grade level.

(v) Equipment connected by cord and plug. Under any of the conditions described in (e)(v)(A) through (e)(v)(C) of this subsection, exposed noncurrent-carrying metal parts of cord-connected and plug-connected equipment which may become energized shall be grounded.

(A) If in hazardous (classified) locations (see WAC 296-306-14507.)

(B) If operated at over 150 volts to ground, except for guarded motors and metal frames of electrically heated appliances if the appliance frames are permanently and effectively insulated from ground.

(C) If the equipment is of the following types:

(I) Refrigerators, freezers, and air conditioners;

(II) Clothes-washing, clothes-drying and dishwashing machines, sump pumps, and electrical aquarium equipment;

(III) Hand-held motor-operated tools;

(IV) Motor-operated appliances of the following types: Hedge clippers, lawn mowers, snow blowers, and wet scrubbers;

(V) Cord-connected and plug-connected appliances used in damp or wet locations or by employees standing on the ground or on metal floors or working inside of metal tanks or boilers;

(VI) Portable and mobile x-ray and associated equipment;

(VII) Tools likely to be used in wet and conductive locations; and

(VIII) Portable hand lamps. Tools likely to be used in wet and conductive locations need not be grounded if supplied through an isolating transformer with an ungrounded secondary of not over 50 volts. Listed or labeled portable tools and appliances protected by an approved system of double insulation, or its equivalent, need not be grounded. If such a system is employed, the equipment shall be distinctively marked to indicate that the tool or appliance utilizes an approved system of double insulation.

(vi) Nonelectrical equipment. The metal parts of the following nonelectrical equipment shall be grounded: Frames and tracks of electrically operated cranes; frames of nonelectrically driven elevator cars to which electric conductors are attached; hand operated metal shifting ropes or cables of electric elevators, and metal partitions, grill work, and similar metal enclosures around equipment of over 750 volts between conductors.

(f) Methods of grounding fixed equipment.

(i) Noncurrent-carrying metal parts of fixed equipment, if required to be grounded by this section, shall be grounded by an equipment grounding conductor which is contained within the same raceway, cable, or cord, or runs with or encloses the circuit conductors. For DC circuits only, the equipment grounding conductor may be run separately from the circuit conductors.

(ii) Electric equipment is considered to be effectively grounded if it is secured to, and in electrical contact with, a metal rack or structure that is provided for its support and the metal rack or structure is grounded by the method specified for the noncurrent-carrying metal parts of fixed equipment in (f)(i) of this subsection. For installations made before May 30, 1982, only, electric equipment is also

considered to be effectively grounded if it is secured to, and in metallic contact with, the grounded structural metal frame of a building. Metal car frames supported by metal hoisting cables attached to or running over metal sheaves or drums of grounded elevator machines are also considered to be effectively grounded.

#### NEW SECTION

**WAC 206-306-14505 Wiring methods, components, and equipment for general use.** (1) Wiring methods. The provisions of this section do not apply to the conductors that are an integral part of factory-assembled equipment.

(a) General requirements.

(i) Electrical continuity of metal raceways and enclosures. Metal raceways, cable armor, and other metal enclosures for conductors shall be metallically joined together into a continuous electric conductor and shall be so connected to all boxes, fittings, and cabinets as to provide effective electrical continuity.

(ii) Wiring in ducts. No wiring systems of any type shall be installed in ducts used to transport dust, loose stock or flammable vapors. No wiring system of any type may be installed in any duct used for vapor removal or for ventilation of commercial-type cooking equipment, or in any shaft containing only such ducts.

(b) Temporary wiring. Temporary electrical power and lighting wiring methods may be of a class less than would be required for a permanent installation. Except as specifically modified in this paragraph, all other requirements of this subpart for permanent wiring shall apply to temporary wiring installations.

(i) Uses permitted, 600 volts, nominal or less. Temporary electrical power and lighting installations 600 volts, nominal, or less may be used only:

(A) During and for remodeling, maintenance, repair, or demolition of buildings, structures, or equipment, and similar activities;

(B) For experimental or development work; and

(ii) General requirements for temporary wiring.

(A) Feeders shall originate in an approved distribution center. The conductors shall be run as multiconductor cord or cable assemblies, or, where not subject to physical damage, they may be run as open conductors on insulators not more than 10 feet apart.

(B) Branch circuits shall originate in an approved power outlet or panelboard. Conductors shall be multiconductor cord or cable assemblies or open conductors. If run as open conductors they shall be fastened at ceiling height every 10 feet. No branch-circuit conductor may be laid on the floor. Each branch circuit that supplies receptacles or fixed equipment shall contain a separate equipment grounding conductor if run as open conductors.

(C) Receptacles shall be of the grounding type. Unless installed in a complete metallic raceway, each branch circuit shall contain a separate equipment grounding conductor and all receptacles shall be electrically connected to the grounding conductor.

(D) No bare conductors nor earth returns may be used for the wiring of any temporary circuit.

(E) Suitable disconnecting switches or plug connectors shall be installed to permit the disconnection of all ungrounded conductors of each temporary circuit.

(F) Lamps for general illumination shall be protected from accidental contact or breakage. Protection shall be provided by elevation of at least 7 feet from normal working surface or by a suitable fixture or lampholder with a guard.

(G) Flexible cords and cables shall be protected from accidental damage. Sharp corners and projections shall be avoided. Where passing through doorways or other pinch points, flexible cords and cables shall be provided with protection to avoid damage.

(d) Open wiring on insulators.

(i) Uses permitted. Open wiring on insulators is only permitted on systems of 600 volts, nominal, or less for industrial or agricultural establishments and for services.

(ii) Conductor supports. Conductors shall be rigidly supported on noncombustible, nonabsorbent insulating materials and may not contact any other objects.

(iii) Flexible nonmetallic tubing. In dry locations where not exposed to severe physical damage, conductors may be separately enclosed in flexible nonmetallic tubing. The tubing shall be in continuous lengths not exceeding 15 feet and secured to the surface by straps at intervals not exceeding 4 feet 6 inches.

(iv) Through walls, floors, wood cross members, etc. Open conductors shall be separated from contact with walls, floors, and wood cross members, or partitions through which they pass by tubes or bushings of noncombustible, nonabsorbent insulating material. If the bushing is shorter than the hole, a waterproof sleeve of nonconductive material shall be inserted in the hole and an insulating bushing slipped into the sleeve at each end in such a manner as to keep the conductors absolutely out of contact with the sleeve. Each conductor shall be carried through a separate tube or sleeve.

(v) Protection from physical damage. Conductors within 7 feet from the floor are considered exposed to physical damage. Where open conductors cross ceiling joints and wall studs and are exposed to physical damage, they shall be protected.

(2) Cabinets, boxes, and fittings.

(a) Conductors entering boxes, cabinets, or fittings. Conductors entering boxes, cabinets, or fittings shall be protected from abrasion, and openings through which conductors enter shall be effectively closed. Unused openings in cabinets, boxes, and fittings shall also be effectively closed.

(b) Covers and canopies. All pull boxes, junction boxes, and fittings shall be provided with covers approved for the purpose. If metal covers are used they shall be grounded. In completed installations each outlet box shall have a cover, faceplate, or fixture canopy. Covers of outlet boxes having holes through which flexible cord pendants pass shall be provided with bushings designed for the purpose or shall have smooth, well-rounded surfaces on which the cords may bear.

(3) Switches.

(a) Knife switches. Single-throw knife switches shall be so connected that the blades are dead when the switch is in the open position. Single-throw knife switches shall be so placed that gravity will not tend to close them. Single-throw knife switches approved for use in the inverted position shall

be provided with a locking device that will ensure that the blades remain in the open position when so set. Double-throw knife switches may be mounted so that the throw will be either vertical or horizontal. However, if the throw is vertical a locking device shall be provided to ensure that the blades remain in the open position when so set.

(b) Faceplates for flush-mounted snap switches. Flush snap switches that are mounted in ungrounded metal boxes and located within reach of conducting floors or other conducting surfaces shall be provided with faceplates of nonconducting, noncombustible material.

(4) Switchboards and panelboards. Switchboards that have any exposed live parts shall be located in permanently dry locations and accessible only to qualified persons. Panelboards shall be mounted in cabinets, cutout boxes, or enclosures approved for the purpose and shall be dead front. However, panelboards other than the dead front externally-operable type are permitted where accessible only to qualified persons. Exposed blades of knife switches shall be dead when open.

(5) Enclosures for damp or wet locations.

(a) Cabinets, cutout boxes, fittings, boxes, and panelboard enclosures in damp or wet locations shall be installed so as to prevent moisture or water from entering and accumulating within the enclosures. In wet locations the enclosures shall be weatherproof.

(b) Switches, circuit breakers, and switchboards installed in wet locations shall be enclosed in weatherproof enclosures.

(6) Conductors for general wiring. All conductors used for general wiring shall be insulated unless otherwise permitted in this section. The conductor insulation shall be of a type that is approved for the voltage, operating temperature, and location of use. Insulated conductors shall be distinguishable by appropriate color or other suitable means as being grounded conductors, ungrounded conductors, or equipment grounding conductors.

(7) Flexible cords and cables.

(a) Use of flexible cords and cables.

(i) Flexible cords and cables shall be approved and suitable for conditions of use and location. Flexible cords and cables shall be used only for:

(A) Pendants;

(B) Wiring of fixtures;

(C) Connection of portable lamps or appliances;

(D) Elevator cables;

(E) Wiring of cranes and hoists;

(F) Connection of stationary equipment to facilitate their frequent interchange;

(G) Prevention of the transmission of noise or vibration;

(H) Appliances where the fastening means and mechanical connections are designed to permit removal for maintenance and repair; or

(I) Data processing cables approved as a part of the data processing system.

(ii) If used as permitted in (a)(i)(C), (a)(i)(F) or (a)(i)(H) of this subsection, the flexible cord shall be equipped with an attachment plug and shall be energized from an approved receptacle outlet.

(iii) Unless specifically permitted in (a)(i) of this subsection, flexible cords and cables may not be used:

(A) As a substitute for the fixed wiring of a structure;

(B) Where run through holes in walls, ceilings, or floors;

(C) Where run through doorways, windows, or similar openings;

(D) Where attached to building surfaces; or

(E) Where concealed behind building walls, ceilings, or floors.

(iv) Flexible cords used in show windows and showcases shall be Type S, SO, SJ, SJO, ST, STO, SJT, SJTO, or AFS except for the wiring of chain-supported lighting fixtures and supply cords for portable lamps and other merchandise being displayed or exhibited.

(b) Identification, splices, and terminations.

(i) A conductor of a flexible cord or cable that is used as a grounded conductor or an equipment grounding conductor shall be distinguishable from other conductors. Types SJ, SJO, SJT, SJTO, S, SO, ST, and STO shall be durably marked on the surface with the type designation, size, and number of conductors.

(ii) Flexible cords shall be used only in continuous lengths without splice or tap. Hard service flexible cords No. 12 or larger may be repaired if spliced so that the splice retains the insulation, outer sheath properties, and usage characteristics of the cord being spliced.

(iii) Flexible cords shall be connected to devices and fittings so that strain relief is provided which will prevent pull from being directly transmitted to joints or terminal screws.

(8) Fixture wires.

(a) General. Fixture wires shall be approved for the voltage, temperature, and location of use. A fixture wire which is used as a grounded conductor shall be identified.

(b) Uses permitted. Fixture wires may be used:

(i) For installation in lighting fixtures and in similar equipment where enclosed or protected and not subject to bending or twisting in use; or

(ii) For connecting lighting fixtures to the branch-circuit conductors supplying the fixtures.

(c) Uses not permitted. Fixture wires may not be used as branch-circuit conductors except as permitted for Class 1 power limited circuits.

(9) Equipment for general use.

(a) Lighting fixtures, lampholders, lamps, and receptacles.

(i) Fixtures, lampholders, lamps, rosettes, and receptacles may have no live parts normally exposed to employee contact. However, rosettes and cleat-type lampholders and receptacles located at least 8 feet above the floor may have exposed parts.

(ii) Handlamps of the portable type supplied through flexible cords shall be equipped with a handle of molded composition or other material approved for the purpose, and a substantial guard shall be attached to the lampholder or the handle.

(iii) Lampholders of the screw-shell type shall be installed for use as lampholders only. Lampholders installed in wet or damp locations shall be of the weatherproof type.

(iv) Fixtures installed in wet or damp locations shall be approved for the purpose and shall be so constructed or installed that water cannot enter or accumulate in wireways, lampholders, or other electrical parts.

(b) Receptacles, cord connectors, and attachment plugs (caps).

(i) Receptacles, cord connectors, and attachment plugs shall be constructed so that no receptacle or cord connector will accept an attachment plug with a different voltage or current rating than that for which the device is intended. However, a 20-ampere T-slot receptacle or cord connector may accept a 15-ampere attachment plug of the same voltage rating.

(ii) A receptacle installed in a wet or damp location shall be suitable for the location.

(c) Appliances.

(i) Appliances, other than those in which the current-carrying parts at high temperatures are necessarily exposed, may have no live parts normally exposed to employee contact.

(ii) A means shall be provided to disconnect each appliance.

(iii) Each appliance shall be marked with its rating in volts and amperes or volts and watts.

(d) Motors. This paragraph applies to motors, motor circuits, and controllers.

(i) In sight from. If specified that one piece of equipment shall be "in sight from" another piece of equipment, one shall be visible and not more than 50 feet from the other.

(ii) Disconnecting means.

(A) A disconnecting means shall be located in sight from the controller location. However, a single disconnecting means may be located adjacent to a group of coordinated controllers mounted adjacent to each other or a multimotor continuous process machine. The controller disconnecting means for motor branch circuits over 600 volts, nominal, may be out of sight of the controller, if the controller is marked with a warning label giving the location and identification of the disconnecting means which is to be locked in the open position.

(B) The disconnecting means shall disconnect the motor and the controller from all ungrounded supply conductors and shall be so designed that no pole can be operated independently.

(C) If a motor and the driven machinery are not in sight from the controller location, the installation shall comply with one of the following conditions:

(I) The controller disconnecting means shall be capable of being locked in the open position.

(II) A manually operable switch that will disconnect the motor from its source of supply shall be placed in sight from the motor location.

(D) The disconnecting means shall plainly indicate whether it is in the open (off) or closed (on) position.

(E) The disconnecting means shall be readily accessible. If more than one disconnect is provided for the same equipment, only one need be readily accessible.

(F) An individual disconnecting means shall be provided for each motor, but a single disconnecting means may be used for a group of motors under any one of the following conditions:

(I) If a number of motors drive special parts of a single machine or piece of apparatus, such as a metal or woodworking machine, crane, or hoist;

(II) If a group of motors is under the protection of one set of branch-circuit protective devices; or

(III) If a group of motors is in a single room in sight from the location of the disconnecting means.

(iii) Motor overload, short-circuit, and ground-fault protection. Motors, motor-control apparatus, and motor branch-circuit conductors shall be protected against overheating due to motor overloads or failure to start, and against short-circuits or ground faults. These provisions shall not require overload protection that will stop a motor where a shutdown is likely to introduce additional or increased hazards, as in the case of fire pumps, or where continued operation of a motor is necessary for a safe shutdown of equipment or process and motor overload sensing devices are connected to a supervised alarm.

(iv) Protection of live parts—all voltages.

(A) Stationary motors having commutators, collectors, and brush rigging located inside of motor end brackets and not conductively connected to supply circuits operating at more than 150 volts to ground need not have such parts guarded. Exposed live parts of motors and controllers operating at 50 volts or more between terminals shall be guarded against accidental contact by any of the following:

(I) By installation in a room or enclosure that is accessible only to qualified persons;

(II) By installation on a suitable balcony, gallery, or platform, so elevated and arranged as to exclude unqualified persons; or

(III) By elevation 8 feet or more above the floor.

(B) Where live parts of motors or controllers operating at over 150 volts to ground are guarded against accidental contact only by location, and where adjustment or other attendance may be necessary during the operation of the apparatus, suitable insulating mats or platforms shall be provided so that the attendant cannot readily touch live parts unless standing on the mats or platforms.

(e) Transformers.

(i) The following paragraphs cover the installation of all transformers except the following:

(A) Current transformers;

(B) Dry-type transformers installed as a component part of other apparatus;

(C) Transformers which are an integral part of an x-ray, high frequency, or electrostatic-coating apparatus;

(D) Transformers used with Class 2 and Class 3 circuits, sign and outline lighting, electric discharge lighting, and power-limited fire-protective signalling circuits; and

(E) Liquid-filled or dry-type transformers used for research, development, or testing, where effective safeguard arrangements are provided.

(ii) The operating voltage of exposed live parts of transformer installations shall be indicated by warning signs or visible markings on the equipment or structure.

(iii) Dry-type, high fire point liquid-insulated, and askarel-insulated transformers installed indoors and rated over 35kV shall be in a vault.

(iv) If they present a fire hazard to employees, oil-insulated transformers installed indoors shall be in a vault.

(v) Combustible material, combustible buildings and parts of buildings, fire escapes, and door and window openings shall be safeguarded from fires which may

originate in oil-insulated transformers attached to or adjacent to a building or combustible material.

(vi) Transformer vaults shall be constructed so as to contain fire and combustible liquids within the vault and to prevent unauthorized access. Locks and latches shall be so arranged that a vault door can be readily opened from the inside.

(vii) Any pipe or duct system foreign to the vault installation may not enter or pass through a transformer vault.

(viii) Materials may not be stored in transformer vaults.

(f) Capacitors.

(i) All capacitors, except surge capacitors or capacitors included as a component part of other apparatus, shall be provided with an automatic means of draining the stored charge after the capacitor is disconnected from its source of supply.

(ii) Capacitors rated over 600 volts, nominal, shall comply with the following additional requirements:

(A) Isolating or disconnecting switches (with no interrupting rating) shall be interlocked with the load interrupting device or shall be provided with prominently displayed caution signs to prevent switching load current.

(B) For series capacitors (see WAC 296-24-95603 (2)(c)), the proper switching shall be assured by use of at least one of the following:

(I) Mechanically sequenced isolating and bypass switches;

(II) Interlocks; or

(III) Switching procedure prominently displayed at the switching location.

(g) Storage batteries. Provisions shall be made for sufficient diffusion and ventilation of gases from storage batteries to prevent the accumulation of explosive mixtures.

NEW SECTION

**WAC 296-306-14507 Hazardous (classified) locations.** (1) Scope. This section covers the requirements for electric equipment and wiring in locations which are classified depending on the properties of the flammable vapors, liquids or gases, or combustible dusts or fibers which may be present therein and the likelihood that a flammable combustible concentration or quantity is present. Hazardous (classified) locations may be found in occupancies such as, but not limited to, the following: Aircraft hangars, gasoline dispensing and storage or other volatile flammable liquids, paint-finishing, agricultural or other facilities where excessive combustible dusts may be present. Each room, section or area shall be considered individually in determining its classification. These hazardous (classified) locations are assigned six designations as follows:

Class I,	Division 1
Class I,	Division 2
Class II,	Division 1
Class II,	Division 2
Class III,	Division 1
Class III,	Division 2

For definitions of these locations see WAC 296-24-95601(1). All applicable requirements in this subpart

shall apply to hazardous (classified) locations, unless modified by provisions of this section.

(2) Electrical installations. Equipment, wiring methods, and installations of equipment in hazardous (classified) locations shall be intrinsically safe, or approved for the hazardous (classified) location, or safe for the hazardous (classified) location. Requirements for each of these options are as follows:

(a) Intrinsically safe. Equipment and associated wiring approved as intrinsically safe shall be permitted in any hazardous (classified) location for which it is approved.

(b) Approved for the hazardous (classified) location.

(i) Equipment shall be approved not only for the class of location but also for the ignitable or combustible properties of the specific gas, vapor, dust, or fiber that will be present.

Note: NFPA 70, the National Electrical Code, lists or defines hazardous gases, vapors, and dusts by "groups" characterized by their ignitable or combustible properties.

(ii) Equipment shall be marked to show the class, group, and operating temperature or temperature range, based on operation in a 40 degrees C ambient, for which it is approved. The temperature marking may not exceed the ignition temperature of the specific gas or vapor to be encountered. However, the following provisions modify this marking requirement for specific equipment:

(A) Equipment of the nonheat-producing type, such as junction boxes, conduit, and fittings, and equipment of the heat-producing type having a maximum temperature not more than 100 degrees C (212 degrees F) need not have a marked operating temperature or temperature range.

(B) Fixed lighting fixtures marked for use in Class I, Division 2 locations only, need not be marked to indicate the group.

(C) Fixed general-purpose equipment in Class I locations, other than lighting fixtures, which is acceptable for use in Class I, Division 2 locations need not be marked with the class, group, division, or operating temperature.

(D) Fixed dust-tight equipment, other than lighting fixtures, which is acceptable for use in Class II, Division 2 and Class III locations need not be marked with the class, group, division, or operating temperature.

(c) Safe for the hazardous (classified) location. Equipment which is safe for the location shall be of a type and design which the employer demonstrates will provide protection from the hazards arising from the combustibility and flammability of vapors, liquids, gases, dusts, or fibers.

Note: The National Electrical Code, NFPA 70, contains guidelines for determining the type and design of equipment and installations which will meet this requirement. The guidelines of this document address electric wiring, equipment, and systems installed in hazardous (classified) locations and contain specific provisions for the following: Wiring methods, wiring connections; conductor insulation, flexible cords, sealing and drainage, transformers, capacitors, switches, circuit breakers, fuses, motor controllers, receptacles, attachment plugs, meters, relays, instruments, resistors, generators, motors, lighting fixtures, storage battery charging equipment, electric cranes, electric hoists and similar equipment, utilization equipment, signaling systems, alarm systems, remote control systems, local loud speaker and communication systems, ventilation piping, live parts, lighting surge protection, and grounding.

Compliance with these guidelines will constitute one means, but not the only means, of compliance with this subsection.

(3) Conduits. All conduits shall be threaded and shall be made wrench-tight. Where it is impractical to make a threaded joint tight, a bonding jumper shall be utilized.

(4) Equipment in Division 2 locations. Equipment that has been approved for a Division 1 location may be installed in a Division 2 location of the same class and group. General-purpose equipment or equipment in general-purpose enclosures may be installed in Division 2 locations if the equipment does not constitute a source of ignition under normal operating conditions.

(5) Motors and generators. Motors and generators shall conform to the following: Class I, Division 1. In Class I, Division 1 locations, motors, generators and other rotating electric machinery shall be:

(a) Approved for Class I, Division 1 locations (explosion-proof); or

(b) Of the totally enclosed type supplied with positive-pressure ventilation from a source of clean air with discharge to a safe area, so arranged to prevent energizing of the machine until ventilation has been established and the enclosure has been purged with at least 10 volumes of air, and also arranged to automatically deenergize the equipment when the air supply fails; or

(c) Of the totally enclosed inert-gas-filled type supplied with a suitable reliable source of inert gas for pressuring the enclosure, with devices provided to ensure a positive pressure in the enclosure and arranged to automatically deenergize the equipment when the gas supply fails; or

(d) Of a type designed to be submerged in a liquid which is flammable only when vaporized and mixed with air, or in a gas or vapor at a pressure greater than atmospheric and which is flammable only when mixed with air; and the machine is so arranged to prevent energizing it until it has been purged with the liquid or gas to exclude air, and also arranged to automatically deenergize the equipment when the supply of liquid, or gas or vapor fails or the pressure is reduced to atmospheric.

Totally enclosed motors of types (b) and (c) shall have no external surface with an operating temperature in degrees Celsius in excess of eighty percent of the ignition temperature of the gas or vapor involved, as determined by ASTM test procedure (Designation: D-2155-69). Appropriate devices shall be provided to detect any increase in temperature of the motor beyond design limits and automatically deenergize the equipment or provide an adequate alarm. Auxiliary equipment shall be of a type approved for the location in which it is installed.

(6) Emergency power systems.

(a) Scope. The provisions for emergency systems apply to circuits, systems, and equipment intended to supply power for illumination and special loads, in the event of failure of the normal supply.

(b) Wiring methods. Emergency circuit wiring shall be kept entirely independent of all other wiring and equipment and may not enter the same raceway, cable, box, or cabinet as other wiring except either where common circuit elements suitable for the purpose are required, or for transferring power from the normal to the emergency source.

(c) Emergency illumination. Where emergency lighting is necessary, the system shall be so arranged that the failure of any individual lighting element, such as the burning out of a light bulb, cannot leave any space in total darkness.

(7) Class 1, Class 2, and Class 3 remote control, signaling, and power-limited circuits.

(a) Classification. Class 1, Class 2, or Class 3 remote control, signaling, or power-limited circuits are characterized by their usage and electrical power limitation which differentiates them from light and power circuits. These circuits are classified in accordance with their respective voltage and power limitations as summarized in (a)(i) through (iii) of this subsection.

(i) Class 1 circuits.

(A) A Class 1 power-limited circuit is supplied from a source having a rated output of not more than 30 volts and 1000 volt-amperes.

(B) A Class 1 remote control circuit or a Class 1 signaling circuit has a voltage which does not exceed 600 volts; however, the power output of the source need not be limited.

(ii) Class 2 and Class 3 circuits.

(A) Power for Class 2 and Class 3 circuits is limited either inherently (in which no overcurrent protection is required) or by a combination of a power source and overcurrent protection.

(B) The maximum circuit voltage is 150 volts AC or DC for a Class 2 inherently limited power source, and 100 volts AC or DC for a Class 3 inherently limited power source.

(C) The maximum circuit voltage is 30 volts AC and 60 volts DC for a Class 2 power source limited by overcurrent protection, and 150 volts AC or DC for a Class 3 power source limited by overcurrent protection.

(iii) The maximum circuit voltages in (a)(i) and (ii) of this subsection apply to sinusoidal AC or continuous DC power sources, and where wet contact occurrence is not likely.

(b) Marking. A Class 2 or Class 3 power supply unit shall be durably marked where plainly visible to indicate the class of supply and its electrical rating. (See WAC 296-24-95603 (2)(c).)

(8) Fire protective signaling systems. (See WAC 296-24-95603 (2)(c).)

(a) Classifications. Fire protective signaling circuits shall be classified either as nonpower limited or power limited.

(b) Power sources. The power sources for use with fire protective signaling circuits shall be either power limited or nonlimited as follows:

(i) The power supply of nonpower-limited fire protective signaling circuits shall have an output voltage not in excess of 600 volts.

(ii) The power for power-limited fire protective signaling circuits shall be either inherently limited, in which no overcurrent protection is required, or limited by a combination of power source and overcurrent protection.

(c) Nonpower-limited conductor location. Nonpower-limited fire protective signaling circuits and Class 1 circuits may occupy the same enclosure, cable, or raceway provided all conductors are insulated for maximum voltage of any conductor within the enclosure, cable or raceway.

Power supply and fire protective signaling circuit conductors are permitted in the same enclosure, cable, or raceway only if connected to the same equipment.

(d) Power-limited conductor location. Where open conductors are installed, power-limited fire protective signaling circuits shall be separated at least 2 inches from conductors of any light, power, Class 1, and nonpower-limited fire protective signaling circuits unless a special and equally protective method of conductor separation is employed. Cables and conductors of two or more power-limited fire protective signaling circuits or Class 3 circuits are permitted in the same cable, enclosure, or raceway. Conductors of one or more Class 2 circuits are permitted within the same cable, enclosure, or raceway with conductors of power-limited fire protective signaling circuits provided that the insulation of Class 2 circuit conductors in the cable, enclosure, or raceway is at least that needed for the power-limited fire protective signaling circuits.

(e) Identification. Fire protective signaling circuits shall be identified at terminal and junction locations in a manner which will prevent unintentional interference with the signaling circuit during testing and servicing. Power-limited fire protective signaling circuits shall be durably marked as such where plainly visible at terminations.

(9) Communications systems.

(a) Scope. These provisions for communication systems apply to such systems as central-station-connected and noncentral-station-connected telephone circuits, radio and television receiving and transmitting equipment, including community antenna television and radio distribution systems, telegraph, district messenger, and outside wiring for fire and burglar alarm, and similar central station systems. These installations need not comply with the provisions of WAC 296-24-95605 through 296-24-95615(4) except WAC 296-306-14503(3)(a) and 296-306-14507(2).

(b) Protective devices.

(i) Communication circuits so located as to be exposed to accidental contact with light or power conductors operating at over 300 volts shall have each circuit so exposed provided with a protector approved for the purpose.

(ii) Each conductor of a lead-in from an outdoor antenna shall be provided with an antenna discharge unit or other suitable means that will drain static charges from the antenna system.

(c) Conductor location.

(i) Outside of buildings.

(A) Receiving distribution lead-in or aerial-drop cables attached to buildings and lead-in conductors to radio transmitters shall be so installed as to avoid the possibility of accidental contact with electric light or power conductors.

(B) The clearance between lead-in conductors and any lightning protection conductors may not be less than 6 feet.

(ii) On poles. Where practicable, communication conductors on poles shall be located below the light or power conductors. Communications conductors may not be attached to a crossarm that carries light or power conductors.

(iii) Inside of buildings. Indoor antennas, lead-ins, and other communication conductors attached as open conductors to the inside of buildings shall be located at least 2 inches from conductors of any light or power or Class 1 circuits unless a special and equally protective method of conductor separation, approved for the purpose, is employed.



(d) Equipment location. Outdoor metal structures supporting antennas, as well as self-supporting antennas such as vertical rods or dipole structures, shall be located as far away from overhead conductors of electric light and power circuits of over 150 volts to ground as necessary to avoid the possibility of the antenna or structure falling into or making accidental contact with such circuits.

(e) Grounding.

(i) Lead-in conductors. If exposed to contact with electric light and power conductors, the metal sheath of aerial cables entering buildings shall be grounded or shall be interrupted close to the entrance to the building by an insulating joint or equivalent device. Where protective devices are used, they shall be grounded in an approved manner.

(ii) Antenna structures. Masts and metal structures supporting antennas shall be permanently and effectively grounded without splice or connection in the grounding conductor.

(iii) Equipment enclosures. Transmitters shall be enclosed in a metal frame or grill or separated from the operating space by a barrier, all metallic parts of which are effectively connected to ground. All external metal handles and controls accessible to the operating personnel shall be effectively grounded. Unpowered equipment and enclosures shall be considered grounded where connected to an attached coaxial cable with an effectively grounded metallic shield.

#### NEW SECTION

**WAC 296-306-14509 Working on or near exposed energized parts.** (1) Application. This section applies to work performed on exposed live parts (involving either direct contact or contact by means of tools or materials) or near enough to them for employees to be exposed to any hazard they present.

(2) Work on energized equipment. Only qualified persons shall work on electric circuit parts of equipment that have not been deenergized under the procedures of WAC 296-306-147(2). Such persons shall be capable of working safely on energized circuits and shall be familiar with the proper use of special precautionary techniques, personal protective equipment, insulating and shielding materials, and insulated tools.

(3) General requirements - high voltage lines.

(a) Minimum clearance.

(i) No work shall be performed, no material shall be piled, stored or otherwise handled, no scaffolding, commercial signs, or structures shall be erected or dismantled, nor any tools, machinery or equipment operated within the specified minimum distances from any energized high voltage electrical conductor capable of energizing the material or equipment; except where the electrical distribution and transmission lines have been deenergized and visibly grounded at point of work, or where insulating barriers not a part of or an attachment to the equipment have been erected, to prevent physical contact with the lines, equipment shall be operated proximate to, under, over, by, or near powerlines only in accordance with the following:

(ii) For lines rated 50 kv. or below, minimum clearance between the lines and any part of the equipment or load shall be 10 feet.

(iii) For lines rated over 50 kv. minimum, clearance between the lines and any part of the equipment or load shall be 10 feet plus 0.4 inch for each 1 kv. over 50 kv., or twice the length of the line insulator but never less than 10 feet.

(b) Overhead electric lines. Where overhead electric conductors are encountered in proximity to a work area, the employer shall be responsible for:

(i) Ascertaining the voltage and minimum clearance distance required, and

(ii) Maintaining the minimum clearance distance, and

(iii) Ensuring that the requirements of subsection (1) of this section are complied with.

(c) Not covered: Employees working under chapters 296-32 and 296-45 WAC.

(4) Low voltage lines. When work is being carried out in proximity to energized electrical service conductors operating at 750 volts or less, such work shall be performed in a manner to prevent contact by any worker with the energized conductors.

#### NEW SECTION

**WAC 296-306-146 Definitions applicable to WAC 296-306-145 through 296-306-148.** Unless the context indicates otherwise, words used in this section shall have the meaning given.

(1) Acceptable. An installation or equipment is acceptable to the director of labor and industries, and approved within the meaning of this section:

(a) If it is accepted, or certified, or listed, or labeled, or otherwise determined to be safe by a nationally recognized testing laboratory; or

(b) With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency, or by a state, municipal, or other local authority responsible for enforcing occupational safety provisions of the National Electrical Code, and found in compliance with the provisions of the National Electrical Code as applied in this section; or

(c) With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by a particular customer, if it is determined to be safe for its intended use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director and his authorized representatives. Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

(2) Accepted. An installation is "accepted" if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes.

(3) Accessible. (As applied to wiring methods.) Capable of being removed or exposed without damaging the building structure of finish, or not permanently closed in by the structure or finish of the building. (See "concealed" and "exposed.")

(4) Accessible. (As applied to equipment.) Admitting close approach; not guarded by locked doors, elevation, or other effective means. (See "readily accessible.")

(5) Ampacity. Current-carrying capacity of electric conductors expressed in amperes.

(6) Appliances. Utilization equipment, generally other than industrial, normally built in standardized sizes or types, which is installed or connected as a unit to perform one or more functions such as clothes washing, air conditioning, food mixing, deep frying, etc.

(7) Approved. Acceptable to the authority enforcing this section. The authority enforcing this section is the director of labor and industries. The definition of "acceptable" indicates what is acceptable to the director and therefore approved within the meaning of this section.

(8) Approved for the purpose. Approved for a specific purpose, environment, or application described in a particular standard requirement.

Suitability of equipment or materials for a specific purpose, environment or application may be determined by a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation as part of its listing and labeling program. (See "labeled" or "listed.")

(9) Armored cable. Type AC armored cable is a fabricated assembly of insulated conductors in a flexible metallic enclosure.

(10) Askarel. A generic term for a group of nonflammable synthetic chlorinated hydrocarbons used as electrical insulating media. Askarels of various compositional types are used. Under arcing conditions the gases produced, while consisting predominantly of noncombustible hydrogen chloride, can include varying amounts of combustible gases depending upon the askarel type.

(11) Attachment plug (plug cap) (cap). A device which, by insertion in a receptacle, establishes connection between the conductors of the attached flexible cord and the conductors connected permanently to the receptacle.

(12) Automatic. Self-acting, operating by its own mechanism when actuated by some impersonal influence, as, for example, a change in current strength, pressure, temperature, or mechanical configuration.

(13) Bare conductor, see "conductor."

(14) Bonding. The permanent joining of metallic parts to form an electrically conductive path which will assure electrical continuity and the capacity to conduct safely any current likely to be imposed.

(15) Bonding jumper. A reliable conductor to assure the required electrical conductivity between metal parts required to be electrically connected.

(16) Branch circuit. The circuit conductors between the final overcurrent device protecting the circuit and the outlet(s).

(17) Cablebus. Cablebus is an approved assembly of insulated conductors with fittings and conductor terminations in a completely enclosed, ventilated, protective metal housing.

(18) Center pivot irrigation machine. A center pivot irrigation machine is a multimotored irrigation machine which revolves around a central pivot and employs alignment switches or similar devices to control individual motors.

(19) Certified. Equipment is "certified" if it:

(a) Has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner; or

(b) Is of a kind whose production is periodically inspected by a nationally recognized testing laboratory; and

(c) It bears a label, tag, or other record of certification.

(20) Circuit breaker.

(a) (600 volts nominal, or less.) A device designed to open and close a circuit by nonautomatic means and to open the circuit automatically on a predetermined overcurrent without injury to itself when properly applied within its rating.

(b) (Over 600 volts, nominal.) A switching device capable of making, carrying, and breaking currents under normal circuit conditions, and also making, carrying for a specified time, and breaking currents under specified abnormal circuit conditions, such as those of short circuit.

(21) Class I locations. Class I locations are those in which flammable gases or vapors are or may be present in the air in quantities sufficient to produce explosive or ignitable mixtures. Class I locations include the following:

(a) Class I, Division 1. A Class I, Division 1 location is a location:

(i) In which hazardous concentrations of flammable gases or vapors may exist under normal operating conditions; or

(ii) In which hazardous concentrations of such gases or vapors may exist frequently because of repair or maintenance operations or because of leakage; or

(iii) In which breakdown or faulty operation of equipment or processes might release hazardous concentrations of flammable gases or vapors, and might also cause simultaneous failure of electric equipment.

Note: This classification usually includes locations where volatile flammable liquids or liquefied flammable gases are transferred from one container to another; interiors of spray booths and areas in the vicinity of spraying and painting operations where volatile flammable solvents are used; locations containing open tanks or vats of volatile flammable liquids; drying rooms or compartments for the evaporation of flammable solvents; locations containing fat and oil extraction equipment using volatile flammable solvents; portions of cleaning and dyeing plants where flammable liquids are used; gas generator rooms and other portions of gas manufacturing plants where flammable gas may escape; inadequately ventilated pump rooms for flammable gas or for volatile flammable liquids; the interiors of refrigerators and freezers in which volatile flammable materials are stored in open, lightly stoppered, or easily ruptured containers; and all other locations where ignitable concentrations of flammable vapors or gases are likely to occur in the course of normal operations.

(b) Class I, Division 2. A Class I, Division 2 location is a location:

(i) In which volatile flammable liquids or flammable gases are handled, processed, or used, but in which the hazardous liquids, vapors, or gases will normally be confined within closed containers or closed systems from which they can escape only in case of accidental rupture or breakdown of such containers or systems, or in case of abnormal operation of equipment; or

(ii) In which hazardous concentrations of gases or vapors are normally prevented by positive mechanical ventilation, and which might become hazardous through failure or abnormal operations of the ventilating equipment; or

(iii) That is adjacent to a Class I, Division 1 location, and to which hazardous concentrations of gases or vapors

might occasionally be communicated unless such communication is prevented by adequate positive-pressure ventilation from a source of clean air, and effective safeguards against ventilation failure are provided.

**Note:** This classification usually includes locations where volatile flammable liquids or flammable gases or vapors are used, but which would become hazardous only in case of an accident or of some unusual operating condition. The quantity of flammable material that might escape in case of accident, the adequacy of ventilating equipment, the total area involved, and the record of the industry or business with respect to explosions or fires are all factors that merit consideration in determining the classification and extent of each location.

Piping without valves, checks, meters, and similar devices would not ordinarily introduce a hazardous condition even though used for flammable liquids or gases. Locations used for the storage of flammable liquids or a liquefied or compressed gases in sealed containers would not normally be considered hazardous unless also subject to other hazardous conditions.

Electrical conduits and their associated enclosures separated from process fluids by a single seal or barrier are classed as a Division 2 location if the outside of the conduit and enclosures is a nonhazardous location.

(22) Class II locations. Class II locations are those that are hazardous because of the presence of combustible dust. Class II locations include the following:

(a) Class II, Division 1. A Class II, Division 1 location is a location:

(i) In which combustible dust is or may be in suspension in the air under normal operating conditions, in quantities sufficient to produce explosives or ignitable mixtures; or

(ii) Where mechanical failure or abnormal operation of machinery or equipment might cause such explosive or ignitable mixtures to be produced, and might also provide a source of ignition through simultaneous failure of electric equipment, operation of protection devices, or from other causes; or

(iii) In which combustible dusts of an electrically conductive nature may be present.

**Note:** This classification may include areas of grain handling and processing plants, starch plants, sugar-pulverizing plants, malting plants, hay-grinding plants, coal pulverizing plants, areas where metal dusts and powders are produced or processed, and other similar locations which contain dust producing machinery and equipment (except where the equipment is dust-tight or vented to the outside). These areas would have combustible dust in the air, under normal operating conditions, in quantities sufficient to produce explosive or ignitable mixtures. Combustible dusts which are electrically nonconductive include dusts produced in the handling and processing of grain and grain products, pulverized sugar and cocoa, dried egg and milk powders, pulverized spices, starch and pastes, potato and woodflour, oil meal from beans and seed, dried hay, and other organic materials which may produce combustible dusts when processed or handled. Dusts containing magnesium or aluminum are particularly hazardous and the use of extreme caution is necessary to avoid ignition and explosion.

(b) Class II, Division 2. A Class II, Division 2 location is a location in which:

(i) Combustible dust will not normally be in suspension in the air in quantities sufficient to produce explosive or ignitable mixtures; and dust accumulations are normally insufficient to interfere with the normal operation of electrical equipment or other apparatus; or

(ii) Dust may be in suspension in the air as a result of infrequent malfunctioning of handling or processing equipment, and dust accumulations resulting therefrom may be ignitable by abnormal operation or failure of electrical equipment or other apparatus.

**Note:** This classification includes locations where dangerous concentrations of suspended dust would not be likely but where dust accumulations might form on or in the vicinity of electric equipment. These areas may contain equipment from which appreciable quantities of dust would escape under abnormal operating conditions or be adjacent to a Class II Division 1 location, as described above, into which an explosive or ignitable concentration of dust may be put into suspension under abnormal operating conditions.

(23) Class III locations. Class III locations are those that are hazardous because of the presence of easily ignitable fibers or flyings but in which such fibers or flyings are not likely to be in suspension in the air in quantities sufficient to produce ignitable mixtures. Class III locations include the following:

(a) Class III, Division 1. A Class III, Division 1 location is a location in which easily ignitable fibers or materials producing combustible flyings are handled, manufactured, or used.

**Note:** Such locations usually include some parts of rayon, cotton, and other textile mills; combustible fiber manufacturing and processing plants; cotton gins and cottonseed mills; flax-processing plants; clothing manufacturing plants; woodworking plants, and establishments; and industries involving similar hazardous processes or conditions.

Easily ignitable fibers and flyings include rayon, cotton (including cotton linters and cotton waste), sisal or henequen, istle, jute, hemp, tow, cocoa fiber, oakum, baled waste kapok, Spanish moss, excelsior, and other materials of similar nature.

(b) Class III, Division 2. A Class III, Division 2 location is a location in which easily ignitable fibers are stored or handled, except in process of manufacture.

(24) Concealed. Rendered inaccessible by the structure or finish of the building. Wires in concealed raceways are considered concealed, even though they may become accessible by withdrawing them. (See "accessible. (As applied to wiring methods.")

(25) Conductor.

(a) Bare. A conductor having no covering or electrical insulation whatsoever.

(b) Covered. A conductor encased within material of composition or thickness that is not recognized as electrical insulation.

(c) Insulated. A conductor encased within material of composition and thickness that is recognized as electrical insulation.

(26) Conduit body. A separate portion of a conduit or tubing system that provides access through a removable cover(s) to the interior of the system at a junction of two or more sections of the system or at a terminal point of the system. Boxes such as FS and FD or larger cast or sheet metal boxes are not classified as conduit bodies.

(27) Controller. A device or group of devices that serves to govern, in some predetermined manner, the electric power delivered to the apparatus to which it is connected.

(28) Cooking unit, counter-mounted. A cooking appliance designed for mounting in or on a counter and

consisting of one or more heating elements, internal wiring, and built-in or separately mountable controls. (See "oven, wall-mounted.")

(29) Device. A unit of an electrical system which is intended to carry but not utilize electric energy.

(30) Dielectric heating. Dielectric heating is the heating of a nominally insulating material due to its own dielectric losses when the materials is placed in a varying electric field.

(31) Disconnecting means. A device, or group of devices, or other means by which the conductors of a circuit can be disconnected from their source of supply.

(32) Enclosed. Surrounded by a case, housing, fence or walls which will prevent persons from accidentally contacting energized parts.

(33) Enclosure. The case or housing of apparatus, or the fence or walls surrounding an installation to prevent personnel from accidentally contacting energized parts, or to protect the equipment from physical damage.

(34) Explosion-proof apparatus. Apparatus enclosed in a case that is capable of withstanding an explosion of a specified gas or vapor which may occur within it and of preventing the ignition of a specified gas or vapor surrounding the enclosure by sparks, flashes, or explosion of the gas or vapor within, and which operates at such an external temperature that it will not ignite a surrounding flammable atmosphere.

(35) Exposed. (As applied to live parts.) Capable of being inadvertently touched or approached nearer than a safe distance by a person. It is applied to parts not suitably guarded, isolated, or insulated.

(36) Feeder. All circuit conductors between the service equipment, or the generator switchboard of an isolated plant, and the final branch-circuit overcurrent device.

(37) Fitting. An accessory such as a locknut, bushing, or other part of a wiring system that is intended primarily to perform a mechanical rather than an electrical function.

(38) Fuse. (Over 600 volts, nominal.) An overcurrent protective device with a circuit opening fusible part that is heated and severed by the passage of overcurrent through it. A fuse comprises all the parts that form a unit capable of performing the prescribed functions. It may or may not be the complete device necessary to connect it into an electrical circuit.

(39) Ground. A conducting connection, whether intentional or accidental, between an electrical circuit or equipment and the earth, or to some conducting body that serves in place of the earth.

(40) Grounding conductor. A conductor used to connect equipment or the grounded circuit of a wiring system to a grounding electrode or electrodes.

(41) Grounding conductor, equipment. The conductor used to connect the noncurrent-carrying metal parts of equipment, raceways, and other enclosures to the system grounded conductor and/or the grounding electrode conductor at the service equipment or at the source of a separately derived system.

(42) Ground-fault circuit-interrupter. A device whose function is to interrupt the electric circuit to the load when a fault current to ground exceeds some predetermined value that is less than that required to operate the overcurrent protective device of the supply circuit.

(43) Guarded. Covered, shielded, fenced, enclosed, or otherwise protected by means of suitable covers, casings, barriers, rails, screens, mats, or platforms to remove the likelihood of approach to a point of danger or contact by persons or objects.

(44) Irrigation machine. An irrigation machine is an electrically driven or controlled machine, with one or more motors, not hand portable, and used primarily to transport and distribute water for agricultural purposes.

(45) Isolated. Not readily accessible to persons unless special means for access are used.

(46) Isolated power system. A system comprising an isolating transformer or its equivalent, a line isolation monitor, and its ungrounded circuit conductors.

(47) Labeled. Equipment is "labeled" if there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which:

(a) Makes periodic inspections of the production of such equipment; and

(b) Whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner.

(48) Lighting outlet. An outlet intended for the direct connection of a lampholder, a lighting fixture, or a pendant cord terminating in a lampholder.

(49) Line-clearance tree trimming. The pruning, trimming, repairing, maintaining, removing, or clearing of trees or cutting of brush that is within 10 feet of electric supply lines and equipment.

(50) Listed. Equipment is "listed" if it is of a kind mentioned in a list which:

(a) Is published by a nationally recognized laboratory which makes periodic inspection of the production of such equipment; and

(b) States such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner.

(51) Location.

(a) Damp location. Partially protected locations under canopies, marquees, roofed open porches, and like locations, and interior locations subject to moderate degrees of moisture, such as some basements, some barns, and some cold-storage warehouses.

(b) Dry location. A location not normally subject to dampness or wetness. A location classified as dry may be temporarily subject to dampness or wetness, as in the case of a building under construction.

(c) Wet location. Installations underground or in concrete slabs or masonry in direct contact with the earth, and locations subject to saturation with water or other liquids, such as vehicle-washing areas, and locations exposed to weather and unprotected.

(52) Metal-clad cable. Type MC cable is a factory assembly of one or more conductors, each individually insulated and enclosed in a metallic sheath of interlocking tape, or a smooth or corrugated tube.

(53) Mineral-insulated metal-sheathed cable. Type MI mineral-insulated metal-sheathed cable is a factory assembly of one or more conductors insulated with a highly compressed refractory mineral insulation and enclosed in a liquidtight and gastight continuous copper sheath.

(54) Nonmetallic-sheathed cable. Nonmetallic-sheathed cable is a factory assembly of two or more insulated conductors having an outer sheath of moisture resistant, flame-retardant, nonmetallic material. Nonmetallic sheathed cable is manufactured in the following types:

(a) Type NM. The overall covering has a flame-retardant and moisture-resistant finish.

(b) Type NMC. The overall covering is flame-retardant, moisture-resistant, fungus-resistant, and corrosion-resistant.

(55) Oven, wall-mounted. An oven for cooking purposes designed for mounting in or on a wall or other surface and consisting of one or more heating elements, internal wiring, and built-in or separately mountable controls. (See "cooking unit, counter-mounted.")

(56) Overcurrent. Any current in excess of the rated current of equipment or the ampacity of a conductor. It may result from overload (see definition), short circuit, or ground fault. A current in excess of rating may be accommodated by certain equipment and conductors for a given set of conditions. Hence the rules for overcurrent protection are specific for particular situations.

(57) Overload. Operation of equipment in excess of normal, full load rating, or of a conductor in excess of rated ampacity which, when it persists for a sufficient length of time, would cause damage or dangerous overheating. A fault, such as a short circuit or ground fault, is not an overload. (See "overcurrent.")

(58) Panelboard. A single panel or group of panel units designed for assembly in the form of a single panel; including buses, automatic overcurrent devices, and with or without switches for the control of light, heat, or power circuits; designed to be placed in a cabinet or cutout box placed in or against a wall or partition and accessible only from the front. (See "switchboard.")

(59) Qualified person. One familiar with the construction and operation of the equipment and the hazards involved.

Note 1: Whether an employee is considered to be a "qualified person" will depend upon various circumstances in the workplace. It is possible and, in fact, likely for an individual to be considered "qualified" with regard to certain equipment in the workplace, but "unqualified" as to other equipment. (See WAC 296-24-970 for training requirements that specifically apply to qualified persons.)

Note 2: An employee who is undergoing on-the-job training and who, in the course of such training, has demonstrated an ability to perform duties safely at his or her level of training and who is under the direct supervision of a qualified person is considered to be a qualified person for the performance of those duties.

(60) Raceway. A channel designed expressly for holding wires, cables, or busbars, with additional functions as permitted in this subpart. Raceways may be of metal or insulating material, and the term includes rigid metal conduit, rigid nonmetallic conduit, intermediate metal conduit, liquidtight flexible metal conduit, flexible metallic tubing, flexible metal conduit, electrical metallic tubing, underfloor raceways, cellular concrete floor raceways, cellular metal floor raceways, surface raceways, wireways, and busways.

(61) Readily accessible. Capable of being reached quickly for operation, renewal, or inspections, without requiring those to whom ready access is requisite to climb

over or remove obstacles or to resort to portable ladders, chairs, etc. (See "accessible.")

(62) Receptacle. A receptacle is a contact device installed at the outlet for the connection of a single attachment plug. A single receptacle is a single contact device with no other contact device on the same yoke. A multiple receptacle is a single device containing two or more receptacles.

(63) Separately derived system. A premises wiring system whose power is derived from generator, transformer, or converter winding and has no direct electrical connection, including a solidly connected grounded circuit conductor, to supply conductors originating in another system.

(64) Service. The conductors and equipment for delivering energy from the electricity supply system to the wiring system of the premises served.

(65) Service cable. Service conductors made up in the form of a cable.

(66) Service conductors. The supply conductors that extend from the street main or from transformers to the service equipment of the premises supplied.

(67) Service drop. The overhead service conductors from the last pole or other aerial support to and including the splices, if any, connecting to the service-entrance conductors at the building or other structure.

(68) Service-entrance cable. Service-entrance cable is a single conductor or multiconductor assembly provided with or without an overall covering, primarily used for services and of the following types:

(a) Type SE, having a flame-retardant, moisture-resistant covering, but not required to have inherent protection against mechanical abuse.

(b) Type USE, recognized for underground use, having a moisture-resistant covering, but not required to have a flame-retardant covering or inherent protection against mechanical abuse. Single-conductor cables having an insulation specifically approved for the purpose do not require an outer covering.

(69) Service-entrance conductors, overhead system. The service conductors between the terminals of the service equipment and a point usually outside the building, clear of building walls, where joined by tap or splice to the service drop.

(70) Service entrance conductors, underground system. The service conductors between the terminals of the service equipment and the point of connection to the service lateral. Where service equipment is located outside the building walls, there may be no service-entrance conductors, or they may be entirely outside the building.

(71) Service equipment. The necessary equipment, usually consisting of a circuit breaker or switch and fuses, and their accessories, located near the point of entrance of supply conductors to a building or other structure, or an otherwise defined area, and intended to constitute the main control and means of cutoff of the supply.

(72) Service raceway. The raceway that encloses the service-entrance conductors.

(73) Shielded nonmetallic-sheathed cable. Type SNM, shielded nonmetallic-sheathed cable is a factory assembly of two or more insulated conductors in an extruded core of moisture-resistant, flame-resistant nonmetallic material, covered with an overlapping spiral metal tape and wire

shield and jacketed with an extruded moisture-resistant, flame-resistant, oil-resistant, corrosion-resistant, fungus-resistant, and sunlight-resistant nonmetallic material.

(74) Switches.

(a) General-use switch. A switch intended for use in general distribution and branch circuits. It is rated in amperes, and it is capable of interrupting its rated current at its rated voltage.

(b) General-use snap switch. A form of general-use switch so constructed that it can be installed in flush device boxes or on outlet box covers, or otherwise used in conjunction with wiring systems recognized by this subpart.

(c) Isolating switch. A switch intended for isolating an electric circuit from the source of power. It has no interrupting rating, and it is intended to be operated only after the circuit has been opened by some other means.

(d) Motor-circuit switch. A switch, rated in horsepower, capable of interrupting the maximum operating overload current of a motor of the same horsepower rating as the switch at the rated voltage.

(75) Ventilated. Provided with a means to permit circulation of air sufficient to remove an excess of heat, fumes, or vapors.

(76) Volatile flammable liquid. A flammable liquid having a flash point below 38 degrees C (100 degrees F) or whose temperature is above its flash point.

(77) Voltage, nominal. A nominal value assigned to a circuit or system for the purpose of conveniently designating its voltage class (as 120/240, 480Y/277, 600, etc.). The actual voltage at which a circuit operates can vary from the nominal within a range that permits satisfactory operation of equipment.

(78) Voltage to ground. For grounded circuits, the voltage between the given conductor and that point or conductor of the circuit that is grounded; for underground circuits, the greatest voltage between the given conductor and any other conductor of the circuit.

(79) Watertight. So constructed that moisture will not enter the enclosure.

(80) Weatherproof. So constructed or protected that exposure to the weather will not interfere with successful operation. Rainproof, raintight, or watertight equipment can fulfill the requirements for weatherproof where varying weather conditions other than wetness, such as snow, ice, dust, or temperature extremes, are not a factor.

#### NEW SECTION

**WAC 296-306-147 Selection and use of work practices.** (1) General. Safety-related work practices shall be employed to prevent electric shock or other injuries resulting from either direct or indirect electrical contacts, when work is performed near or on equipment or circuits which are or may be energized. The specific safety-related work practices shall be consistent with the nature and extent of the associated electrical hazards.

(a) Deenergized parts. Live parts to which an employee may be exposed shall be deenergized before the employee works on or near them, unless the employer can demonstrate that deenergizing introduces additional or increased hazards or is infeasible due to equipment design or operational limitations. Live parts that operate at less than 50 volts to

ground need not be deenergized if there will be no increased exposure to electrical burns or to explosion due to electric arcs.

Note 1: Examples of increased or additional hazards include interruptions of life support equipment, deactivation of emergency alarm systems, shutdown of hazardous location ventilation equipment, or removal of illumination for an area.

Note 2: Examples of work that may be performed on or near energized circuit parts because of infeasibility due to equipment design or operational limitations include testing of electric circuits that can only be performed with the circuit energized and work on circuits that form an integral part of a continuous industrial process in a chemical plant that would otherwise need to be completely shutdown in order to permit work on one circuit or piece of equipment.

Note 3: Work on or near deenergized parts is covered by subsection (2) of this section.

(b) Energized parts. If the exposed live parts are not deenergized (i.e., for reasons of increased or additional hazards or infeasibility), other safety-related work practices shall be used to protect employees who may be exposed to the electrical hazards involved. Such work practices shall protect employees against contact with energized circuit parts directly with any part of their body or indirectly through some other conductive object. The work practices that are used shall be suitable for the conditions under which the work is to be performed and for the voltage level of the exposed electric conductors or circuit parts. Specific work practice requirements are detailed in WAC 296-306-14509.

(2) Working on or near exposed deenergized parts.

(a) Application. This subsection applies to work on exposed deenergized parts or near enough to them to expose the employee to any electrical hazard they present. Conductors and parts of electric equipment that have been deenergized but have not been locked out or tagged according to this subsection shall be treated as energized parts, and WAC 296-306-14509 applies to work on or near them.

(b) Lockout and tagging. While any employee is exposed to contact with parts of fixed electric equipment or circuits which have been deenergized, the circuits energizing the parts shall be locked out or tagged or both according to the requirements of this section. The requirements shall be followed in the order in which they are presented (i.e., (b)(i) of this subsection first, then (b)(ii) of this subsection.

Note 1: As used in this section, fixed equipment refers to equipment fastened in connected by permanent wiring methods.

Note 2: Lockout and tagging procedures that comply with Chapter 296-24 WAC Part A-4 will also be deemed to comply with (b) of this subsection provided that:

1. The procedures address the electrical safety hazards covered by this subpart; and
2. The procedures also incorporate the requirements of (b)(iii)(D) and (b)(iv)(B) of this subsection.

(i) Procedures. The employer shall maintain a written copy of the procedures outlined in (b) of this subsection and shall make it available for inspection by employees and by the director and his or her authorized representative.

Note: The written procedures may be in the form of a copy of subsection (2) of this section.

(ii) Deenergizing equipment.

(A) Safe procedures for deenergizing circuits and equipment shall be determined before circuits or equipment are deenergized.

(B) The circuits and equipment to be worked on shall be disconnected from all electric energy sources. Control circuit devices, such as push buttons, selector switches, and interlocks, shall not be used as the sole means for deenergizing circuits or equipment. Interlocks for electric equipment shall not be used as a substitute for lockout and tagging procedures.

(C) Stored electric energy which might endanger personnel shall be released. Capacitors shall be discharged and high capacitance elements shall be short-circuited and grounded, if the stored electric energy might endanger personnel.

Note: If the capacitors or associated equipment are handled in meeting this requirement, they shall be treated as energized.

(D) Stored nonelectrical energy in devices that could reenergize electric circuit parts shall be blocked or relieved to the extent that the circuit parts could not be accidentally energized by the device.

(iii) Application of locks and tags.

(A) A lock and a tag shall be placed on each disconnecting means used to deenergize circuits and equipment on which work is to be performed, except as provided in (b)(iii)(C) and (b)(iii)(E) of this subsection. The lock shall be attached to prevent persons from operating the disconnecting means unless they resort to undue force or the use of tools.

(B) Each tag shall contain a statement prohibiting unauthorized operation of the disconnecting means and removal of the tag.

(C) If a lock cannot be applied, or if the employer can demonstrate that tagging procedures will provide a level of safety equivalent to that obtained by the use of a lock, a tag may be used without a lock.

(D) A tag used without a lock, as permitted by (b)(iii)(C) of this subsection, shall be supplemented by at least one additional safety measure that provides a level of safety equivalent to that obtained by the use of a lock. Examples of additional safety measures include the removal of an isolating circuit element, blocking of a controlling switch, or opening of an extra disconnecting device.

(E) A lock may be placed without a tag only under the following conditions:

(I) Only one circuit or piece of equipment is deenergized; and

(II) The lockout period does not extend beyond the work shifts; and

(III) Employees exposed to the hazards associated with reenergizing the circuit or equipment are familiar with this procedure.

(iv) Verification of deenergized condition. The requirements of this paragraph shall be met before any circuits or equipment can be considered and worked as deenergized.

(A) A qualified person shall operate the equipment operating controls or otherwise verify that the equipment cannot be restarted.

(B) A qualified person shall use test equipment to test the circuit elements and electrical parts of equipment to which employees will be exposed and shall verify that the

circuit elements and equipment parts are deenergized. The test shall also determine if any energized conditions exist as a result of inadvertently induced voltage or unrelated voltage backfeed even though specific parts of the circuit have been deenergized and presumed to be safe. If the circuit to be tested is over 600 volts, nominal, the test equipment shall be checked for proper operation immediately before and immediately after this test.

(v) Reenergizing equipment. These requirements shall be met, in the order given, before circuits or equipment are reenergized, even temporarily.

(A) A qualified person shall conduct tests and visual inspections, as necessary, to verify that all tools, electrical jumpers, shorts, grounds, and other such devices have been removed, so that the circuits and equipment can be safely energized.

(B) Employees exposed to the hazards associated with reenergizing the circuit or equipment shall be warned to stay clear of circuits and equipment.

(C) Each lock and tag shall be removed by the employee who applied it or under his or her direct supervision. However, if this employee is absent from the work place, then the lock or tag may be removed by a qualified person designated to perform this task provided that:

(I) The employer ensures that the employee who applied the lock or tag is not available at the work place; and

(II) The employer ensures that the employee is aware that the lock or tag has been removed before he or she resumes work at that work place.

(D) There shall be a visual determination that all employees are clear of the circuits and equipment.

#### NEW SECTION

**WAC 296-306-148 Personal protective equipment for electrical applications.** (1) Use of protective equipment.

(a) Personal protective equipment.

(i) Employees working in the areas where there are potential electrical hazards shall be provided with, and shall use, electrical protective equipment that is appropriate for the specific parts of the body to be protected and for the work to be performed.

Note: Personal protective equipment requirements are contained in chapter 296-24-WAC Part A-2.

(ii) Protective equipment shall be maintained in a safe, reliable condition and shall be periodically inspected or tested, as required by chapter 296-24 WAC Part A-2.

(iii) If the insulating capability of protective equipment may be subject to damage during use, the insulating material shall be protected. (For example, an outer covering of leather is sometimes used for the protection of rubber insulating material.)

(iv) Employees shall wear nonconductive head protection wherever there is a danger of head injury from electric shock or burns due to contact with exposed energized parts.

(v) Employees shall wear protective equipment for the eyes or face wherever there is danger of injury to the eyes or face from electrical arcs or flashes or from flying objects resulting from electrical explosion.

(b) General protective equipment and tools.



(i) When working near exposed energized conductors or circuit parts, each employee shall use insulated tools or handling equipment if the tools or handling equipment might make contact with such conductors or parts. If the insulating capability of insulated tools or handling equipment is subject to damage, the insulating material shall be protected.

(A) Fuse handling equipment, insulated for the circuit voltage, shall be used to remove or install fuses when the fuse terminals are energized.

(B) Ropes and handlines used near exposed energized parts shall be nonconductive.

(ii) Protective shields, protective barriers, or insulating materials shall be used to protect each employee from shock, burns, or other electrically related injuries while that employee is working near exposed energized parts which might be accidentally contacted or where dangerous electric heating or arcing might occur. When normally enclosed live parts are exposed for maintenance or repair, they shall be guarded to protect unqualified persons from contact with the live parts.

(2) Altering techniques. The following altering techniques shall be used to warn and protect employees from hazards which could cause injury due to electric shock, burns, or failure of electric equipment parts.

(a) Safety signs and tags. Safety signs, safety symbols, or accident prevention tags shall be used where necessary to warn employees about electrical hazards which may endanger them, as required by chapter 296-24 WAC Part B-2.

(b) Barricades. Barricades shall be used in conjunction with safety signs where it is necessary to prevent or limit employee access to work areas exposing employees to uninsulated energized conductors or circuit parts. Conductive barricades may not be used where they might cause an electrical contact hazard.

(c) Attendants. If signs and barricades do not provide sufficient warning and protection from electrical hazards, an attendant shall be stationed to warn and protect employees.

**AMENDATORY SECTION** (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

**WAC 296-306-165 General requirements for all agricultural equipment.** (1) Definitions.

(a) "Agricultural equipment" means equipment used in production or handling of agricultural products.

(b) "Agricultural field equipment" means tractors, self-propelled implements, implements and combinations thereof used in agricultural operations.

(c) "Agricultural tractor" means a two-wheel or four-wheel drive type vehicle, or a track vehicle, of more than twenty net engine horsepower (continuous brake power rating per Society of Automotive Engineers (SAE) J816b - or the power recommended by the manufacturer for satisfactory operation under the manufacturer specified continuous duty conditions), designed to furnish the power to pull, carry, propel, or drive implements that are designed for agriculture. All self-propelled implements are excluded.

(d) "Augers" means screw conveyors and related accessories designed primarily for conveying agricultural materials on farms.

(e) "Constant-running drives" means those drives which continue to rotate when the engine is running. (With all clutches disengaged.)

(f) "Farm field equipment" means tractors or implements, including self-propelled implements, or any combination thereof used in agricultural operations.

(g) "Farmstead equipment" means agricultural equipment normally used in a stationary manner. This includes, but is not limited to, materials handling equipment and accessories for such equipment whether or not the equipment is an integral part of a building.

(h) "Guarding by location" means a component may be considered guarded by location when, because of its location, it does not present a hazard during operation or maintenance. A component seven feet or more above a working surface is considered guarded by location.

(i) "Ground-drive equipment" means equipment using power supplied by its pulled wheels to move gears, chains, sprockets, belts, pulleys, augers, tines, etc.

(j) "Low profile tractor" means a wheel or track equipped vehicle possessing the following characteristics:

(i) The front wheel spacing is equal to the rear wheel spacing, as measured from the centerline of each right wheel to the centerline of the corresponding left wheel.

(ii) The clearance from the bottom of the tractor chassis to the ground does not exceed eighteen inches.

(iii) The highest point of the hood does not exceed sixty inches, and

(iv) The tractor is designed so that the operator straddles the transmission when seated.

(k) A "guard" or "shield" is a barrier which insures that no part of an employee may come into contact with a hazard created by a moving machinery part.

(l) "Power take-off shafts" are the shafts and knuckles between the tractor, or other power source, and the first gear set, pulley, sprocket, or other components on power take-off shaft driven equipment.

(2) Immediate priority shall be given to guarding of power take-off drives on all tractors and equipment. These must be guarded no later than January 1, 1976.

(3) All other power transmission components must be guarded on all equipment manufactured on or after January 1, 1976.

(4) If unguarded power transmission components on older field equipment show evidence that they were once guarded, the guards shall be replaced by January 1, 1976.

(5) The manufacturer's instruction manual, if published by the manufacturer and currently available, shall be the source of information for the safe operation and maintenance of field equipment.

(6) The employer shall establish a written program consisting of an energy control procedure, employee training, and periodic inspections to ensure that before any employee performs any servicing or maintenance on a machine or equipment where the unexpected energizing, start up, or release of stored energy could occur and cause injury, the machine, equipment, system, or process shall be isolated, and rendered inoperative. Whenever major replacement, repair, renovation, relocation, or modification of machines or equipment is performed, and whenever new machines or equipment are installed, energy isolating devices for such

machines or equipment shall be designed to accept a lockout device.

~~(7)~~ (7) Operating instructions. At the time of initial assignment and at least annually thereafter, the employer shall instruct every employee in the safe operation and servicing of all covered equipment with which he is or will be involved, including at least the following safe operating practices:

(a) Keep all guards in place when the machine is in operation;

(b) Passengers, other than persons required for instruction or machine operation shall not be permitted to ride on equipment unless a passenger seat or other protective device is provided.

(c) Stop engine, disconnect the power source, and wait for all machine movement to stop before servicing, adjusting, cleaning, or unclogging the equipment, except where the machine must be running to be properly serviced or maintained, in which case the employer shall instruct employees as to all steps and procedures which are necessary to safely service or maintain the equipment;

(d) Make sure everyone is clear of machinery before starting the engine, engaging power, or operating the machine;

(e) Lock out electrical power before performing maintenance or service on farmstead equipment.

~~((7))~~ (8) Methods of guarding. Except as otherwise provided in this chapter, each employer shall protect employees from coming into contact with moving machinery parts as follows:

(a) Through the installation and use of a guard or shield or guarding by location;

(b) Whenever a guard or shield or guarding by location is infeasible, by using a guardrail or fence.

~~((8))~~ (9) Strength and design of guards.

(a) Where guards are used to provide the protection required by this section, they shall be designed and located to prevent inadvertent contact with the hazard being guarded.

(b) Unless otherwise specified, each guard and its supports shall be capable of withstanding the force that a two hundred fifty pound individual, leaning on or falling against the guard, would exert upon that guard.

(c) Guards shall be free from burrs, sharp edges, and sharp corners, and shall be securely fastened to the equipment or building.

~~((9))~~ (10) Guarding by railings. Guardrails or fences shall be capable of preventing employees from inadvertently entering the hazardous area.

~~((10))~~ (11) Servicing and maintenance. Whenever a moving machinery part presents a hazard during servicing or maintenance, the engine shall be stopped, the power source disconnected, and all machine movement stopped before servicing or maintenance is performed, except where the employer can establish that:

(a) The equipment must be running to be properly serviced or maintained;

(b) The equipment cannot be serviced or maintained while a guard or guards are in place; and

(c) The servicing or maintenance is safely performed.

~~((11))~~ (12) Shields, guards and access doors that will prevent accidental contact with rotating machine parts on constant-running drives shall be in place when the machine

is running. This requirement shall not apply to combines where such guards could create fire hazards.

~~((12))~~ (13) A guard or shield on stationary equipment shall be provided at the mesh point or pinch point where the chain or belt contacts the sprocket or pulley. Revolving shafts shall be guarded by a standard safeguard unless guarded by location. Shafts that protrude less than one-half the outside diameter of the shaft are exempt from this section.

~~((13))~~ (14) Projections, such as exposed bolts, keys, or set screws on sprockets, sheaves or pulleys on stationary equipment shall be shielded unless guarded by location.

AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

**WAC 296-306-26001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors.** (1) Definitions. For purposes of this section, "vehicle weight"

means the manufacturer's maximum weight of the prime mover for rubber-tired self-propelled scrapers. For other types of equipment to which this section applies, "vehicle weight" means the manufacturer's maximum recommended weight of the vehicle plus the heaviest attachment.

(2) General.

(a) This section prescribes minimum performance criteria for rollover protective structures (ROPS) for rubber-tired self-propelled scrapers; rubber-tired front-end loaders and rubber-tired dozers; crawler tractors, and crawler-type loaders, and motor graders. The vehicle and ROPS as a system shall have the structural characteristics prescribed in subsection (7) of this section for each type of machine described in this subsection.

(3) The static laboratory test prescribed herein will determine the adequacy of the structures used to protect the operator under the following conditions:

(a) For rubber-tired self-propelled scrapers, rubber-tired front-end loaders, and rubber-tired dozers: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to a maximum roll angle of 360° down a slope of 30° maximum.

(b) For motor graders: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to 360° down a slope of 30° maximum~~((1))~~.

(c) For crawler tractors and crawler-type loaders: Operating between 0 and 10 miles per hour over hard clay where rollover would be limited to a maximum roll angle of 360° down a slope of 45°.

(4) Facilities and apparatus.

(a) The following material is necessary:

(i) Material, equipment, and tiedown means adequate to ensure that the ROPS and its vehicle frame absorb the applied energy.

(ii) Equipment necessary to measure and apply loads to the ROPS. Adequate means to measure deflection and lengths should also be provided.

(iii) Recommended, but not mandatory, types of test setups are illustrated in Figure ~~((1))~~ C-17 for all types of equipment to which this section applies; and in Figure ~~((2))~~ C-18 for rubber-tired self-propelled scrapers; Figure ~~((3))~~ C-19 for rubber-tired front-end loaders, rubber-tired

dozers, and motor graders; and Figure ((V-4)) C-20 for crawler tractors and crawler-type loaders.

(b) Table V-1 contains a listing of the required apparatus for all types of equipment described in subsection (2)(a) of this section.

TABLE V-1

Means to measure	Accuracy
Deflection of ROPS, inches.....	± 5% of deflection measured.
Vehicle weight, pounds.....	± 5% of the weight measured.
Force applied to frame, pounds...	± 5% of force measured.
Dimensions of critical zone,.....	± 0.5 in. inches.

(5) Vehicle condition. The ROPS to be tested must be attached to the vehicle structure in the same manner as it will be attached during vehicle use. A totally assembled vehicle is not required. However, the vehicle structure and frame which support the ROPS must represent the actual vehicle installation. All normally detachable windows, panels, or nonstructural fittings shall be removed so that they do not contribute to the strength of the ROPS.

(6) Test procedure. The test procedure shall include the following, in the sequence indicated:

(a) Energy absorbing capabilities of ROPS shall be verified when loaded laterally by incrementally applying a distributed load to the longitudinal outside top member of the ROPS, as shown in Figure ((V-1, V-2 or V-3)) C-17, C-18 or C-19 as applicable. The distributed load must be applied so as to result in approximately uniform deflection of the ROPS. The load increments should correspond with approximately 0.5 in. ROPS deflection increment in the direction of the load application, measured at the ROPS top edge. Should the operator's seat be offcenter, the load shall be applied on the offcenter side. For each applied load increment, the total load (lb.) versus corresponding deflection (in.) shall be plotted, and the area under the load-deflection curve shall be calculated. This area is equal to the energy (in.-lb.) absorbed by the ROPS. For a typical load-deflection curve and calculation method, see Figure ((V-5)) C-21.

Incremental loading shall be continued until the ROPS has absorbed the amount of energy and the minimum applied load specified under subsection (7) of this section has been reached or surpassed.

(b) To cover the possibility of the vehicle coming to rest on its top, the support capability shall be verified by applying a distributed vertical load to the top of the ROPS so as to result in approximately uniform deflection (see Figure ((V-4)) C-17). The load magnitude is specified in subsection (6)(b)(iii) of this section.

(c) The low temperature impact strength of the material used in the ROPS shall be verified by suitable material tests or material certification (see subsection (7)(b)(iv) of this section).

(7) Performance requirements.

(a) General performance requirements.  
 (i) No repairs or straightening of any member shall be carried out between each prescribed test.

(ii) During each test, no part of the ROPS shall enter the critical zone as detailed in SAE J397 (1969). Deformation of the ROPS shall not allow the plane of the ground to enter this zone.

(b) Specific performance requirements.  
 (i) The energy requirement for purposes of meeting the requirements of subsection (6)(a) of this section is to be determined by referring to the plot of the energy versus weight of vehicle (see Figure ((V-6)) C-22 for rubber-tired self-propelled scrapers; Figure ((V-7)) C-23 for rubber-tired front-end loaders and rubber-tired dozers; Figure ((V-8)) C-24 for crawler tractors and crawler-type loaders; and Figure ((V-9)) C-25 for motor graders. For purposes of this section force and weight are measured as pounds (lb.); energy (U) is measured as inch-pounds).

(ii) The applied load must attain at least a value which is determined by multiplying the vehicle weight by the corresponding factor shown in Figure ((V-10)) C-26 for rubber-tired self-propelled scrapers; in Figure ((V-11)) C-27 for rubber-tired front-end loaders and rubber-tired dozers; in Figure ((V-12)) C-28 for crawler tractors and crawler-type loaders; and in Figure ((V-13)) C-29 for motor graders.

(iii) The load magnitude for purposes of compliance with subsection (6)(b) of this section is equal to the vehicle weight. The test of load magnitude shall only be made after the requirements of subdivision (b)(i) of this subsection are met.

(iv) Material used in the ROPS must have the capability of performing at zero degrees Fahrenheit, or exhibit Charpy V notch impact strength of 8 foot-pounds at minus 20° Fahrenheit. This is a standard Charpy specimen as described in American Society of Testing and Materials A 370, Methods and Definitions for Mechanical Testing of Steel Products. The purpose of this requirement is to reduce the tendency of brittle fracture associated with dynamic loading, low temperature operation, and stress raisers which cannot be entirely avoided on welded structures.

(8) Source of standard. This standard is derived from, and restates, the following Society of Automotive Engineers Recommended Practices: SAE J320a, Minimum Performance Criteria for Roll-Over Protective Structure for Rubber-Tired, Self-Propelled Scrapers; SAE J394, Minimum Performance Criteria for Roll-Over Protective Structure for Rubber-Tired Front-End Loaders and Rubber-Tired Dozers; SAE J395, Minimum Performance Criteria for Roll-Over Protective Structure for Crawler Tractors and Crawler-Type Loaders; and SAE J396, Minimum Performance Criteria for Roll-Over Protective Structure for Motor Graders. These recommended practices shall be resorted to in the event that questions of interpretation arise. The recommended practices appear in the 1971 SAE Handbook, which may be examined in each of the district offices of the division of industrial safety and health of the department of labor and industries.

**AMENDATORY SECTION** (Amending Order 91-01, filed 5/20/91, effective 6/20/91)

**WAC 296-306-265 Protective frame (ROPS) test procedures and performance requirements for wheel-type agricultural and industrial tractors used in agriculture.**

(1) Definitions applicable to this section.

(a) SAE J333a, Operator Protection for Wheel-Type Agricultural and Industrial Tractors (July 1970) defines "agricultural tractor" as a "wheel-type vehicle of more than 20 engine horsepower designed to furnish the power to pull, carry, propel, or drive implements that are designed for agricultural usage." Since this chapter applies only to agricultural work, the following definition of "agricultural tractor" is adopted for purposes of this part: "Agricultural tractor" means a wheel-type vehicle of more than 20 engine horsepower, which is designed to furnish the power to pull, propel, or drive implements.

(b) "Industrial tractor" means that class of wheeled type tractor of more than 20 engine horsepower (other than rubber-tired loaders and dozers described in WAC 296-306-26001), used in operations such as landscaping, construction services, loading, digging, grounds keeping, and highway maintenance.

(c) The following symbols, terms, and explanations apply to this section:

E<sub>is</sub> = Energy input to be absorbed during side loading.  $E_{is} = 723 + 0.4 W$  ft.-lb. ( $E'_{is} = 100 + 0.12 W'$ , m.-kg).

E<sub>ir</sub> = Energy input to be absorbed during rear loading.  $E_{ir} = 0.47 W$  ft. - lb. ( $E'_{ir} = 0.14 W'$ , m. - kg).

W = Tractor weight as prescribed in WAC 296-306-265 (5)(a) and (5)(c) in lb. ( $W'$ , kg).

L = Static load, lb. (kg.).

D = Deflection under L, in. (mm.).

L-D = Static load-deflection diagram.

L<sub>m</sub>-D<sub>m</sub> = Modified static load-deflection diagram (Figure ((~~V-20~~)) C-30). To account for increase in strength due to increase in strain rate, raise L in plastic range to  $L \times K$ .

K = Increase in yield strength induced by higher rate of loading (1.3 for hot rolled low carbon steel 1010-1030). Low carbon is preferable; however, if higher carbon or other material is used, K must be determined in the laboratory. Refer to Charles H. Norris, et al., Structural Design for Dynamic Loads (1959), p. 3.

L<sub>max</sub> = Maximum observed static load.

Load

Limit = Point on L-D curve where observed static load is 0.8 L<sub>max</sub> (refer to Figure ((~~V-19~~)) C-5).

E<sub>u</sub> = Strain energy absorbed by the frame, ft.-lb. (m. - kg) area under L<sub>m</sub>-D<sub>m</sub> curve.

FER = Factor of energy ratio,  $FER = E_u/E_{is}$ ; also =  $E_u/E_{ir}$ .

P<sub>b</sub> = Maximum observed force in mounting connection under static load, L, lb. (kg.).

FSB = Design margin for mounting connection  $FSB = (P_u/P_b)-1$ .

H = Vertical height of lift of 4,410 lb. (2,000 kg.) weight, in. ( $H'$ , mm.). The weight shall be pulled back so that the height of its center of gravity above the point of impact is defined as follows:  $H = 4.92 + 0.00190 W$  or ( $H' = 125 = 0.107 W'$ ) (Figure ((~~V-24~~)) C-7).

(d) Source of standard. The standard in this section is derived from, and restates, Society of Automotive Engineers Standard J334a (July 1970), Protective Frame Test Procedures and Performance Requirements. This standard shall be resorted to in the event that questions of interpretation arise. The standard appears in the 1971 SAE handbook.

(2) General.

(a) The purpose of this section is to set forth requirements for frames for the protection of operators of wheel-type agricultural and industrial tractors to minimize the possibility of operator injury resulting from accidental upsets during normal operation. With respect to agricultural and industrial tractors, the provisions of WAC 296-306-260 and 296-306-270 for rubber-tired dozers and rubber-tired loaders may be utilized in lieu of the requirements of this section.

(b) The protective frame which is the subject of this standard is a structure mounted to the tractor that extends above the operator's seat and conforms generally to Figure ((~~V-15~~)) C-10.

(c) If an overhead weather shield is attached to the protective frame, it may be in place during tests: *Provided*, That it does not contribute to the strength of the protective frame. If such an overhead weather shield is attached, it must meet the requirements of subsection (10) of this section.

(d) For overhead protection requirements, see WAC 296-306-270.

(e) If protective enclosures are used on wheel-type agricultural and industrial tractors, they shall meet the requirements of Society of Automotive Engineers Standard J168 (July 1970), Protective Enclosures, Test Procedures, and Performance Requirements.

(3) Applicability. The requirements of this section apply to wheel-type agricultural tractors used in agriculture work and to wheel-type industrial tractors used in construc-

tion type work. See subsection (1) of this section for definitions of agricultural tractors and industrial tractors.

(4) Performance requirements.

(a) Either a laboratory test or a field test is required in order to determine the performance requirements set forth in subsection (10) of this section.

(b) A laboratory test may be either static or dynamic. The laboratory test must be under conditions of repeatable and controlled loading in order to permit analysis of the protective frame.

(c) A field upset test, if used, shall be conducted under reasonably controlled conditions, both rearward and sideways, to verify the effectiveness of the protective frame under actual dynamic conditions.

(5) Test procedure—General.

(a) The tractor used shall be the tractor with the greatest weight on which the protective frame is to be used.

(b) A new protective frame and mounting connections of the same design shall be used for each test procedure.

(c) Instantaneous and permanent frame deformation shall be measured and recorded for each segment of the test.

(d) Dimensions relative to the seat shall be determined with the seat unloaded and adjusted to its highest and most rearward latched position provided for a seated operator.

(e) If the seat is offset, the frame loading shall be on the side with the least space between the centerline of the seat and the upright.

(f) The low temperature impact strength of the material used in the protective structure shall be verified by suitable material tests or material certifications in accordance with WAC 296-306-26001 (7)(b)(iv).

(6) Test procedure for vehicle overturn.

(a) Vehicle weight. The weight of the tractor, for purposes of this section, includes the protective frame, all fuels, and other components required for normal use of the tractor. Ballast must be added if necessary to achieve a minimum total weight of 130 lb. (59 kg.) per maximum power takeoff horsepower at rated engine speed. The weight of the front end must be at least 33 lb. (15 kg.) per maximum power takeoff horsepower. In case power takeoff horsepower is unavailable, 95 percent of net engine flywheel horsepower shall be used.

(b) Agricultural tractors shall be tested at the weight set forth in subdivision (a) of this subsection.

(c) Industrial tractors shall be tested with items of integral or mounted equipment and ballast that are sold as standard equipment or approved by the vehicle manufacturer for use with the vehicle where the protective frame is expected to provide protection for the operator with such equipment installed. The total vehicle weight and front end weight as tested shall not be less than the weights established in subdivision (a) of this subsection.

(d) The test shall be conducted on a dry, firm soil bank as illustrated in Figure ((~~V-16~~)) C-2. The soil in the impact area shall have an average cone index in the 0.6 in. (153 mm.) layer not less than 150 according to American Society of Agricultural Engineers Recommendations ASAE R313, Soil Cone Penetrometer. The path of travel of the vehicle shall be  $12^\circ \pm 2^\circ$  to the top edge of the bank.

(e) The upper edge of the bank shall be equipped with an 18 in. (457 mm.) high ramp as described in Figure ((~~V-16~~)) C-2 to assist in tipping the vehicle.

(f) The front and rear wheel tread settings, where adjustable, shall be at the position nearest to halfway between the minimum and maximum settings obtainable on the vehicle. Where only two settings are obtainable, the minimum setting shall be used.

(g) Vehicle overturn test—Sideways and rearward.

(i) The tractor shall be driven under its own power along the specified path of travel at a minimum speed of 10 m.p.h. (16 km./hr.) or maximum vehicle speed if under 10 m.p.h. (16 km./hr.) up the ramp as described in subdivision (e) of this subsection to induce sideways overturn.

(ii) Rear upset shall be induced by engine power with the tractor operating in gear to obtain 3-5 m.p.h. (4.8-8 km./hr.) at maximum governed engine r.p.m. preferably by driving forward directly up a minimum slope of two vertical to one horizontal. The engine clutch may be used to aid in inducing the upset.

(7) Other test procedures. When the field upset test is not used to determine ROPS performance, either the static test or the dynamic test, contained in subsection (8) or (9) of this section, shall be made.

(8) Static test.

(a) Test conditions.

(i) The laboratory mounting base shall include that part of the tractor chassis to which the protective frame is attached including the mounting parts.

(ii) The protective frame shall be instrumented with the necessary equipment to obtain the required load deflection data at the locations and directions specified in Figure ((~~V-17, V-18, and V-19~~)) C-3, C-4, and C-5.

(iii) The protective frame and mounting connections shall be instrumented with the necessary recording equipment to obtain the required load-deflection data to be used in calculating FSB (see subsection (1)(c) of this section). The gauges shall be placed on mounting connections before the installation load is applied.

(b) Test procedure.

(i) The side load application shall be at the upper extremity of the frame upright at a  $90^\circ$  angle to the centerline of the vehicle. The side load "L" shall be applied according to Figure ((~~V-17~~)) C-3. "L" and "D" shall be recorded simultaneously. The test shall be stopped when:

(A) The strain energy absorbed by the frame is equal to the required input energy (Eis) or

(B) Deflection of the frame exceeds the allowable deflection, or

(C) The frame load limit occurs before the allowable deflection is reached in the side load.

(ii) The L-D diagram, as shown by means of a typical example in Figure ((~~V-20~~)) C-6, shall be constructed, using the data obtained in accordance with item (i) of this subdivision.

(iii) The modified Lm-Dm diagram shall be constructed according to item (ii) of this subdivision and according to Figure ((~~V-21~~)) C-6. The strain energy absorbed by the frame (Eu) shall than [then] be determined.

(iv) Eis, FER, and FSB shall be calculated.

(v) The test procedure shall be repeated on the same frame utilizing L (rear input; see Figure ((~~V-19~~)) C-5) and Eir. Rear load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 sq. in. (1,032 sq. cm.) normal

to the direction of load application. The load shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright.

(9) Dynamic test.

(a) Test conditions.

(i) The protective frame and tractor shall meet the requirements of subsection (6)(b) or (c) of this section, as appropriate.

(ii) The dynamic loading shall be produced by use of a 4,410 lb. (2,000 kg.) weight acting as a pendulum. The impact face of the weight shall be 27 plus or minus 1 in. by 27 plus or minus 1 in. (686 + or - 25 mm.) and shall be constructed so that its center of gravity is within 1 in. (25.4 mm.) of its geometric center. The weight shall be suspended from a pivot point 18-22 ft. (5.5-6.7 m.) above the point of impact on the frame and shall be conveniently and safely adjustable for height. (See Figure ((~~V-21~~)) C-6.)

(iii) For each phase of testing, the tractor shall be restrained from moving when the dynamic load is applied. The restraining members shall be of 0.5-0.63 in. (12.5-16 mm.) steel cable and points of attaching restraining members shall be located an appropriate distance behind the rear axle and in front of the front axle to provide a 15°-30° angle between a restraining cable and the horizontal. The restraining member shall either be in the plane in which the center gravity of the pendulum will swing or more than one restraining cable shall give a resultant force in this plane. (See Figure ((~~V-22~~)) C-8.)

(iv) The wheel tread setting shall comply with the requirements of subsection (6)(f) of this section. The tires shall have no liquid ballast and shall be inflated to the maximum operating pressure recommended by the tire manufacturer. With specified tire inflation, the restraining cables shall be tightened to provide tire deflection of 6-8 percent of nominal tire section width. After the vehicle is properly restrained, a wooden beam 6 x 6 in. (15 x 15 cm.) shall be driven tightly against the appropriate wheels and clamped. For the test to the side, an additional wooden beam shall be placed as a prop against the wheel nearest the operator's station and shall be secured to the floor so that it is held tightly against the wheel rim during impact. The length of this beam shall be chosen so that when it is positioned against the wheel rim it is at an angle of 25°-40° to the horizontal. It shall have a length 20-25 times its depth and a width two to three times its depth. (See Figures ((~~V-22 and V-23~~)) C-8 and C-9.)

(v) Means shall be provided indicating the maximum instantaneous deflection along the line of impact. A simple friction device is illustrated in Figure ((~~V-23~~)) C-9.

(vi) No repair or adjustments may be carried out during the test.

(vii) If any cables, props, or blocking shift or break during the test, the test shall be repeated.

(b) Test procedure.

(i) General. The frame shall be evaluated by imposing dynamic loading to rear followed by a load to the side on the same frame. The pendulum dropped from the height (see definition "H" in subsection (1)(c) of this section) imposes the dynamic load. The position of the pendulum shall be so selected that the initial point of impact on the frame shall be in line with the arc of travel of the center of

gravity of the pendulum. A quick release mechanism should be used but, if used, shall not influence the attitude of the block.

(ii) Impact at rear. The tractor shall be properly restrained according to subdivisions (a)(iii) and (iv) of this section. The tractor shall be positioned with respect to the pivot point of the pendulum such that the pendulum is 20° from the vertical prior to impact, as shown in Figure ((~~V-22~~)) C-8. The impact shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright of a new frame.

(iii) Impact at side. The block and restraining shall conform to subdivisions (a)(iii) and (iv) of this subsection. The point of impact shall be that structural member of the protective frame likely to hit the ground first in a sideways accidental upset. The side impact shall be applied to the side opposite that used for rear impact.

(10) Performance requirements.

(a) General.

(i) The frame, overhead weather shield, fenders, or other parts in the operator area may be deformed but shall not shatter or leave sharp edges exposed to the operator, or violate dimensions as shown in Figures ((~~V-16 and V-17~~)) C-2 and C-3 as follows:

D = 2 in. (51 mm.) inside of frame upright to vertical centerline of seat.

E = 30 in. (762 mm.).

F = Not less than 0 in. and not more than 12 in. (305 mm.), measured at centerline front of seat backrest to crossbar along the line of load application as shown in Figure ((~~V-17~~)) C-3.

G = 24 in. (610 mm.).

(ii) The material and design combination used in the protective structure must be such that the structure can meet all prescribed performance tests at zero degrees Fahrenheit in accordance with WAC 296-306-26001 (7)(b)(iv).

(b) Vehicle overturn performance requirements. The requirements of this subsection (10) must be met in both side and rear overturns.

(c) Static test performance requirements. Design factors shall be incorporated in each design to withstand an overturn test as prescribed in this subsection (10). The structural requirements will be generally met if FER is greater than 1 and FSB is greater than K-1 in both side and rear loadings.

(d) Dynamic test performance requirements. Design factors shall be incorporated in each design to withstand the overturn test prescribed in this subsection (10). The structural requirements will be generally met if the dimensions in this subsection (10) are adhered to in both side and rear loads.

AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

**WAC 296-306-270 Overhead protection for operators of agricultural and industrial tractors.** (1) General.

(a) Purpose. When overhead protection is provided on wheel-type agricultural and industrial tractors, the overhead protection shall be designed and installed according to the requirements contained in this section. The provisions of

WAC 296-306-26001 for rubber-tired dozers and rubber-tired loaders may be used in lieu of the standards contained in this section. The purpose of the standard is to minimize the possibility of operator injury resulting from overhead hazards such as flying and falling objects, and at the same time to minimize the possibility of operator injury from the cover itself in the event of accidental upset.

(b) Applicability. This section applies to wheel-type agricultural tractors used in construction work and to wheel-type industrial tractors used in agriculture work. See WAC 296-306-265 (1) and (3).

(c) All equipment used in site clearing operations shall be equipped with rollover guards meeting the requirements of this chapter. In addition, rider-operated equipment shall be equipped with an overhead and rear canopy guard meeting the following requirements:

(i) The overhead covering on this canopy structure shall be of not less than 1/8-inch steel plate or 1/4-inch woven wire mesh with openings no greater than 1 inch, or equivalent.

(ii) The opening in the rear of the canopy structure shall be covered with not less than 1/4-inch woven wire mesh with openings no greater than 1 inch.

(2) Overhead protection. When overhead protection is installed on wheel-type agricultural or industrial tractors used in agriculture work, it shall meet the requirements of this subsection. The overhead protection may be constructed of a solid material. If grid or mesh is used, the largest permissible opening shall be such that the maximum circle which can be inscribed between the elements of the grid or mesh is 1.5 in. (38 mm.) in diameter. The overhead protection shall not be installed in such a way as to become a hazard in the case of upset.

(3) Test procedures—General.

(a) The requirements of WAC 296-306-265 (5), (6) and (7) shall be met.

(b) Static and dynamic rear load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 in.<sup>2</sup> (1,032 cm.<sup>2</sup>) normal direction of load application. The load shall be applied to the upper extremity of the frame at the point which is midway between the centerline of the seat and the inside of the frame upright.

(c) The static and dynamic side load application shall be uniformly distributed along a maximum projected dimension of 27 in. (686 mm.) and a maximum area of 160 in.<sup>2</sup> (1,032 cm.<sup>2</sup>) normal to the direction of load application. The direction of load application is the same as in WAC 296-306-265 (8) and (9). To simulate the characteristics of the structure during an upset, the center of load application may be located from a point 24 in. (610 mm.) (K) forward to 12 in. (305 mm.) (K) forward to 12 in. (305 mm.) (L) rearward of the front of the seat backrest to best utilize the structural strength. See Figure ((V-25)) C-31.

(4) Drop test procedures.

(a) The same frame shall be subjected to the drop test following either the static or dynamic test.

(b) A solid steel sphere or material of equivalent spherical dimension weighing 100 lb. (45.4 kg.) shall be dropped once from a height 10 ft. (3,048 mm.) above the overhead cover.

(c) The point of impact shall be on the overhead cover at a point within the zone of protection as shown in Figure ((V-26)) C-32, which is furthest removed from major structural members.

(5) Crush test procedures.

(a) The same frame shall be subjected to the crush test following the drop test and static or dynamic test.

(b) The test load shall be applied as shown in Figure ((V-27)) C-33 with the seat positioned as specified in WAC 296-306-265 (5)(d). Loading cylinders shall be pivotally mounted at both ends. Loads applied by each cylinder shall be equal within 2 percent, and the sum of the loads of the two cylinders shall be two times the tractor weight as set forth in WAC 296-306-265 (6)(a). The maximum width of the beam illustrated in Figure ((V-27)) C-33 shall be 6 in. (152 mm.).

(6) Performance requirements.

(a) General. The performance requirements set forth in WAC 296-306-265 (10)(b), (c) and (d) shall be met.

(b) Drop test performance requirements.

(i) Instantaneous deformation due to impact of the sphere shall not enter the protected zone as illustrated in Figures ((V-25, V-26, and V-28)) C-31, C-32, and C-34.

(ii) In addition to the dimensions set forth in WAC 296-306-265 (10)(a)(i) the following dimensions apply to Figure ((V-28)) C-34:

- H = 17.5 in. (444 mm.).
- J = 2 in. (50.8 mm.) measured from the outer periphery of the steering wheel.

(c) Crush test performance requirements. The protected zone as described in Figure ((V-28)) C-34 must not be violated.

(7) Source of standard. This standard is derived from, and restates, the portions of Society of Automotive Engineers Standard J167 which pertain to overhead protection requirements. The full title of the SAE standard is: Protective Frame with Overhead Protection—Test Procedures and Performance Requirements. The SAE standard shall be resorted to in the event that questions of interpretation arise. The SAE standard appears in the 1971 SAE Handbook.

AMENDATORY SECTION (Amending Order 91-01, filed 5/20/91, effective 6/20/91)

WAC 296-306-27095 Exhibit B—Figures ((V-4)) C-17 through ((V-28)) C-34.

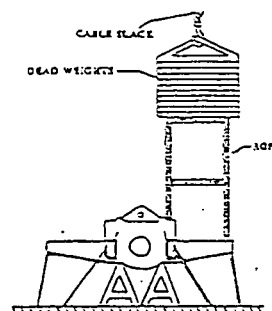


Figure ((V-4)) C-17



Vertical loading setup for all types of equipment described in WAC 296-306-26001(2).

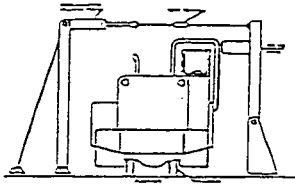


Figure ((V-2)) C-18

Test setup for rubber-tired self-propelled scrapers.

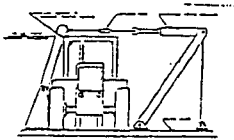


Figure ((V-3)) C-19

Test setup for rubber-tired front-end loaders, rubber-tired dozers, and motor graders.

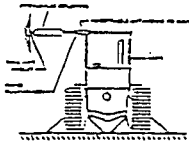


Figure ((V-4)) C-20

Side-loading setup for crawler tractors and crawler loaders.

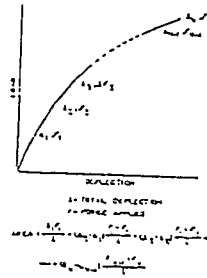


Figure ((V-5)) C-21

Determination of energy area under force deflection curve for all types of ROPS equipment defined in WAC 296-306-26001(2).

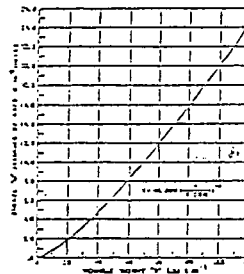


Figure ((V-6)) C-22

Energy absorbed versus vehicle weight.

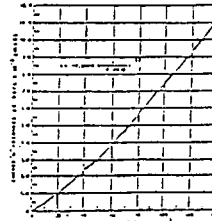


Figure ((V-7)) C-23

Energy absorbed versus vehicle weight.

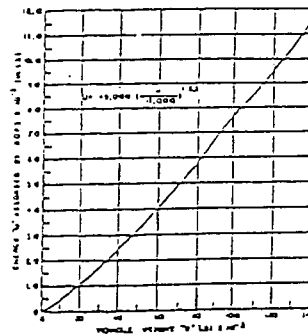


Figure ((V-8)) C-24

Energy absorbed versus vehicle weight.

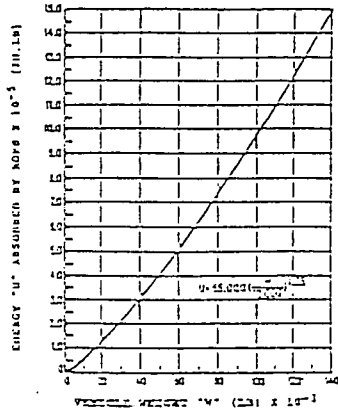


Figure ((V-9)) C-25  
Energy absorbed versus vehicle weight.

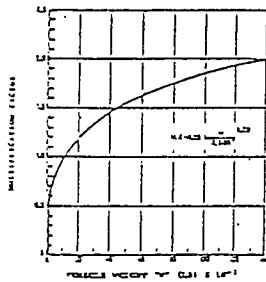


Figure ((V-10)) C-26  
Minimum horizontal load factor for self-propelled scrapers.

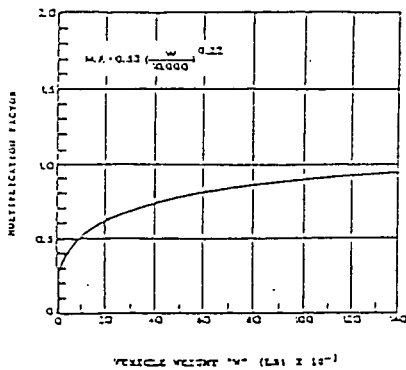


Figure ((V-11)) C-27  
Minimum horizontal load factor for rubber-tired loaders and dozers.

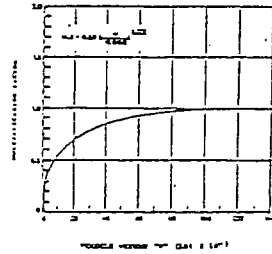


Figure ((V-12)) C-28  
Minimum horizontal load factor for crawler tractors and crawler-type loaders.

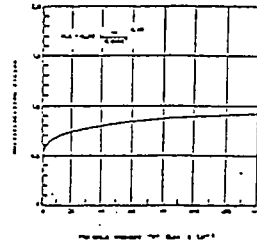


Figure ((V-13)) C-29  
Minimum horizontal load factor for motor graders.

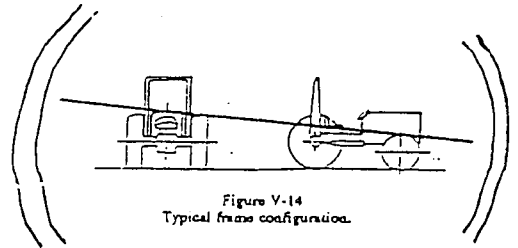
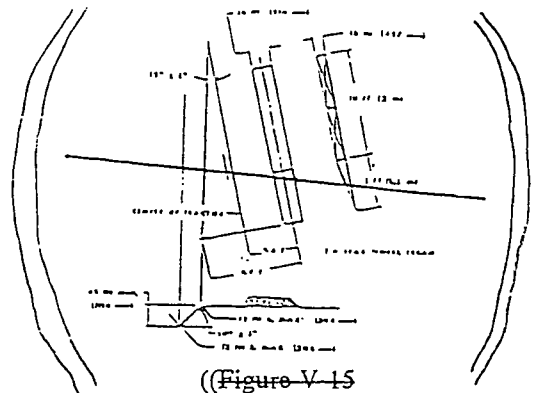


Figure V 14  
Typical frame configuration.



(Figure V 15  
Bank and ramp configuration for side overturn testing.

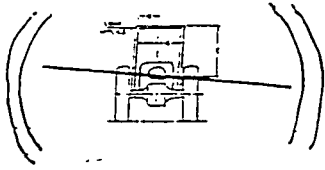


Figure V-16  
Side load application.

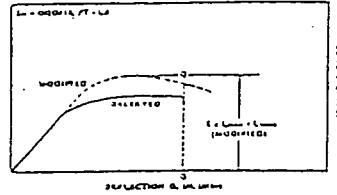


Figure ((V-20)) C-30  
Typical modified L<sub>e</sub>-D<sub>e</sub> diagram.

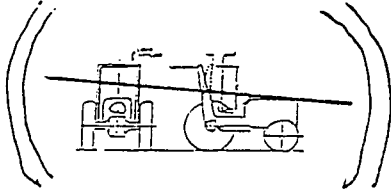


Figure V-17  
Rear load application.

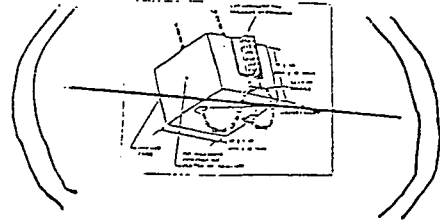


Figure V-21  
Pendulum.

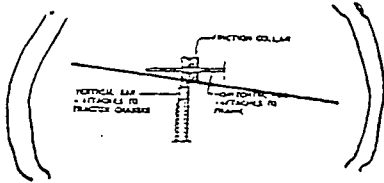


Figure V-18  
Method of measuring instantaneous deflection.

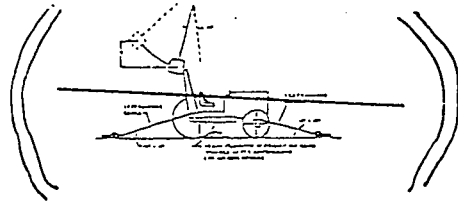


Figure V-22  
Method of impact from rear.

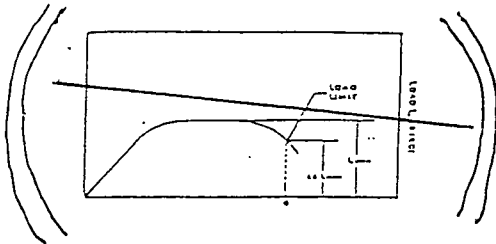


Figure V-19  
Typical L-D diagram.)

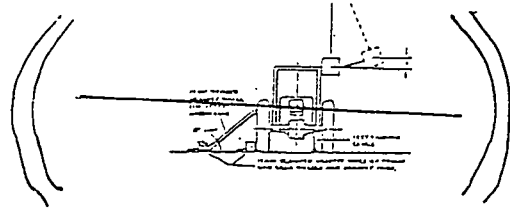


Figure V-23  
Method of impact from side.

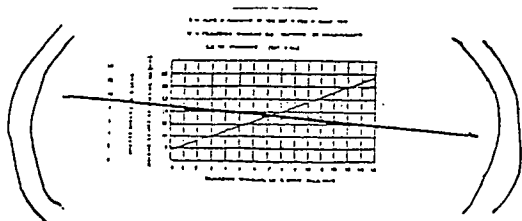


Figure V-24

Impact energy and corresponding lift height of 4,410 lb. (2,000 kg.) weight.)

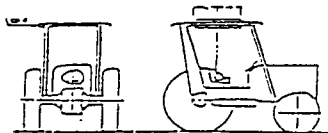


Figure ((V-25)) C-31  
Location for side load.

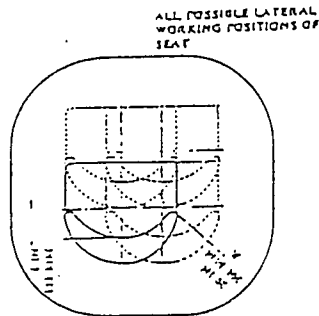


Figure ((V-26)) C-32  
Zone of protection for drop test.

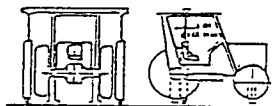


Figure ((V-27)) C-33  
Method of load application for crush test.

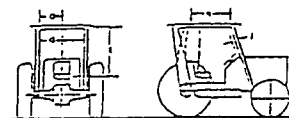


Figure ((V-28)) C-34  
Protected zone during crush and drop tests.

NEW SECTION

**WAC 296-306-330 Emergency washing facilities for pesticide handlers.** (1) Definitions.

(a) "Directly handling" means opening or pouring pesticide containers, mixing, loading or transferring pesticides or pesticide solutions or washing or cleaning pesticide containers or tanks containing pesticides.

(b) "Emergency washing facilities" means emergency showers, eyewashes, eye/face washes, or other similar units.

(c) "Eyewash" means a device to irrigate and flush the eyes. It shall deliver not less than 1.5 liters (0.4 gallons) per minute for at least fifteen minutes.

(2) Facilities required.

(a) Emergency washing facilities shall be readily available in the immediate work area for employees directly handle pesticides. To be readily available, emergency washing facilities shall require no more than ten seconds to reach. They should be within a travel distance no greater than 15.25 meters (50 feet).

(b) At least five gallons of water shall be supplied for emergency washing while applying pesticides either in the pesticide application tractor or within one-quarter mile or five minutes travel time.

(3) All emergency washing facilities using nonpotable water shall have signs stating water is nonpotable.

(4) Emergency eye flushing.

(a) The employer shall provide an eye-flush dispenser containing at least 1 pint of water to any employee required by the pesticide labeling to wear protective eye wear for the activity being performed. The dispenser shall be carried by the handler, or shall be on the vehicle or aircraft the handler is using, or shall be otherwise immediately accessible.

(b) Unless the water is sterilized and is in a sealed container, the handler employer shall replace the water with potable water at least weekly.

(c) Personal eyewash equipment may be used to supplement the requirement for emergency washing facilities, however, in no event shall it be used as a substitute. Such units shall deliver potable water or other medically approved eye flushing solution.

(d) All emergency washing facilities, including personal eyewash equipment, shall be periodically inspected to ensure that they function correctly and that the quality and quantity of water is satisfactory for emergency washing purposes.

(e) Showers should be made available to other workers who have become contaminated.

PROPOSED

**AMENDATORY SECTION** (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

**WAC 296-306-400 Posting requirements.** (1) When a pesticide having a reentry interval greater than twenty-four hours is applied to a labor-intensive agricultural crop, the pesticide-treated area shall be posted with warning signs in accordance with the requirements of this section. Sign design may be either the state design as illustrated by figure 1 or the officially adopted sign of the Environmental Protection Agency. (Reference federal regulation 40 CFR 170.44.)

(2) Definitions for the purposes of this section are:

(a) "Labor-intensive agricultural crop" means crops requiring substantial hand-labor for planting, thinning, cultivating, pruning, harvesting, or other agricultural activities. Labor-intensive agricultural crops include but are not limited to apples, cherries, peaches, berries, hops, grapes, asparagus, pears, plums, nectarines, onions, cucumbers, cauliflower, and squash. By virtue of mechanization, crops such as, but not limited to, wheat, oat, and barley are excluded unless substantial hand-labor is utilized.

(b) "Reentry interval" means the length of time after an application until personnel will be allowed to reenter a treated area for work purposes without personal protective equipment.

(3) Pesticide warning signs required under this section shall be posted in such a manner as to be clearly visible from all usual points of entry to the pesticide-treated area. If there are no usual points of entry or the area is adjacent to an unfenced public right of way, signs shall be posted:

- (a) At each corner of the pesticide-treated area; and
- (b) At intervals not exceeding six hundred feet; and/or
- (c) At other locations approved by the department that provide maximum visibility.

(4) The signs shall be posted ((at least)) within twenty-four hours ((but not more than 7 days)) before scheduled application of the pesticide, and remain posted during application and throughout the applicable reentry interval. Signs shall be removed within two days after the expiration of the applicable reentry interval and before employee reentry is permitted. Employees working in an area scheduled for a pesticide application shall be informed of the application and shall vacate the area to be sprayed prior to the application of the pesticide.

(5) Signs shall be legible for the duration of use and wording shall be in English and Spanish.

(6) Signs shall meet the following criteria: (Unless EPA signs are used).

- (a) The background color shall be white.
- (b) The border at least one-half inch in width shall be red.
- (c) The words "DANGER" and "PELIGRO" shall be at the top. Letters for these words shall be black and at least two and one-half inches in height.
- (d) The words "pesticides" and "pesticidas" shall be at the top but below the words "DANGER" and "PELIGRO," respectively. Letters for these words shall be black and at least one inch in height.

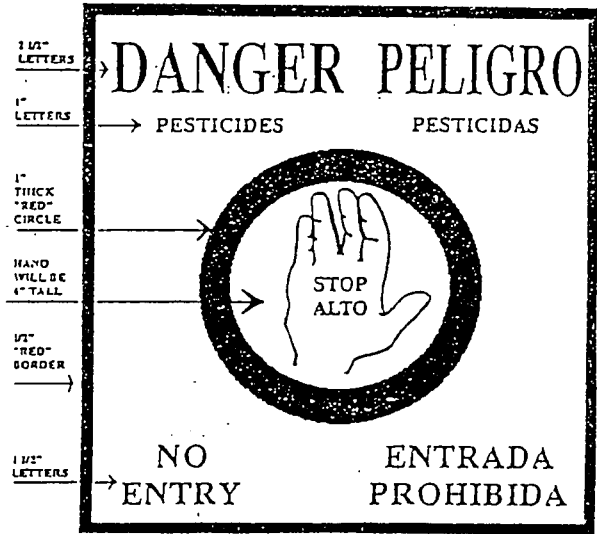
(e) The center of the sign shall contain a circle comprised of a one-inch thick red line and contain an upraised hand in black with the white words "STOP" and "ALTO,"

respectively shown on the palm in the center of the circle. The hand shall be at least six inches in length.

(f) The words "NO ENTRY" and "ENTRADA PROHIBIDA" shall be at the bottom. Letters for these words shall be black and at least one and one-half inches in height.

(g) Sizes of letters and symbols listed are minimum acceptable size posters. Larger posters may be used provided the proportionate size of letters and symbols are maintained.

(7) A small black and white facsimile of the warning sign meeting these requirements is shown in Figure 1.



~~(((8) The effective date of WAC 296-306-400 through 296-306-40005 is July 1, 1990.))~~

**AMENDATORY SECTION** (Amending Order 89-19, filed 5/9/90, effective 7/1/90)

**WAC 296-306-40003 General requirements.** (1) An employer who applies ~~((or stores))~~ pesticides in connection with the production of an agricultural crop, or causes pesticides to be applied in connection with such production, shall ~~((compile and maintain a workplace pesticide list (form AGR 4226 for one time, single applications; form AGR 4235 for repeat applications; or form AGR 4236 for applications through an irrigation system), by crop or land area for each pesticide that is applied to a crop or land area, and a (form L & I F413 033 000) for each pesticide stored in a work area))~~ keep records for each application.

~~(((2)))~~ The ((workplace pesticide data shall be kept on the forms prescribed by the department and)) records shall ((contain)) include at least the following information: (((Exception see subsection (8) following.))

(a) The address or exact location of the land where the pesticide was applied or the site where the pesticide was stored; (Note: If application is made to one acre or more, the field/land location must be shown on the map on the required form for at least the first application)((-));

(b) The year, month, day, and time the pesticide was applied or stored;

(c) The product name used on the registered label and the United States Environmental Protection Agency registra-

tion number, if applicable, of the pesticide that was applied or stored;

(d) The crop or site to which the pesticide was applied; (application crop or site)(:);

(e) The amount of pesticide applied per acre, or other appropriate measure;

(f) The concentration of pesticide that was applied;

(g) The number of acres, or other appropriate measure, to which pesticide was applied; (total area treated)(:);

(h) If applicable, the licensed applicator's name, address, and telephone number and the name of the individual or individuals making the application; ((and))

(i) The direction and estimated velocity of the wind at the time the pesticide was applied: *Provided*, That this subsection (i) shall not apply to applications of baits in bait stations and pesticide applications within structures(~~—More than one entry would be feasible if there was a significant change of direction for any length of time during the application~~);

(j) Any other reasonable information required by the director;

(k) A commercial pesticide applicator who applies a pesticide to an agriculture crop or agricultural land shall provide a copy of the records data required by WAC 296-306-40003(2) for the application, to the owner, or to the lessee if applied on behalf of the lessee, of the lands to which the pesticide is applied. Records data provided by a commercial pesticide applicator to the owner or lessee of agriculture lands under this section need not be provided on a form adopted by the department.

~~((3))~~ (2) The ((employer shall update the workplace pesticide list)) records shall be updated on the same day that a pesticide is applied ((or is first stored in a work area)). If the employer has been provided a copy of a pesticide application record under subsection (1) of this section, the copy may be used as the record of the pesticide application under this section. The employer shall maintain and preserve the pesticide application records no less than seven years from the date of the application of the pesticide to which the records refer.

~~((a) The workplace pesticide list may be prepared for the workplace as a whole or for each work area and must be readily available to employees and their designated representatives.))~~

~~((b))~~ (3) The pesticide application records shall be readily accessible to the employer's employees and their designated representatives in a central location in the work place beginning on the day the application is made and for at least thirty days following the application. The employee or representative shall be entitled to view the pesticide application records and make his or her own record from the information contained in the application records.

(4) New or newly assigned employees shall be made aware of the ((pesticide chemical list)) accessibility of the application records before working with pesticides or in a work area containing pesticides.

~~((4))~~ (5) An employer subject to this section, who stores pesticides, shall ((maintain one form for each application or for each crop or work area, or workplace as a whole, as appropriate)), at least once in each calendar year, perform an inventory of the pesticides stored in any work area.

~~((a) The forms shall be accessible and available for copying and shall be stored in a location suitable to preserve their physical integrity.~~

~~(b) The farm owner/operator shall maintain and preserve the forms required under this section for no less than seven years.~~

~~(c) The records shall include an estimation of the total amount of each pesticide listed on the forms.~~

~~(5) After the effective date of this section, if an employer has failed to maintain and preserve the forms as required, the employer shall be subject to any applicable penalties authorized under chapter 49.70 or 49.17 RCW.))~~

(6) ((F)) The pesticide inventory records shall include the following information:

(a) The location of the site where the pesticide is stored;

(b) The year, month, day, and time the pesticide was first stored;

(c) The product name used on the registered label and the United States Environmental Protection Agency Registration Number, if applicable, of the pesticide that is stored; and

(d) The amount of pesticide in storage at the time of the inventory.

(7) The inventory records shall be maintained and preserved for no less than seven years.

(8) In addition to performing the annual pesticide inventory required under this section, an employer shall maintain a record of pesticide purchases made between the annual inventory dates.

(a) In lieu of this purchase record, an employer may obtain from distributors from who pesticides are purchased, a statement obligating the distributor to maintain the purchase records on behalf of the employer and in satisfaction of the employer's obligation under this section.

(b) The director may require the submission of all purchase records from employers or distributors, covering the purchases during a specified period of time or in a specified geographical area.

(9) When activities for which ((forms)) the records are maintained cease ((at a workplace)), the ((forms)) records shall be filed with the department. If an employer subject to this section is succeeded or replaced in that function by another person, the person who succeeds or replaces the employer shall retain the ((forms)) records as required by this section but is not liable for violations committed by the former employer under chapter 49.70 RCW or rules adopted under chapter 49.70 RCW, including violations relating to the retention and preservation of ((forms)) records.

~~((7) The employer shall provide copies of the forms,))~~

(10) The records required under this section shall be readily accessible to the department for inspection. Copies of the records shall be provided on request, to:

(a) An employee or the employee's designated representative in the case of an industrial insurance claim filed under Title 51 RCW with the department of labor and industries(:);

(b) Treating ((medical)) health care personnel(:);

(c) The pesticide incident reporting and tracking review panel(:); or

(d) Department representative.

~~((a))~~ (11) The designated representative or treating ~~(medical)~~ health care personnel are not required to identify the employee represented or treated.

~~((b))~~ (12) The department shall keep the name of any affected employee confidential in accordance with RCW 49.17.080(1).

~~((c))~~ ~~If an employee, a designated representative, treating medical personnel, or the pesticide incident reporting and tracking review panel requests a copy of a form and the employer refuses to provide a copy, the requester shall notify the department of the request and the employer's refusal.~~

~~(d))~~ (13) When a request for records is made under this subsection by treating health care personnel and the record is required for determining treatment, copies of the record shall be provided immediately. Information for treating health care personnel shall be made immediately available by telephone, if requested, with a copy of the records provided within twenty-four hours. For all other requests, copies of the records shall be provided within seventy-two hours.

(14) Copies of records provided to any person or entity under this subsection shall, if so requested, be provided or made available on a form provided by the department.

(15) If an employer has reason to suspect that an employee is ill or injured because of an exposure to one or more pesticides, the employer shall immediately provide the employee a copy of the relevant pesticide application records.

(16) If a request for a copy of a record is made under this section and the employer refuses to provide a copy, the requester may notify the department of the request and the employer's refusal.

(a) Within seven working days, the department shall request that the employer provide the department with all pertinent copies of the records, except that in a medical emergency the request shall be made within two working days.

~~((e))~~ (b) The employer shall provide copies of the ~~(form)~~ records to the department within twenty-four hours after the department's request.

~~((8))~~ ~~The employer may maintain computerized records as long as the computer that is utilized is programmed and equipped to print complete records in the form and format prescribed by subsection (9) of this section.~~

~~(9) The farm owner/operator shall utilize, maintain, and keep record forms as indicated in WAC 296-306-40005 to comply with provisions of this section.~~ (17) The department shall include inspection of the records required under this section as part of any on-site inspection of a work place conducted under this chapter or chapter 49.17 RCW. The inspection shall determine whether the records are readily transferable to a form adopted by the department, and readily accessible to employees. However, no employer subject to department inspection may be inspected more than once in any calendar year, unless a previous inspection has found recordkeeping violations. If recordkeeping violations are found, the department may conduct reasonable multiple inspections, pursuant to rules adopted by the department (see WAC 296-27-16018, Compliance inspections, and WAC 296-27-16026, Programmed inspections). Nothing in this subsection limits the department's inspection of records pertaining to pesticide-related injuries, illnesses, fatalities, accidents, or complaints.

(18) If the employer has failed to maintain and preserve the records, or provide access to or copies of the records required under this section, the employer shall be subject to penalties authorized under RCW 49.17.180.

(19) The department of labor and industries and the department of agriculture shall jointly adopt by rule, forms that satisfy the information requirements of this section and RCW 17.21.100. (See WAC 296-306-40005, pesticide recordkeeping forms.)

#### NEW SECTION

**WAC 296-306-40007 Emergency medical care information.** (1) The address and telephone number of the nearest emergency medical-care facility shall be posted.

(2) Updating. The agricultural employer shall inform workers promptly of any changes to the information on emergency medical-care facilities.

(a) Location:

(i) The information shall be displayed in a location on the farm or in the nursery or greenhouse where it can be readily seen and read by workers.

(ii) The information shall be displayed in a location in or near the forest in a place where it can be readily seen and read by workers and where workers are likely to congregate or pass by, such as a farm shop or an equipment storage site.

(b) Accessibility. Workers shall be informed of the location of the information and shall be allowed access to it.

(c) Legibility. The information shall remain legible during the time it is posted.

#### NEW SECTION

**WAC 296-306-40009 Emergency assistance.** If there is reason to believe that a worker has been poisoned or injured by pesticides used on the agricultural establishment, including, but not limited to, exposures from application splash, spill, drift and pesticide residues, the agricultural employer shall:

(1) Make available to the worker prompt transportation to an appropriate emergency medical facility.

(2) Provide, promptly, the following information to the worker or to treating medical personnel:

(a) Product name, EPA registration number, and active ingredients in any product to which the worker might have been exposed during the previous 30 days.

(b) Antidote, first aid, and other medical information from the product labeling.

(c) Information about the circumstances of application or use of the pesticide on the farm, greenhouse, nursery, or forest, and about the exposure of the worker to the pesticide.

#### NEW SECTION

**WAC 296-306-40011 Cholinesterase monitoring for employees mixing, loading, or applying organophosphate pesticides, and/or early reentering of treated areas. Non-Mandatory.** (1) The department recommends employers implement a screening program for cholinesterase monitoring for employees handling organophosphate and carbamate pesticides.



(2) Monitoring of employees who handle carbamate or organophosphate pesticides for blood cholinesterase levels is an acceptable bioassay method for determining the extent and effects of exposure to this type of pesticide. The schedule of testing should include a pre-exposure baseline level, followed by periodic monitoring during the period of exposure.

(3) Employers should provide baseline cholinesterase tests for all employees handling carbamate or organophosphate pesticides for 30 hours or more in any 30-day period.

(4) Baseline tests should be provided prior to actual exposure, at the beginning of the growing season, or upon first hire. These baseline tests should be repeated every two years.

(5) Periodic tests should be conducted every 30 days after the initial baseline for the next three months, and every 60 days thereafter until organophosphate or carbamate pesticide exposure ceases.

(6) The employer should not allow a monitored employee to be further exposed to carbamate or organophosphate pesticides if any cholinesterase test in comparison to the baseline is less than 70% of red blood cell baseline levels. These employees should not be further exposed to organophosphate pesticides until their cholinesterase levels return to 80% or more of their baseline red blood cell levels.

(7) Plasma or red blood cell cholinesterase level monitoring should be done.

(8) Monitoring programs should include appropriate follow-up and referrals to health care providers as needed, and should include a mechanism for record keeping and report tracking.

Statutory Authority for Adoption: Chapters 34.05 and 15.14 RCW.

Statute Being Implemented: Chapters 34.05 and 15.14 RCW.

Summary: Eight proposed changes will clarify and strengthen the rules for the production of foundation and limited generation certified seed potatoes.

Reasons Supporting Proposal: The proposed changes have been requested by the Washington State Department of Agriculture and participating growers to clarify and strengthen the certification rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Max G. Long, 2015 South 1st Street, Yakima, 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: See Purpose above.

Proposal Changes the Following Existing Rules: See Summary and Reasons Supporting Proposal above.

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

Hearing Location: Whatcom County Annex, 1000 North Forest Street, Bellingham, WA 98225, on October 6, 1992, at 1:15 p.m.

Submit Written Comments to: Max G. Long, 2015 South 1st Street, Mailstop 3, Yakima, WA 98903, by October 6, 1992.

Date of Intended Adoption: October 6, 1992.

September 2, 1992

William E. Brookreson  
Assistant Director

**WSR 92-18-101**

**WITHDRAWAL OF PROPOSED RULES  
DEPARTMENT OF AGRICULTURE**

[Filed September 2, 1992, 11:25 a.m.]

The Department of Agriculture is withdrawing the original notice of the proposed rule on re-entry interval for ziram, WSR 92-15-026, filed July 7, 1992. Additional information concerning ziram is needed to adequately determine what rules will be adopted on a permanent basis. An emergency rule will be filed to cover the current harvest season.

Michael V. Schwisow  
Deputy Director  
for C. Alan Pettibone  
Director

**WSR 92-18-104**

**PROPOSED RULES  
DEPARTMENT OF AGRICULTURE**

[Filed September 2, 1992, 11:37 a.m.]

Original Notice.

Title of Rule: Chapter 16-324 WAC.

Purpose: To clarify and strengthen the rules for the production of foundation and limited generation certified seed potatoes.

**NEW SECTION**

**WAC 16-324-700 Establishing the fee schedule.** Pursuant to the authority provided in RCW 15.14.100, the following fees in WAC 16-324-110 through 16-324-750 are established for disease testing of certified seed potatoes.

**NEW SECTION**

**WAC 16-324-710 Schedule of fees—Billing policies and procedures.** (1) All billable services provided under this chapter are due and payable upon billing by the department. For the convenience of established accounts and in accord with good business practices, the department provides a monthly billing. Accounts not paid in full within thirty days of billing shall be considered delinquent.

(2) All delinquent accounts shall be assessed a late charge equal to one percent per month, or portion of a month, on the unpaid balance.

(3) Except for established accounts where there is a reasonable expectation of additional charges during a calendar month, the minimum billable amount through the monthly billing system shall be twenty dollars. All billable services of less than twenty dollars shall be due and payable on the date that service is rendered.

(4) No person with an account ninety days or more in arrears shall receive service except on the basis of payment in full at the time service is rendered. Such accounts shall

not be restored to monthly billing status until all past due amounts are paid-in-full. Such accounts may be subject to legal action for collection.

(5) Accounts that become ninety days or more in arrears twice within a five-year period may be subject to a permanent requirement for payment in full at the time service is provided.

**NEW SECTION**

**WAC 16-324-720 ELISA testing for potato viruses—**

**Fees.** (1) The following fees shall apply to ELISA testing to determine the presence of Potato Virus A (PVA), Potato Virus M (PVM), Potato Virus S (PVS), Potato Virus X (PVX), Potato Virus Y (PVY), and Potato Leaf Roll Virus (PLRV):

# viruses	# samples	price/leaf sample	price/tuber sample
1	1 to 10	\$1.00	\$1.10
	11 to 25	\$0.90	\$1.00
	over 25	\$0.80	\$0.90
2	1 to 10	\$1.50	\$1.60
	11 to 25	\$1.30	\$1.40
	over 25	\$1.10	\$1.20
3	1 to 10	\$2.00	\$2.10
	11 to 25	\$1.70	\$1.80
	over 25	\$1.40	\$1.50
4	1 to 10	\$2.50	\$2.60
	11 to 25	\$2.10	\$2.20
	over 25	\$1.70	\$1.80
5	1 to 10	\$3.00	\$3.10
	11 to 25	\$2.50	\$2.60
	over 25	\$2.00	\$2.10
6	1 to 10	\$3.50	\$3.60
	11 to 25	\$2.90	\$3.00
	over 25	\$2.30	\$2.40

(2) Spindle Tuber Viroid testing shall be provided at the actual cost of time at twenty-five dollars per hour and materials.

(3) Other virus tests not listed in subsection (1) of this section may be provided at actual cost of time at twenty-five dollars per hour and materials.

**NEW SECTION**

**WAC 16-324-730 ELISA testing for the presence of**

**bacteria—Fees.** The fee for ELISA testing for the presence of bacterial ringrot (*Clavibacter michiganensis* subsp. *sepedonicum*) and *Erwinia c.* subsp. *atroseptica*, per sample . . . . . \$1.20

**NEW SECTION**

**WAC 16-324-740 Entry level primary test—Fees.**

- (1) Crystal violet pectate test for *Erwinia* sp., per sample . . . . . \$2.50
- (2) Nutrient - Yeast extract broth for bacteria, per sample . . . . . \$2.50

**NEW SECTION**

**WAC 16-324-750 Tests for bacterial ringrot—Fees.**

- (1) Gram stain test for bacterial ringrot, per sample . . . . . \$3.75
- (2) Bioassay (host plant indexing) to confirm bacterial ringrot, per sample . . . . . \$5.00

**AMENDATORY SECTION** (Amending Order 2020, filed 11/16/89, effective 12/17/89)

**WAC 16-324-360 Definitions.** The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

- (1) "Department" means the department of agriculture of the state of Washington.
- (2) "Director" means the director of the department of agriculture or his duly appointed representative. (Inspector)
- (3) "Potatoes" mean Irish potatoes that have been produced outside of or within the state of Washington and are being handled for seed purposes, propagation, or reproduction within the state of Washington.
- (4) "Disease tested" means tested for potato viruses, PVA, PVM, PVS, PVX, PVY, leafroll, spindle tuber viroid, *Erwinia carotovora carotovora*, *Erwinia carotovora atroseptica* and *Corynebacterium sependonicum*.
- (5) "Nematode" means a disease (infestation) of plant parasitic nematodes of potatoes including but not limited to the genera *Meloidogyne*.
- (6) "Micropropagated" means potato stock propagated using aseptic laboratory techniques and culture media to promote plant tissue growth.
- (7) "In vitro" means in an artificial environment outside the living organism.
- (8) "Prenuclear" means micropropagated plants in vitro or tubers in vitro. Also included are ((micropropagated)) plants or ((microtubers)) minitubers produced in a greenhouse.
- (9) "Nuclear stock" means plantlets, microtubers, minitubers, or seed potatoes produced from pre-nuclear stock, and grown in the field for the first time.
- (10) "Microtubers" means tubers produced in vitro by a micropropagated plant or plantlet.
- (11) "Minitubers" means tubers produced under controlled greenhouse conditions.
- (12) "Tuber unit" means a method of planting whereby cut seed pieces from one tuber are dropped consecutively in a row.
- (13) "Hill unit" means a method of planting whereby all tubers from one plant are dropped consecutively in a row.
- (14) "Family unit" means a method of planting whereby pre-nuclear stock made up of various family lines are mass planted in recognizably separate plots limited to the size and number of plants per plot.
- (15) "Cull" means any lot of potatoes rejected for certification for any reason. Seed lots failing to meet the minimum requirements of Washington state's rules and standards for certification shall be considered as culls.
- (16) "Trace" means a barely perceivable indication of plant disease that amounts to less than 0.001 percent.

(17) "Rogue" means a method of removing undesired plant specimens from a lot whereby all plant parts including vines, tubers, and seed piece are completely removed from a field. Proper roguing for plant disease shall also include removing all plants and their parts immediately adjacent to the diseased suspect plant.

**AMENDATORY SECTION** (Amending Order 1951, filed 9/11/87)

**WAC 16-324-390 Requirements for production of foundation and/or certified seed potato stock.** (1) Land requirements.

(a) Potatoes shall not be eligible for certified class if planted on land on which potatoes were grown in either of the previous two years unless the prior crops were entered for and passed certification. Potatoes shall not be eligible for foundation class if planted on land on which potatoes were grown in any of the previous three years unless the prior crops are of the same variety that were entered for and passed certification.

(b) Any land known to be infested with parasitic potato nematode shall not be accepted.

(c) Any land planted with potatoes found to have ring rot shall not be eligible for planting for certified seed potato production for at least three years. Volunteers in a field with ring rot history shall disqualify the field for certification, modification of land history may be approved by the department when a cultural practice has been proven to be successful. Cultural practices may include, but is not limited to, mechanical means (such as deep plowing) and/or chemical means (such as fumigants or other material) for seed bed preparation. Materials and methods shall be a matter of record with the department. Whichever method is used, it shall be approved by the department and shall be adequate to maintain variety and disease purity. Plants outside of the defined row shall be construed as volunteers.

(2) Isolation requirements.

(a) Potatoes intended for certification shall be isolated by at least one hundred feet from other potatoes except potatoes entered for certification.

(b) A distinct separation of at least six feet shall be left unplanted or planted to some other crop between different lots of foundation class seed potatoes or varieties of potatoes that have so similar tuber type, color, skin, or shape characteristics that varietal mixture is not readily identifiable during the storage, sorting, and grading process. No separation shall be required between lots of a red variety and another variety with obviously different skin color. When more than one lot of seed potatoes are planted in the same field, each lot shall be so marked that any inspector not previously having been at the location can identify each lot.

(c) When ring rot is found in a field planted with more than one lot of seed, the entire field shall be rejected unless at least six feet has been left unplanted or planted to some other crop between lots.

(d) In the suspected presence of bacterial ring rot disease in plants and tubers, or nematode infestation of tubers, samples shall be submitted to a Washington state department of agriculture approved laboratory for testing. Samples may be sent to more than one laboratory to deter-

mine the presence or absence of bacterial ring rot disease and nematode infestation.

(3) Planting stock. Eligible planting stock shall consist of foundation seed potatoes or seed stock approved by the department.

(a) Foundation seed is tubers that have met field standards and winter test standards for foundation seed.

(b) Desirable planting stock of known history and varietal purity may be accepted. This stock shall have been produced the preceding year under the special observation of the department. Stock under observation by the department shall pay the usual certification fees.

(c) Planting stock from other states or countries is eligible for certification if the planting stock has met the requirements for foundation standards of their program.

(d) A seed stock or lot shall not be eligible for foundation classification if blending two different sources of seed.

(e) A seed stock or lot shall not be eligible for certification if planted with culls.

(4) Field inspections. Each lot shall be visually inspected on a sample basis. Lots shall be subjected to at least two inspections. The first inspection shall be made before the rows have filled in or the vines touch in the row. The lots shall be traversed sufficiently to accurately evaluate the factors to be considered with a minimum sample of one hundred plants per acre. Lots shall be considered ready for inspection at all times. Notification shall be given to grower or grower representative when inspection is to be performed. A second inspection shall be performed and the time of the inspection shall be determined by the variety and growing season. Additional inspections shall be made when deemed necessary. The grower shall be responsible for notifying the department of unusual field conditions which reflect premature dying, from any cause, prior to the final reading of the field.

(5) Russet Burbank/Netted Gem potatoes to be eligible for certification shall be within the field tolerances and the winter test tolerances set for certified seed potatoes. Shipments for export prior to January 15 may be certified based on field readings only.

(6) Miscellaneous requirements. Prospective growers entering the certification program for the first time shall be interviewed by the department before applications are processed. This is in order that the applicant knows what is expected and what may be expected from the certifying agency.

(7) Sanitation requirements. All equipment used in the cutting, planting, digging, storage, and grading process shall be sanitized between each lot and variety. Appropriate procedures for sanitizing shall include steam cleaning or use of a pressure washer to eliminate all dirt and dry matter followed by an application of an approved chemical to kill bacteria.

(8) Limitations of generations. Seed grown in the foundation program is limited to a maximum of five field seasons or four generations.

	Class	Class	Class
Foundation Seed Program	4th Generation (5th field season) winter test required	5th Generation (Foundation) Greenhouse or test not required	Certified Greenhouse (winter)

The fifth generation (foundation) seed would be the last generation eligible for recertification. PVX testing would be optional at grower's expense. However all Foundation Material would require a greenhouse test.

AMENDATORY SECTION (Amending Order 1897, filed 7/17/86)

**WAC 16-324-400 Certified seed potato—Field inspection standards.** (1) The field certification of each lot shall be based on the sample inspected.

(2) Specific requirements.

(a) The diseases tolerated shall be within the percentages listed in the table below based on visual symptoms showing in the sample inspected.

Field tolerances for: Inspection	Foundation		Certified	
	1	2-3	1	2-3
Leaf roll	0.2%	0.1%	0.4%	0.2%
Well defined Mosaic, and other virus and virus-like diseases	1.0%	0.5%	2.0%	1.0%
Black leg and wilts	2.0%	1.0%	4.0%	2.0%
Ring rot	0.0%	0.0%	0.0%	0.0%
Powdery scab ( <i>Spongospora subterranea</i> )	0.0%	0.0%	0.0%	0.0%*
Variety mixture	0.2%	0.0%	0.2%	0.1%

\*Not allowed if found in field or during grading

(b) Diseases which cannot be observed visually at time of inspection may be present.

(c) The 0.0% tolerance for ring rot is chosen for reasons of convenience and practicality and is not to be construed to mean that the lot inspected is free from the disease. It does mean no ring rot was found during the inspection process.

(d) When ring rot is found in a lot of seed that lot shall be rejected. All seed potatoes grown that year by that farming operation from that same seed source, even if grown in different fields shall not be eligible for foundation classification. The tubers from these lots shall be inspected at time of digging.

(e) Lots not meeting field inspection standards at the time of inspection shall be rejected.

(f) Any field condition, i.e., weeds, frost, insect, disease, premature dying from any cause, or any condition making inspection evaluation impossible will be cause for the following actions:

(i) Inability to read at time of first field reading for virus, etc.—lots may be held for winter virus test.

(ii) At the discretion of the department, the inability to make the final reading for any reason may be cause for rejection from certification. Lots entered for foundation classification may not be eligible for recertification. The tubers from these lots shall be inspected at time of digging. Samples for winter test shall be submitted.

AMENDATORY SECTION (Amending Order 2020, filed 11/16/89, effective 12/17/89)

**WAC 16-324-410 Winter test.** (1) Purpose. The purpose of the winter test is to visually detect virus and viruslike plant symptoms in samples of the lot submitted by the grower.

(2) Details for submitting samples for winter testing will be available from the department. Lots which fail field inspection standards shall not be eligible for winter test.

(3) "Foundation" may be stamped on the department's official certified tags when a lot has passed the required field standards and winter test tolerances for foundation seed.

(4) Lots represented in winter tests which do not meet the certification requirements of the winter test will not be eligible for current year certification.

(5) In the event of serious malfunction of the winter test facility, foundation and certified eligibility may be based on field readings.

AMENDATORY SECTION (Amending Order 1587, filed 11/21/78)

**WAC 16-324-420 Winter test tolerances.** (1) The unit of certification will be each lot.

(2) Specific requirements. The diseases tolerated will be within the percentages listed in the table below, based on visual symptoms showing in the sample inspected. ELISA testing of samples shall be made upon request by the applicant at his or her expense.

Disease or defect	Foundation	Certified
<del>((Well defined))</del> Any visible mosaic and other virus or virus-like diseases	1.5%	2.0%
Leaf roll	0.5%	2.0%

(3) Diseases which cannot be observed visually at time of inspection may be present.

AMENDATORY SECTION (Amending Order 2020, filed 11/16/89, effective 12/17/89)

**WAC 16-324-610 Limited generation certified seed potato—Land requirements.** Land requirements in the L.G. certified seed potato program are as follows:

(1) Well water shall be the source of irrigation for prenuclear stock.

(2) Class Produced Years out of potatoes (Unless prior crop was a higher class-same variety)

Prenuclear	Approved laboratory (greenhouse)
Nuclear	Six years (new ground preferred( <del>(, -fumigation required))</del> ))
Generation I	Four years
Generation II	Two years out of potatoes unless prior crop was a higher class of same variety
Generation III	Two years
Generation IV	Two years.

remaining seed lots. All other seed lots associated with or planted after the rejected lot shall not be eligible for recertification.

(3) A limited generation growers list shall be published annually after final field inspection showing the results, including bacterial ring rot.

(4) At the option of the grower, seed sources shall be represented in a seed lot source trial. The presence of bacterial ring rot in the sample shall be cause for rejection of seed lots planted from the same seed source by the grower submitting the sample.

**AMENDATORY SECTION** (Amending Order 2020, filed 11/16/89, effective 12/17/89)

**WAC 16-324-630 Limited generation certified seed potato—Field inspection tolerances.**

FIELD INSPECTION TOLERANCES: PERCENT DISEASES

Factor	NUCLEAR		GEN. I		GEN. II		GEN. III		GEN. IV	
	1st	2nd	1st	2nd	1st	2nd	1st	2nd	1st	2nd
Varietal mixture	0.00	0.00	0.00	0.00	0.00	0.00	0.05	0.01	0.08	0.05
Pvy mosaic	0.00	0.00	0.00	0.00	0.01	TR	0.50	0.25	0.50	0.25
Leafroll	0.00	0.00	0.00	0.00	0.01	TR	0.03	.010	.080	0.05
Blackleg	0.00	0.00	0.10	0.10	0.50	0.50	1.00	1.00	2.00	2.00
Ring rot	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Nematode	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Spindle tuber viroid	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Total visible virus	0.00	0.00	0.10	0.00	0.20	0.10	2.00	1.00	2.00	1.00
PVX	0.00		0.50		1.00		3.00		4.00	

(1) Two or more visual inspections shall be made of each lot by the department. Fields shall be considered ready for inspection at all times.

(2) Leaf samples shall be submitted in late August for virus determination to an independent testing laboratory approved by the department. All classes entered for certification shall be PVX tested. The cost of foliage sample testing shall be borne by the applicant.

(a) The minimum number of plants per lot to be sampled for latent virus determination shall be one hundred; nuclear stock ten percent of the total number of plants per lot; Generation I two percent of the total number of plants per lot; Generation II fifty leaves per acre; Generation III and IV twenty leaves per acre. No more than ten plants shall be bulked per sample. The department may require additional testing when deemed necessary.

(b) Samples shall be labeled as to row and location within the row.

(c) If a positive test results on a virus sample, a retest at grower's expense of every plant after rouging infected area is acceptable.

(d) Any plant rogued and suspected of being contaminated with virus, *Erwinia carotavora* or *Corynebacterium sepedonicum* shall be submitted for testing.

(e) Bacterial ring rot found in a seed lot of a seed operation shall be cause for removing the lot from certification. A third or additional inspections shall be required on

**WSR 92-18-002**  
**PERMANENT RULES**  
**PUBLIC DISCLOSURE COMMISSION**

[Filed August 20, 1992, 9:05 a.m.]

Date of Adoption: July 28, 1992.

Purpose: Update forms and clarify rules.

Citation of Existing Rules Affected by this Order:

Amending WAC 390-16-125, 390-32-020, 390-16-011, 390-16-012, and 390-16-041.

Statutory Authority for Adoption: RCW 42.17.370.

Pursuant to notice filed as WSR 92-12-084 on June 2, 1992.

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

August 14, 1992

Graham E. Johnson  
 Executive Director

AMENDATORY SECTION (Amending WSR 92-05-079, filed 2/18/92)

**WAC 390-16-125 Abbreviated campaign reporting—Exceeding limitations.** Whenever there is reason to believe that any of the aggregate limitations specified in WAC 390-16-105, 390-16-115, or 390-16-120 will or may be exceeded, the candidate or committee may apply to the commission for authorization to change reporting options.

(1) If the application is made more than thirty days prior to the date of the election, the application will be considered approved without further action by the commission if the person making application submits:

(a) A PDC Form C-1 or C-1pc indicating the intention of using the full reporting system provided by RCW 42.17.040 - 42.17.090;

(b) A PDC Form C-4 with appropriate Schedules (~~A, A-s/1, B, C and L, as appropriate,~~) disclosing all contributions and expenditures reportable under RCW 42.17.090 for the election campaign or in the case of continuing political committees for the calendar year.

(c) A statement affirming that all known candidates for the office being sought have been notified personally of the application stating the manner and date of such notification. In the case of a ballot proposition, the statement shall affirm that the committee treasurer of all committees identifiable from the records of the county elections officer or public disclosure commission to be opposing or supporting the proposition have been notified personally of the application stating the manner and date of such notification.

(2) If the application is made within thirty days of the date of the election, the application shall be approved only by authorization of the commission executive director.

(a) Prior to such approval being granted, the executive director shall determine that the application contains those documents shown in subsection (1)(a), (b) and (c) above.

(b) The commission staff shall investigate why the applicable requirements were not complied with in the first instance and whether or not the probability of exceeding such limitations was reasonably foreseeable. If the investigation shows that the declaration by the candidate, committee or other person filed under WAC 390-16-115 was made in good faith and that the probability of exceeding such limitations was not reasonably foreseeable, the executive director will approve the reporting option change

conditioned upon full future compliance with all applicable requirements of chapter 42.17 RCW.

(3) When one candidate or committee on either side of an election campaign has applied for permission to exceed the limitations of the exemption under subsection (1) above, all other candidates and/or committees may change reporting options by meeting the requirements of subsection (1)(a), (b), and (c).

(4) Any person who knowingly or negligently causes or permits the limitations specified in these regulations to be exceeded shall be deemed to have violated the applicable provisions of RCW 42.17.040 - 42.17.090.

**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 86-02, filed 3/26/86)

**WAC 390-32-020 Filing—Fair Campaign Practices Code.** (1) A copy of the code provided in WAC 390-32-010 shall be printed in appropriate campaign reporting instructions made available to candidates and political committees.

(2) (~~Neither f~~) Failure to subscribe to the code (~~nor to complete that section of the C-1 registration statement pertaining to the code~~) shall not constitute a violation of chapter 42.17 RCW.

AMENDATORY SECTION (Amending WSR 91-22-033, filed 10/30/91)

**WAC 390-16-011 Forms—Registration statement for political committees.** The official form for providing the statement of organization by political committees for designating a campaign treasurer and depository and for reporting information required to qualify for abbreviated campaign finance reporting is designated "C-1pc", revised (~~(10/91)~~) 7/92. Copies of this form are available at the Commission Office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.



PUBLIC DISCLOSURE COMMISSION

711 CAPITOL WAY RM 403  
PO BOX 40908  
OLYMPIA WA 98504-0908  
(206) 753-1111

REGISTRATION:  
POLITICAL COMMITTEES

<b>C1P</b> (10/91)	PDC OFFICE USE	
	P	R
	O	R
	S	K
		R E C E I V E D

Committee Name (show entire official name.) \_\_\_\_\_ Acronym \_\_\_\_\_

Address \_\_\_\_\_  
City \_\_\_\_\_ County \_\_\_\_\_ Zip + 4 \_\_\_\_\_

NEW REGISTRATION OR UPDATE OF PRIOR REGISTRATION?  
 NEW: Complete all items in the registration  
 AMENDED: Supply the information below which has changed  
 COMMITTEE STATUS  
 Continuing committee  
 19\_\_\_\_ election only; election date \_\_\_\_\_

1. COMMITTEES: What is the purpose or description of the committee?  
 Political Party, Central Committee, District Club, etc.  
 Identify political party. If you are not supporting the entire party ticket, attach a list of the candidates you support.  
 Ballot Committee (Initiative, Bond, Levy, Recall, etc.)  
 Name or description of ballot measure: \_\_\_\_\_ Ballot Number \_\_\_\_\_ FOR  AGAINST   
 Political Action Committee. If committee is associated with a business, association, labor union, or similar organization, list name: \_\_\_\_\_  
 Other. Explain on attached sheet.

2. Related or affiliated committees. List name, address and relationship. \_\_\_\_\_


3. HOW MUCH DO YOU PLAN TO SPEND DURING THIS ENTIRE ELECTION CAMPAIGN, INCLUDING THE PRIMARY AND GENERAL ELECTIONS? BASED ON THAT ESTIMATE, CHOOSE ONE OF THE REPORTING OPTIONS BELOW. (If the committee is a continuing organization, estimate spending on a calendar year.)  
 If no box is checked you are obligated to use Full Reporting. See reporting instruction booklets for information about reports required and changing reporting options.  
 ABBREVIATED REPORTING  
 We will use the Abbreviated Reporting System. We will raise and spend no more than \$2,000 and will accept no more than \$200 from any one contributor.  
 FULL REPORTING  
 We will use the Full Reporting System. We understand this means we must file frequent, detailed reports required by law.

4. Treasurer's name and address (List deputy treasurers on attached sheet.) \_\_\_\_\_ Daytime phone no. \_\_\_\_\_

5. Committee's Principal Officers. List name, address and title. \_\_\_\_\_

6. Campaign Bank or Depository.  
 Branch \_\_\_\_\_ City \_\_\_\_\_

7. Campaign records are to be open for public inspection the last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:  
 Street Address (Do not use a Post Office Box Number) \_\_\_\_\_ Hours \_\_\_\_\_

8. Fair Campaign Practices: All committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in campaign instruction booklets.  


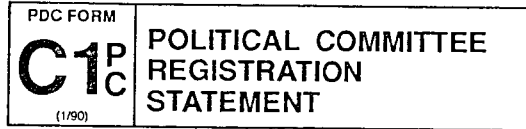
9. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge.  
 Committee treasurer's signature \_\_\_\_\_ Date \_\_\_\_\_

Need campaign finance forms and instructions for the reporting system selected?  
 Please check one of the following boxes:  
 I already have forms and instructions.  
 I will get forms and instructions from my county elections office.  
 I want the Public Disclosure Commission to mail me the proper forms and instructions.



PERMANENT





**INSTRUCTIONS**

Please consult PDC instruction manuals when completing this report. Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Persons, committees, organizations and groups that receive contributions and make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.
- WHEN TO FILE** Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. **(Committees that organize within three weeks of an election must file within three business days of forming or of expecting to receive contributions or make expenditures.)** File an amended C-1pc form within 10 days of significant changes to the registration information provided. Continuing political committees using Abbreviated Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.
- WHERE TO FILE** Send the **original to PDC** at the above address. Send a **copy to the County Auditor** (County Elections Department) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides.
- REPORTING OPTIONS**

Abbreviated Reporting: May be used by committees that raise and spend no more than \$2,000 on their campaign activities. No more than \$200 may be accepted from any contributor. A 10th-of-the-month post primary, general or special election C-4 ABB report is required. Continuing committees re-register annually and file a year-end C-4 ABB by January 10 for any year in which they do not participate in an election.

Full Reporting: Required of all committees which do not qualify for Abbreviated Reporting. Frequent, detailed reports of contributions and expenditures are required until the committee is disbanded and the campaign account is closed.
- OTHER REPORTS**

C-3 (Cash Receipts Reports): Used with Full Reporting only.

C-4 (Contribution and Expenditure Report): Used with Full Reporting only.

C-4 ABB (Receipts and Expenditures Summary): Filed by candidates and committees using Abbreviated Reporting.

Special Report E (Earmarked Contributions Report): Filed by committees which receive funds earmarked for use on behalf of a candidate or another political committee.
- FAIR CAMPAIGN PRACTICES CODE** This is a voluntary code adopted by PDC to stress the importance of ethical campaign practices. All committee members and supporters are encouraged to follow the Code's principles.
- SURPLUS FUNDS** Funds remaining in committee accounts after the election may only be disposed of in one or more of the following ways: returned to contributors; donated to registered charity; held for future election campaign; given to candidates or other committees; used for political or community activities; or donated to the State General Fund.

**For assistance, call or write PDC!**

PERMANENT

PUBLIC DISCLOSURE COMMISSION  
711 CAPITOL WAY RM 403  
PO BOX 40908  
OLYMPIA WA 98504-0908  
(206) 753-1111

REGISTRATION:  
POLITICAL COMMITTEES

C1 P  
C  
(7/92)

PDC OFFICE USE  
P  
M  
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R  
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C  
E  
I  
V  
E  
D

Committee Name (Show entire official name.)

Acronym

Mailing Address

City

County

Zip + 4

NEW REGISTRATION OR UPDATE OF PRIOR REGISTRATION?

- NEW: Complete all items in the registration
- AMENDED: Supply the information below which has changed

COMMITTEE STATUS

- Continuing committee
- 19 \_\_\_\_\_ election only; election date \_\_\_\_\_

1. What is the purpose or description of the committee?

- Political Party, Central Committee, District Club, etc. Identify political party. If you are not supporting the entire party ticket, attach a list of the candidates you support. \_\_\_\_\_
- Ballot Committee (Initiative, Bond, Levy, Recall, etc.) Name or description of ballot measure: \_\_\_\_\_ Ballot Number \_\_\_\_\_ FOR  AGAINST
- Political Action Committee. If committee is associated with a business, association, labor union, or similar organization, list name: \_\_\_\_\_
- Other. Explain on attached sheet.

2. Related or affiliated committees. List name, address and relationship.

3. HOW MUCH DO YOU PLAN TO SPEND DURING THIS ENTIRE ELECTION CAMPAIGN, INCLUDING THE PRIMARY AND GENERAL ELECTIONS? BASED ON THAT ESTIMATE, CHOOSE ONE OF THE REPORTING OPTIONS BELOW. (If the committee is a continuing organization, estimate spending on a calendar year basis.)

If no box is checked you are obligated to use Full Reporting. See reporting instruction booklets for information about reports required and changing reporting options.

- ABBREVIATED REPORTING  
We will use the Abbreviated Reporting System. We will raise and spend no more than \$2,000 and will accept no more than \$200 in the aggregate from any one contributor.
- FULL REPORTING  
We will use the Full Reporting System. We understand this means we must file the frequent, detailed reports required by law.

4. Treasurer's Name and Address (List deputy treasurers on attached sheet.)

Daytime Telephone Number

( )

5. Committee's Principal Officers. List name, address and title.

6. Campaign Bank or Depository.

Branch

City

7. Campaign records are to be open for public inspection the last eight days before the election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:

Street Address (Do not use a Post Office Box Number)

Hours

8. Fair Campaign Practices: All committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in campaign instruction booklets.



9. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge.

Committee treasurer's signature

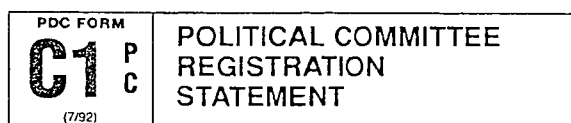
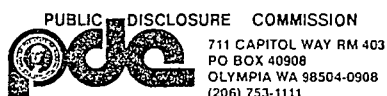
Date

Need campaign finance forms and instructions for the reporting system selected?

Please check one of the following boxes:

- I already have forms and instructions.
- I will get forms and instructions from my county elections office.
- I want the Public Disclosure Commission to mail me the proper forms and instructions.

PERMANENT



## INSTRUCTIONS

Please consult PDC instruction manuals when completing this report.  
Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

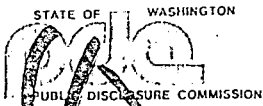
- WHO MUST FILE** Persons, committees, organizations and groups that receive contributions and make expenditures in support of or opposition to: candidates in jurisdictions of 5,000 or more registered voters as of the last general election; statewide ballot issues; or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.
- WHEN TO FILE** Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. (Committees that organize within three weeks of an election must file within three business days of forming or of expecting to receive contributions or make expenditures.) File an amended C-1pc form within 10 days of significant changes to the registration information provided. Continuing political committees using Abbreviated Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.
- WHERE TO FILE** Send the original to PDC at the above address. Send a copy to the County Auditor (County Elections Department) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides.
- REPORTING OPTIONS** Abbreviated Reporting: May be used by committees that raise and spend no more than \$2,000 on their campaign activities. No more than \$200 may be accepted from any contributor. A 10th-of-the-month post primary, general or special election C-4 ABB report is required. Continuing committees re-register annually and file a year-end C-4 ABB by January 10 for any year in which they do not participate in an election.  
Full Reporting: Required of all committees that do not qualify for Abbreviated Reporting. Frequent, detailed reports of contributions and expenditures are required until the committee is disbanded and the campaign account is closed.
- OTHER REPORTS** C-3 (Cash Receipts Report): Used with Full Reporting only.  
C-4 (Contribution and Expenditure Report): Used with Full Reporting only.  
C-4 ABB (Receipts and Expenditures Summary): Filed by candidates and committees using Abbreviated Reporting.  
Special Report E (Earmarked Contributions Report): Filed by committees that receive funds earmarked for use on behalf of a candidate or another political committee.
- FAIR CAMPAIGN PRACTICES CODE** This is a voluntary code adopted by PDC to stress the importance of ethical campaign practices. All committee members and supporters are encouraged to follow the Code's principles.
- SURPLUS FUNDS** Funds remaining in committee accounts after the election may only be disposed of in one or more of the following ways: returned to contributors; donated to registered charity; held for future election campaign; given to candidates or other committees; used for political or community activities; or donated to the State General Fund.

For assistance, call or write PDC!

AMENDATORY SECTION (Amending WSR 89-20-068, filed 10/4/89)

**WAC 390-16-012 Forms—Registration statement for candidates.** The official form for providing the statement of organization by candidates and candidate's committees, for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting or abbreviated campaign finance reporting is designated "C-1", revised ((1/90)) 7/92. Copies of this form are available at the Commission Office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. Any attachments shall be on 8-1/2" x 11" white paper.

PERMANENT



REGISTRATION: CANDIDATES/CANDIDATE COMMITTEE

Form fields for Candidate's Name, Candidate's Committee Name, Address, City, County, Zip, and PDC Office Use stamp.

Form fields for 1. What office are you running for?, 2. Political party (if partisan office), and 3. Date of general or special election.

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below.

- Option I MINI REPORTING
Option II ABBREVIATED REPORTING
Option III FULL REPORTING

5. Treasurer's name and address (Candidate may be treasurer.) (List deputy treasurers on attached sheet.) Daytime phone no.

6. Committee's Principal Officers. List name, address and title.

7. Campaign Bank or Depository. Branch City

8. Related or affiliated political committees. List name, address and relationship.

9. Campaign records are to be open for public inspection the last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:

Form fields for Street Address (Do not use a Post Office Box Number) and Hours.

10. Fair Campaign Practices: All candidates and committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in the instruction manuals.

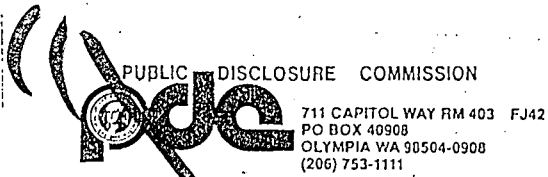


11. CERTIFICATION: I certify that this report is true, complete and correct to the best of my knowledge. Candidate's signature Date

Please advise us about which forms and instructions you need. Remember, candidates must file a financial affairs statement (F-1) unless a current one is already on file with PDC. Check all boxes which apply.

DISTRIBUTION OF THIS REPORT: ORIGINAL - Public Disclosure Commission COPY - County Elections Dept. (Auditor) COPY - Your own records

PERMANENT



PDC FORM <b>C1</b> <small>(1/90)</small>	<b>CANDIDATE REGISTRATION STATEMENT</b>
--	---

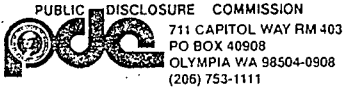
**INSTRUCTIONS**

Please consult PDC instruction manuals when completing this report. Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Candidates who run for state or local office in jurisdictions which had 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county.
- WHEN TO FILE** Within 2 weeks of becoming a candidate (that is, receiving contributions, making expenditures, announcing candidacy, reserving space or filing for office, whichever occurs first). File an amended registration within 10 days of changes affecting accuracy of previously filed C-1. Report is considered filed as of postmark date or date hand-delivered to PDC.
- WHERE TO FILE** Send the original to PDC at the above address. Send a copy to County Auditor (County Elections Department) of the county in which the candidate resides.
- REPORTING OPTIONS**
  - Option I (MINI): May be used by candidates who raise and spend no more than \$500 on their campaigns (including personal funds), in addition to the filing fee amount. Limited to receiving \$200 or less from any contributor other than the candidate (who may give the entire \$500).
  - Option II (ABBREVIATED): May be used by candidates who raise and spend no more than \$2,000 on their campaigns (including personal funds). Filing fee costs count toward this limit. No more than \$200 may be accepted from any contributor other than the candidate.
  - Option III (FULL): Required of candidates who do not qualify for Mini or Abbreviated Reporting. Frequent, detailed reports of contributions and expenditures are required as long as the campaign account remains open.
- OTHER REPORTS**
  - F-1 (Financial Affairs Statement): Filed by candidates within 2 weeks of becoming a candidate, unless a previous F-1 filing has been made in the same calendar year.
  - C-3 (Cash Receipts Report): Used with Full Reporting only.
  - C-4 (Contribution and Expenditure Report): Used with Full Reporting only.
  - C-4 ABB (Receipts and Expenditures Summary): Filed by candidates using Abbreviated Reporting.
- FAIR CAMPAIGN PRACTICES CODE** This is a voluntary code adopted by PDC to stress the importance of ethical campaign practices. Candidates who follow the Code's principles may use the Fair Campaign Practices Seal in their political advertising.
- SURPLUS FUNDS** Funds remaining in campaign accounts after the election may only be disposed of in one or more of the following ways: returned to contributors; donated to registered charity; held for future election campaign; given to other candidates or committees; reimbursed to candidates for lost earnings or campaign loans; or donated to the State General Fund.

**For assistance, call or write PDC!**

PERMANENT



REGISTRATION: CANDIDATES/CANDIDATE COMMITTEE

Candidate's Name (Do not abbreviate. Include candidate's full name)

Candidate's Committee Name (Do not abbreviate.)

Mailing Address

City County Zip + 4

C1

(7/92)

POST MARK RECEIVED

PDC OFFICE USE

1. What office are you running for? Office District, County or City Position No.

2. Political party (if partisan office)

3. Date of general or special election

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? Based on that estimate, choose one of the reporting options below.

If no box is checked you are obligated to use Option III, Full Reporting. See instruction manuals for information about reports required and changing reporting options.

- Option I MINI REPORTING
Option II ABBREVIATED REPORTING
Option III FULL REPORTING

5. Treasurer's Name and Address (Candidate may be treasurer.) (List deputy treasurers on attached sheet.)

Daytime Telephone Number

6. Committee's Principal Officers. List name, address and title.

7. Campaign Bank or Depository

Branch

City

8. Related or Affiliated Political Committees. List name, address and relationship.

9. Campaign records are to be open for public inspection the last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:

Street Address (Do not use a Post Office Box Number)

Hours

10. Fair Campaign Practices: All candidates and committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in the instruction manuals.



11. CERTIFICATION:

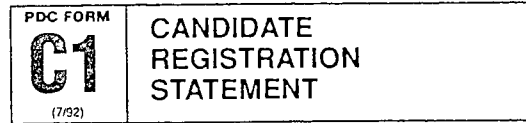
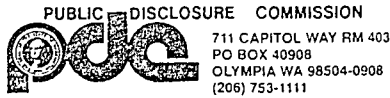
I certify that this report is true, complete and correct to the best of my knowledge.

Please advise us about which forms and instructions you need. Remember, candidates must file a Financial Affairs Statement (F-1) unless a current one is already on file with PDC. Check all boxes which apply.

- I already have financial affairs and campaign disclosure forms and instructions.
I am using Mini Reporting and, therefore, do not need the other campaign disclosure forms. In addition, I have already filed my Financial Affairs Statement and need no additional F-1 forms.
I will obtain all forms and instructions from my county elections office.
I want PDC to mail me: the F-1 instruction booklet (which includes forms) the appropriate campaign disclosure forms and instructions.

DISTRIBUTION OF THIS REPORT: ORIGINAL - Public Disclosure Commission COPY - County Elections Dept. (Auditor) COPY - Your own records





PERMANENT

**INSTRUCTIONS**

Please consult PDC instruction manuals when completing this report.  
 Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Candidates who run for state or local office in jurisdictions that had 5,000 or more registered voters as of the last general election or in jurisdictions covering an entire county.
- WHEN TO FILE** Within 2 weeks of becoming a candidate (that is, receiving contributions, making expenditures, announcing candidacy, reserving space or filing for office, whichever occurs first). File an amended registration within 10 days of changes affecting accuracy of previously filed C-1. Report is considered filed as of postmark date or date hand-delivered to PDC.
- WHERE TO FILE** Send the **original to PDC** at the above address. Send a **copy to County Auditor** (County Elections Department) of the county in which the candidate resides.
- REPORTING OPTIONS**
  - Option I (MINI): May be used by candidates who raise and spend no more than \$500 on their campaigns (including personal funds), in addition to the filing fee amount. Limited to receiving \$200 or less from any contributor other than the candidate (who may give the entire \$500).
  - Option II (ABBREVIATED): May be used by candidates who raise and spend no more than \$2,000 on their campaigns (including personal funds). Filing fee costs count toward this limit. No more than \$200 may be accepted from any contributor other than the candidate.
  - Option III (FULL): Required of candidates who do not qualify for Mini or Abbreviated Reporting. Frequent, detailed reports of contributions and expenditures are required as long as the campaign account remains open.
- OTHER REPORTS**
  - F-1 (Financial Affairs Statement): Filed by candidates within 2 weeks of becoming a candidate, unless a previous F-1 filing has been made in the same calendar year.
  - C-3 (Cash Receipts Report): Used with Full Reporting only.
  - C-4 (Contribution and Expenditure Report): Used with Full Reporting only.
  - C-4 ABB (Receipts and Expenditures Summary): Filed by candidates using Abbreviated Reporting.
- FAIR CAMPAIGN PRACTICES CODE** This is a voluntary code adopted by PDC to stress the importance of ethical campaign practices. All candidates and campaign workers are encouraged to follow the Code's principles.
- SURPLUS FUNDS** Funds remaining in campaign accounts after the election may only be disposed of in one or more of the following ways: returned to contributors; donated to registered charity; held for future election campaign; given to other candidates or committees; reimbursed to candidates for lost earnings or campaign loans used for political or community activity or for nonreimbursed public office related expenses; or donated to the State General Fund.

**For assistance, call or write PDC!**

AMENDATORY SECTION (Amending WSR 92-05-080, filed 2/18/92)

**WAC 390-16-041 Forms—Summary of total contributions and expenditures.** (1) The official form for reports of contributions and expenditures by candidates and political committees who use the "full" reporting option is designated "C-4", revised 1/90, and includes Schedule A, revised 1/90, Schedule B, revised 1/90, Schedule C, revised 1/90, and Schedule L, revised 1/90.

(2) The official form for reports of contributions and expenditures by candidates for the state legislature or state executive office and who use the "full" reporting option is designated C-4, revised 1/90, and includes Schedule A-s/l, revised 10/91, Schedule B-s/l, revised 10/91, Schedule C, revised 1/90, and Schedule L, revised 1/90.

(3) The official form for reports of contributions and expenditures by candidates and political committees who use the "abbreviated" reporting option is designated "C-4abb," revised ((1/90)) 7/92.

(4) Copies of these forms are available at the Commission Office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

STATE OF WASHINGTON

SUMMARY, FULL REPORT RECEIPTS AND EXPENDITURE

C4 1/90

PDC OFFICE USE

PMASRTK RECEIVED

PUBLIC DISCLOSURE COMMISSION

Candidate or committee name (Do not abbreviate. Include full name.)

Address

City

County

Zip

Report Period Covered From: (last C-4)

To: (end of period)

RECEIPTS

- 1. Previous total cash and in kind contributions (From line 8, last C-4)
2. Cash received (From line 2, Schedule A)
3. In kind contributions received (From line 1, Schedule B)
4. Total cash and in kind contributions received this period (Line 2 plus 3)
5. Loan principal repayments made (From line 2, Schedule L)
6. Corrections (From line 1 or 3, Schedule C)
7. Net adjustments this period (Combine lines 5 & 6)
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)
9. Total pledge payments due (From line 2, Schedule B)

EXPENDITURES

- 10. Previous total cash and in kind expenditures (From line 17, last C-4)
11. Total cash expenditures (From line 4, Schedule A or line 5 Schedule A-s/l)
12. In kind expenditures (goods & services) (From line 1, Schedule B)
13. Total cash and in kind expenditures made this period (Line 11 plus line 12)
14. Loan principal repayments made (From line 2, Schedule L)
15. Corrections (From line 2 or 3, Schedule C)
16. Net adjustments this period (Combine lines 14 & 15)
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16)

CANDIDATES

Please complete:

Table with columns: Won, Lost, Unopposed, Name not on ballot. Rows: Primary election, General election.

CASH SUMMARY

- 18. Cash on hand (Line 8 minus line 17)
19. Liabilities: (Sum of loans and debts owed)
20. Balance (Surplus or deficit) (Line 18 minus line 19)

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true to the best of my knowledge.

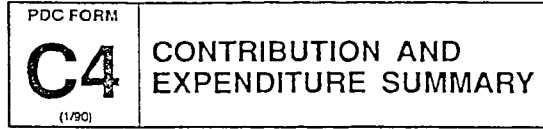
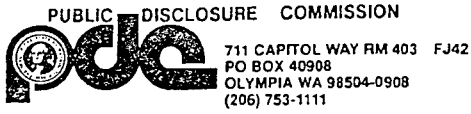
Candidate's Signature

Date

Treasurer's Signature (if a political committee)

Date

PERMANENT



**INSTRUCTIONS**

Please consult PDC instruction manuals when completing this report.  
Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

**WHO MUST FILE**

Each candidate and political committee using Full Reporting.

**FILING DATES**

- 1) File with C-1 (Registration) if you received contributions or made expenditures before registering.
- 2) File on the 10th of each month if contributions or expenditures were over \$200 since last C-4 was filed. (Note: These 10th-of-the-month reports are not required if another C-4 must be filed during that month. See #3 below.)
- 3) For each primary, general and special election in which the candidate or political committee makes an expenditure, file
  - ◆ 21 days prior to the election
  - ◆ 7 days prior to the election
  - ◆ 10th of the first month after the election\*

(\*Not required after primary from candidates who will be in the general election or from continuing political committees.)

4) File final report when campaign is finished or committee closes operation. Often, this coincides with the primary or general post-election, 10th-of-the-month report.

All reports are considered filed as of the postmark date or the date hand-delivered to PDC.

**SCHEDULES AND ATTACHMENTS**

State executive and legislative candidates will file Schedules A-s/l, B-s/l, C and L, as appropriate, along with the C-4. (The C-4x form has been eliminated.)

Judicial and local office candidates and all political committees will file Schedules A, B, C and L, as appropriate, along with their C-4 reports.

All candidates and committees must attach any C-3 reports that were due but not filed.

**WHERE TO SEND REPORTS**

Send original C-4 reports along with any attachments to PDC at the above address. Candidates send a duplicate copy to their County Auditor (County Elections Department). Political committees send a copy to County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides.

**OTHER REPORTS**

C-3 (Cash Receipts Report): Used with Full Reporting only.

C-4 (Contribution and Expenditure Report): Used with Full Reporting only.

C-4 ABB (Receipts and Expenditures Summary): Filed by candidates using Abbreviated Reporting.

Special Report E (Earmarked Contributions Report): Filed by committees that receive funds earmarked for use on behalf of another candidate or committee.

**For assistance, call or write PDC!**

PERMANENT

CASH RECEIPTS AND EXPENDITURES

SCHEDULE A to C4 (1/90)

Candidate or committee name (Do not abbreviate. Use full name)

1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

Table with 4 columns: Date of deposit, Amount, Date of deposit, Amount, Date of deposit, Amount, Total deposits

2. TOTAL CASH RECEIPTS

Enter also on line 2 of C4

3. CASH EXPENDITURES. List all expenses since last C-4 report was filed.

- a. Total expenditures each \$50 or less not itemized below (including petty cash)
b. Payments and reimbursement to candidate or committee officials. Attach a sheet listing each payment, the person paid, the original vendor and the purpose of the expenditure. Attach a copy of each receipt or invoice.

EXPENDITURES OVER \$50.00. ITEMIZE EACH BELOW.

Table with 3 columns: Date paid, Name and address of recipient or vendor paid, Purpose of expenditure

Check here [ ] if continued on attached sheet

Total from attached pages

4. TOTAL CASH EXPENDITURES

Enter also on line 11 of C4

PERMANENT

**IN KIND CONTRIBUTIONS, PLEDGES, ORDERS,  
DEBTS, OBLIGATIONS**

SCHEDULE **B**  
to C4 (1/90)

Candidate or committee name (Do not abbreviate. Use full name)

1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

Date received	Contributor's name and address	Description of contribution	Fair market value	Total given by this person during campaign or year
TOTAL (Enter also on line 3 and line 12 of C4)				

2. PLEDGES RECEIVED BUT NOT YET PAID. List each pledge of \$100.00 or more.

Date you were notified of pledge	Name and address of person making pledge (including organizations)	Amount	Total given by this person during campaign or year
TOTAL (Include new pledges above and all other outstanding pledges.) (Enter also on line 9 of C4)			

3. ORDERS PLACED, DEBTS, OBLIGATIONS, ESTIMATED EXPENDITURES (Excluding loans. Report loans on Schedule L.)

- a. List each debt, obligation or estimated expenditure which is more than \$250.00.
- b. List each debt, obligation or estimated expenditure which is more than \$50.00 and has been outstanding for over 30 days.

Expenditure date	Vendor's/Recipient's name and address	Amount owed	Purpose of expenditure
TOTAL (Include in line 19 of C4)			

PERMANENT

**CORRECTIONS**

**SCHEDULE C**  
to C4

Candidate or committee name (Do not abbreviate. Use full name.)

Date

**1. CONTRIBUTIONS AND RECEIPTS (Include mathematical corrections.)**

Date of report	Contributor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
		Total corrections to contributions		
		Enter on line 6 of C4. Show + or (-).		

**2. EXPENDITURES (Include mathematical corrections.)**

Date of report	Vendor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
		Total corrections to expenditures		
		Enter on line 15 of C4. Show + or (-).		

**3. REFUNDS. The below listed amounts have been received as refunds on expenditures previously reported. The refund has been deposited and reported on C3 report, line 1d.**

Date of refund	Source/person making refund	Amount of refund
		Total refunds
		Enter as (-) on line 6 & line 15 of C4.

PDC Form 14C (Rev. 1-90) 1318

PERMANENT

**LOANS**

See instructions and examples on reverse

SCHEDULE  
TO C3  
OR C4



Candidate or committee name

**1. LOAN RECEIVED.**

Date loaned	Lender's name and address	Amount of loan	Annual interest rate	Repayment schedule	Date due

Also include this amount on line 1c, C3 report →

Name and address of each endorser, co-signer, guarantor or other person liable for the loan:

**2. LOAN PAYMENTS.**

Date paid	Lender's name and address	Principal paid	Interest paid	Total payment	Balance owed

Total Principal Paid →  
(Enter also on lines 5 and 14, C-4 report)

Total Payments →  
(Enter as an expenditure on Schedule A)

**3. LOAN FORGIVEN.**

Date	Lender's name and address	Original amount	Principal repaid	Amount forgiven	Balance owed

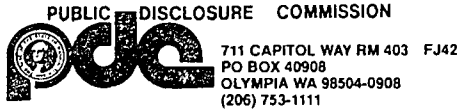
**4. LOANS STILL OWED.** List each loan which has previously been reported and still has a balance due.

Loan date	Lender's name and address	Original amount	Principal repaid or forgiven	Amount owed
				Subtotal _____
New loans received during this reporting period				_____
Total Loans Owed (Include in total on line 19, C-4 report)				_____

1.1 Check here if continued on attached sheet.

PERMANENT





SCHEDULE TO C3 OR C4	<b>L</b> (1/90)	<b>LOANS</b>
----------------------------	--------------------	--------------

**INSTRUCTIONS**

Please consult PDC instruction manuals when completing this schedule. Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

**WHO MUST FILE** Each candidate and political committee using full reporting that receives one or more campaign loans.

**FILING DATES** When a loan is received by the campaign, complete Part 1 and file the Schedule L with the C-3 report that corresponds with the loan's deposit into the account. Use a separate schedule for each loan received.

When a loan is paid or forgiven, in whole or in part, complete Part 2 and/or Part 3 and file the Schedule L with the C-4 covering the period when the payment or forgiveness occurred.

When one or more loans remain unpaid, complete Part 4 and file the schedule with each C-4 report until all loans are repaid in full or forgiven. (The same schedule may be used to show loan payments, forgiveness information and to show which loans remain unpaid.)

**LOAN RECEIVED**  
(Information would appear on separate Schedule L)

**LOAN PAYMENTS**

**LOAN FORGIVEN**

**LOANS STILL OWED**

LOANS		See instructions and examples on reverse		SCHEDULE TO C3 OR C4		L (1/90)	
Candidate or committee name <b>Adrian Adams for State House</b>							
<b>1. LOAN RECEIVED.</b>							
Date loaned	Lender's name and address	Amount of loan	Annual interest rate	Repayment schedule	Date due		
2/10/9X	Candidate	\$5,000	12%	\$200/month	Not fixed		
		Also include this amount on line 1c, C-3 report →	\$5,000				
<small>Name and address of each endorser, co-signer, guarantor or other person liable for the loan:</small>							
Commercial loan to the candidate from Washington State Bank. Loan co-signed by Sam P. Smith, 145 Boulevard Drive, Podunk, WA and Jane S. Paul, 541 B Street, Podunk, WA. Each guaranteed \$2,500 of the loan.							
<b>2. LOAN PAYMENTS.</b>							
Date paid	Lender's name and address	Principal paid	Interest paid	Total payment	Balance owed		
3/30/9X	Candidate	\$200	\$50	\$250	\$4,800		
3/31/9X	Michael Murray	\$100	None	\$100	\$400		
		Total Principal Paid →	Total Payments →				
		(Enter also on lines 8 and 14, C-4 report)	(\$300)		(\$350)		
		(Enter as an expenditure on Schedule 4)					
<b>3. LOAN FORGIVEN.</b>							
Date	Lender's name and address	Original amount	Principal repaid	Amount forgiven	Balance owed		
3/15/9X	Kelly Adams	\$250	None	\$150	\$100		
<b>4. LOANS STILL OWED.</b> List each loan which has previously been reported and still has a balance due							
Loan date	Lender's name and address	Original amount	Principal repaid or forgiven	Amount owed			
2/10/9X	Candidate	\$5,000	\$200	\$4,800			
1/22/9X	Michael Murray	500	100	400			
3/01/9X	Kelly Adams	250	150	100			
3/11/9X	K.M. Lawrence	1,000	0	1,000			
					Subtotal		
					\$6,300		
					New loans received during this reporting period		
					0		
					Total Loans Owed (Include in total on line 19, C-4 report)		
					\$6,300		
<input type="checkbox"/> Check here if continued on attached sheet							

PERMANENT

**CASH RECEIPTS AND EXPENDITURES  
STATE EXECUTIVE AND LEGISLATIVE CANDIDATES**

SCHEDULE **A-S/L**  
to C4 (10/91)

Candidate or Committee Name (Do not abbreviate. Use full name)

1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit since last C4 report was submitted.

Date of Deposit	Amount	Date of Deposit	Amount	Date of Deposit	Amount	Total deposits

2. TOTAL CASH RECEIPTS

Enter also on line 2 of C4

**CODES FOR CLASSIFYING EXPENDITURES:** If one of the following codes is used to describe an expenditure, no other description is generally needed. The exceptions are: 1) if expenditures are in-kind or earmarked contributions to another candidate or committee or independent expenditures that benefit another candidate or committee, identify that candidate or committee in the Description block; and 2) when reporting payments to vendors for travel expenses, identify the traveller in the Description block.

- |   |   |                                      |
|---|---|--------------------------------------|
| <b>CODE<br/>DEFINITIONS<br/>ON REVERSE</b>          | "C" - Contributions (monetary, in-kind & transfers) | "P" - Postage, Mailing Permits       |
|   | "I" - Independent Expenditures                      | "S" - Surveys and Polls              |
|   | "L" - Literature, Brochures, Printing               | "F" - Fundraising Event Expenses     |
|   | "B" - Broadcast Advertising (Radio, TV)             | "T" - Travel, Accommodations, Meals  |
|   | "N" - Newspaper and Periodical Advertising          | "M" - Management/Consulting Services |
| "O" - Other Advertising (yard signs, buttons, etc.) | "W" - Wages, Salaries, Benefits                     | "G" - General Operation and Overhead |

3. EXPENDITURES

- Expenditures of \$50 or less, including those from petty cash, need not be itemized. Add up these expenditures by category (Own Campaign, Contribution to Others, etc.), and show the categorical subtotals in the appropriate column on the first line below.
- Itemize each expenditure of more than \$50 by date paid, name and address of vendor, code/description, and amount. Put the amount in the appropriate expense category column.
- For each payment to a candidate, campaign worker, PR firm, advertising agency or credit card company, attach a list of expenses or copies of receipts/ invoices supporting the payment.

Date Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Own Campaign	Contribution to Others	Public Office	Non-Campaign Misc.
N/A	Expenses of \$50 or Less	N/A	N/A				
Totals From Attached Pages							
4. TOTALS BY EXPENSE CATEGORY .....							

1                      2                      3                      4

5. TOTAL CASH EXPENDITURES (Sum of columns 1, 2, 3 & 4)

Enter also on line 11 of C4

PDC Form C4, Sec. A-sf (Rev. 10/91)-1

CODE DEFINITIONS ON REVERSE

PERMANENT

## EXPENDITURE CODE DEFINITIONS AND USES

- "C" MONETARY, IN-KIND AND EARMARKED CONTRIBUTIONS** (including transfers) your campaign makes to other candidates and committees. Put a "C" in the Code column, in the Description column, specify who was benefited and, if in-kind, what was purchased, and put the amount in "Contribution to Others."
- "I" INDEPENDENT EXPENDITURES** (those expenditures that benefit other candidates or committees but are made independently of them). Put an "I" in the Code column, fully describe purpose and put the amount in "Contribution to Others."
- "L" LITERATURE.** Use "L" for expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use "P" for literature mailing costs.
- "B" BROADCAST ADVERTISING.** Use "B" for expenditures associated with the production and purchase of radio and television advertising.
- "N" NEWSPAPER & PERIODICAL ADVERTISING.** Use "N" for expenditures associated with the production and purchase of advertising in newspapers, periodicals and other publications.
- "O" OTHER ADVERTISING.** Use "O" for expenditures associated with the production and purchase of advertising on billboards, yard signs and campaign paraphernalia such as buttons, bumper stickers, T-shirts, etc.
- "P" POSTAGE.** Use "P" for expenditures for stamps, postage, United Parcel Service, Federal Express and direct mail services (postage only). Use "L" for design and other production costs associated with producing campaign literature.
- "F" FUNDRAISING EVENTS.** Use "F" for expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers and speakers. Use "L" for expenditures for printed matter produced in connection with fundraising events.
- "S" SURVEYS AND POLLS.** Use "S" for expenditures associated with designing or producing polls, reports on election trends, voter surveys, telemarketing, telephone banks, GOTV drives, etc.
- "T" TRAVEL, ACCOMMODATIONS, MEALS.** Use "T" for expenditures associated with travel. If vendor has been paid directly, identify the traveller in Description column. If travel payment was made to credit card company or traveller (for out-of-pocket expenses), itemize expenses on separate sheet and attach to Sch. A-s/l.
- "M" MANAGEMENT AND CONSULTING SERVICES.** Use "M" for salaries, fees and commissions paid to campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
- "W" WAGES, SALARIES, BENEFITS.** Use "W" for expenditures associated with hiring campaign employees and other freelance workers who provide miscellaneous services other than campaign management or consulting.
- "G" GENERAL OPERATION AND OVERHEAD.** Use "G" for general campaign operating expenses and overhead, including filing fees, miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of office equipment and furniture. (Note: these are campaign-related expenses, not costs associated with holding public office.)

STATE OF WASHINGTON

SUMMARY, ABBREVIATED REPORT RECEIPTS AND EXPENDITURES

PUBLIC DISCLOSURE COMMISSION

ABB C4 (1/90)

PDC OFFICE USE

POSTMARK RECEIVED

Candidate or committee name (Do not abbreviate. Include full name)

Address

City

County

Zip

1. PERIOD COVERED BY REPORT: From: to:

- a. Candidates: Start of campaign through the end of the month in which the election occurred.
b. Ballot Measure Committees: Start of campaign through the end of the month in which the election occurred.
c. Continuing Committees filing post-election report: January 1 through end of the month in which election occurred.
d. Continuing Committees filing annual report: Calendar year (January 1 through December 31).

2. RECEIPTS

- a. Cash on hand from previous campaign or year (Include money in checking, savings and other accounts)
b. Cash contributions received this campaign or year (Include monetary contributions, loans, fundraising and cash contributions by a candidate)
c. Total cash receipts (Add lines 2a + 2b)
d. Other contributions, including in-kind (Include candidates and committee workers out of pocket expenditures over \$50.00, donated goods and services, filing fees paid by others and similar non-cash contributions)
e. Total contributions (Add lines 2c + 2d)

3. EXPENSES

- a. Cash expenditures
b. Other expenditures. (Enter the amount shown on line 2d above here. Non-cash contributions are listed as both received and expended. Disregard any materials which may remain on hand.)
c. Total expenditures (Add lines 3a + 3b)

4. SURPLUS/DEFICIT

- a. Cash on hand at end of reporting period (Subtract: line 3a from 2c)
b. Debts and obligations owed
c. Surplus or deficit

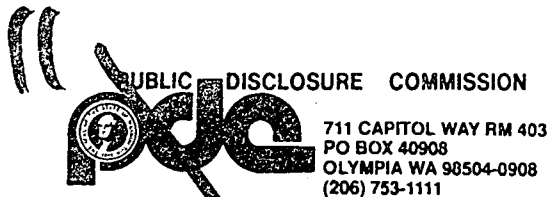
CANDIDATES

Please complete: Primary election General election Won Lost Unopposed Name not on ballot

CERTIFICATION: I certify that this report is true and correct to the best of my knowledge.

Candidate's signature Date Treasurer's signature (if a political committee) Date

PERMANENT



PDC FORM ABB <b>C4</b> <small>(1/90)</small>	<b>ABBREVIATED RECEIPTS &amp; EXPENDITURES REPORT</b>
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PERMANENT

### INSTRUCTIONS

Please consult PDC instruction manuals when completing this report. Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

#### WHO MUST FILE

Each candidate and political committee using Abbreviated Reporting.

#### FILING DATES

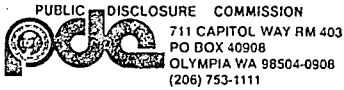
- 1) Special election candidates and political committees supporting or opposing special election candidates or ballot issues file on the 10th of the first month following the election.
- 2) Candidates and political committees making expenditures supporting or opposing candidates who were defeated in the primary election or ballot issues that were voted on in the primary file on October 10.
- 3) Candidates and political committees making expenditures supporting or opposing general election candidates or ballot issues voted on in the general election file on December 10.
- 4) Continuing political committees that do not take part in a primary or general election are only required to file an annual report on January 10 covering the preceding calendar year.
- 5) A final report is filed whenever a candidate's committee or a political committee ceases operation, disposes of any surplus campaign funds and has a zero account balance. Final reports may be filed at any time and may coincide with one of the due dates listed above.

All reports are considered filed as of the postmark date or the date hand-delivered to PDC.

#### WHERE TO FILE

Send original ABB C-4 report to PDC at the above address. Candidates send a duplicate copy to their County Auditor (County Election Department). Political committees send a copy to the County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides. See instruction manual for addresses of county election officials.

**For assistance, call or write PDC!**



ABBREVIATED REPORT RECEIPTS AND EXPENDITURES

ABB C4 (7/92) PDC OFFICE USE

Candidate or Committee Name (Do not abbreviate. Include full name)
Mailing Address
City County Zip + 4

1. PERIOD COVERED BY REPORT: From: To: Final Report: Yes No
a. Candidates: Start of campaign through the end of the month in which the election occurred.
b. Ballot Measure Committees: Start of campaign through the end of the month in which the election occurred.
c. Continuing Committees filing post-election report: January 1 through end of the month in which election occurred.
d. Continuing Committees filing annual report: Calendar year (January 1 through December 31).

2. RECEIPTS
a. Cash on hand from previous campaign or year (Include money in checking, savings and other accounts)
b. Cash contributions received this campaign or year (Include monetary contributions, loans, fund raising and cash contributions by a candidate)
c. Total cash receipts (Add lines 2a + 2b)
d. Other contributions, including in-kind (Include candidate's and committee workers' out of pocket expenditures, donated goods and services, filing fees paid by others and similar non-cash contributions)
e. Total contributions (Add lines 2c + 2d)

3. EXPENSES
a. Cash expenditures
b. Other expenditures. (Enter the amount shown on line 2d above here. Non-cash contributions are listed as both received and expended. Disregard any materials which may remain on hand.)
c. Total expenditures (Add lines 3a + 3b)

4. SURPLUS/DEFICIT
a. Cash on hand at end of reporting period (Subtract: line 3a from 2c)
b. Debts and obligations owed
c. Surplus or deficit

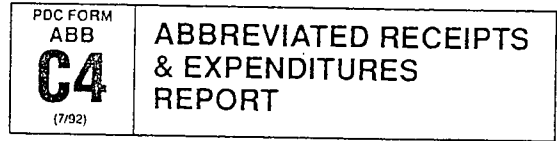
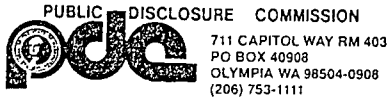
CANDIDATES
Please complete: Primary election General election
Won Lost Unopposed Name not on ballot

CERTIFICATION: I certify that this report is true and correct to the best of my knowledge.

Candidate's signature Date Treasurer's signature (if a political committee) Date

PDC Form C4ABB (Nov. 7/92) Form See Instructions on reverse

PERMANENT



PERMANENT

### INSTRUCTIONS

Please consult PDC instruction manuals when completing this report. Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Each candidate and political committee using Abbreviated Reporting.
- FILING DATES**
- 1) Special election candidates and political committees supporting or opposing special election candidates or ballot issues file on the 10th of the month following the election.
  - 2) Candidates who lose in the primary and political committees supporting or opposing primary election ballot issues file on October 10.
  - 3) Candidates who are in the general election and political committees making expenditures supporting or opposing general election candidates or ballot measures file on December 10.
  - 4) Continuing political committees not taking part in elections during a year file annual reports on January 10 cover the preceding calendar year.
  - 5) A final report is filed whenever a candidate's committee or a political committee ceases operation, disposes of any surplus campaign funds and has a zero account balance. Final reports may be filed at any time and may coincide with one of the due dates listed above.

All reports are considered filed as of the postmark date or the date hand-delivered to PDC.

- WHERE TO FILE** Send original C-4 ABB report to PDC at the above address. Candidates send a duplicate copy to their County Auditor (County Elections Department). Political committees send a copy to County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides.

**For assistance, call or write PDC!**

**IN KIND CONTRIBUTIONS, PLEDGES, ORDERS  
DEBTS, OBLIGATIONS**

SCHEDULE  
to C4 **B-S/L**  
(10/91)

Candidate or Committee Name (Do not abbreviate. Use full name)

1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

Date Received	Contributor's Name and Address	Description of Contribution	Fair Market Value	Total given by this person during campaign or year
TOTAL (Enter also on lines 3 and 12 of C4)			_____	

2. PLEDGES RECEIVED BUT NOT YET PAID. List each pledge of \$100.00 or more.

Date Notified of Pledge	Name and Address of Person Making Pledge (including organizations)	Amount	Total given by this person during campaign or year
N/A	Sum of outstanding pledges previously itemized on Schedule B →	_____	N/A
TOTAL (Enter also on line 9 of C4)		_____	

3. ORDERS PLACED, DEBTS, OBLIGATIONS, ESTIMATED EXPENDITURES (Excluding loans. Report loans on Schedule L.)

- a. List each debt, obligation or estimated expenditure which is more than \$250.00.
- b. List each debt, obligation or estimated expenditure which is more than \$50.00 and has been outstanding for over 30 days.

Expenditure Date	Vendor's/Recipient's Name and Address	Amount Owed	Code*	OR	Description of Obligation
TOTAL (Include in line 19 of C4)		_____			

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## EXPENDITURE CODE DEFINITIONS AND USES

- "C" MONETARY, IN-KIND AND EARMARKED CONTRIBUTIONS** (including transfers) your campaign makes to other candidates and committees. Put a "C" in the Code column, in the Description column, specify who was benefited and, if in-kind, what was purchased, and put the amount in "Contribution to Others."
- "I" INDEPENDENT EXPENDITURES** (those expenditures that benefit other candidates or committees but are made independently of them). Put an "I" in the Code column, fully describe purpose and put the amount in "Contribution to Others."
- "L" LITERATURE**. Use "L" for expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use "P" for literature mailing costs.
- "B" BROADCAST ADVERTISING**. Use "B" for expenditures associated with the production and purchase of radio and television advertising.
- "N" NEWSPAPER & PERIODICAL ADVERTISING**. Use "N" for expenditures associated with the production and purchase of advertising in newspapers, periodicals and other publications.
- "O" OTHER ADVERTISING**. Use "O" for expenditures associated with the production and purchase of advertising on billboards, yard signs and campaign paraphernalia such as buttons, bumper stickers, T-shirts, etc.
- "P" POSTAGE**. Use "P" for expenditures for stamps, postage, United Parcel Service, Federal Express and direct mail services (postage only). Use "L" for design and other production costs associated with producing campaign literature.
- "F" FUNDRAISING EVENTS**. Use "F" for expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers and speakers. Use "L" for expenditures for printed matter produced in connection with fundraising events.
- "S" SURVEYS AND POLLS**. Use "S" for expenditures associated with designing or producing polls, reports on election trends, voter surveys, telemarketing, telephone banks, GOTV drives, etc.
- "T" TRAVEL, ACCOMMODATIONS, MEALS**. Use "T" for expenditures associated with travel. If vendor has been paid directly, identify the traveller in Description column. If travel payment was made to credit card company or traveller (for out-of-pocket expenses), itemize expenses on separate sheet and attach to Sch. A-s/l.
- "M" MANAGEMENT AND CONSULTING SERVICES**. Use "M" for salaries, fees and commissions paid to campaign management companies and contract consultants, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
- "W" WAGES, SALARIES, BENEFITS**. Use "W" for expenditures associated with hiring campaign employees and other freelance workers who provide miscellaneous services other than campaign management or consulting.
- "G" GENERAL OPERATION AND OVERHEAD**. Use "G" for general campaign operating expenses and overhead, including filing fees, miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of office equipment and furniture. (Note: these are campaign-related expenses, not costs associated with holding public office.)

**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 92-18-005**  
**PERMANENT RULES**  
**DEPARTMENT OF TRANSPORTATION**  
 [Filed August 20, 1992, 3:02 p.m.]

Date of Adoption: August 20, 1992.

Purpose: The adoption of a revised schedule of tolls for the Washington state ferry system; amending WAC 468-300-010, 468-300-020, and 468-300-040; and repealing WAC 468-300-070, 468-300-410, and 468-300-510.

Statutory Authority for Adoption: RCW 47.56.030 and 47.60.326.

Pursuant to notice filed as WSR 92-14-003 on June 18, 1992.

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

August 20, 1992  
 Norm McKibben  
 Chairman

AMENDATORY SECTION (Amending Order 72, filed 8/27/91, effective 9/27/91)

**WAC 468-300-010 Ferry passenger tolls.**

((Effective 03:00 a.m. July 1, 1991

ROUTES	Full	Half	COM-	Bicycle
	Fare	Fare**	MU-	Surcharge
			TATION	
			20	*****
			Rides	
			***	
			****	
<hr/>				
Via Passenger Only Ferry				
Seattle-Vashon				
Seattle-Southworth	*	3.30	1.65	19.80 N/C
Seattle-Bremerton				
Via Auto Ferry				
Fauntleroy-Southworth				
Seattle-Bremerton				
Seattle-Winslow	*	3.30	1.65	19.80 .50
Edmonds-Kingston				
Pt. Townsend-Keystone		1.65	.85	19.80 .25
Fauntleroy-Vashon				
Southworth-Vashon	*	2.15	1.10	12.90 .50
Pt. Defiance-Tahlequah				
Mukilteo-Clinton				
Anacortes to Lopez, Shaw, Orcas or Friday Harbor	*	4.65	2.35	27.90 1.00
Anacortes to Sidney and Sidney to all destinations		6.05	3.05	N/A 2.50
Between Lopez, Shaw, Orcas***** and Friday Harbor		N/C	N/C	N/C 2.25
From Lopez, Shaw, Orcas and Friday Harbor@ to Sidney))		2.25	1.25	N/A 1.00

PERMANENT

Effective 03:00 a.m. September 20, 1992

ROUTES	Full Fare	Half Fare	Frequent User Ticket Book 20 Rides <sup>1</sup>	Bicycle Surcharge <sup>2</sup>
<u>Via Passenger-Only Ferry</u>				
*Seattle-Vashon				
*Seattle-Southworth	3.30	1.65	19.80	N/C
*Seattle-Bremerton				
<u>Via Auto Ferry</u>				
*Fauntleroy-Southworth				
*Seattle-Bremerton				
*Seattle-Winslow	3.30	1.65	19.80	0.50
*Edmonds-Kingston				
Port Townsend-Keystone	1.65	0.85	19.80	0.25
*Fauntleroy-Vashon				
*Southworth-Vashon	2.15	1.10	12.90	0.50
*Pt. Defiance-Tahlequah				
*Mukilteo-Clinton				
*Anacortes to Lopez Shaw, Orcas or Friday Harbor	4.65	2.35	27.90	2.50
Anacortes to Sidney and Sidney to all destinations	6.05	3.05	N/A	4.00
Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup>	N/C	N/C	N/C	N/C
From Lopez, Shaw, Orcas and Friday Harbor to Sidney <sup>@</sup>	2.25	1.25	N/A	1.50

@ These fares rounded to the nearest multiple of \$ .25.

\* These routes operate as a one-point toll collection system.

((\*\* Half Fare))

FREQUENT USER TICKETS - Shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage.

BICYCLE SURCHARGE - Is an addition to the appropriate passenger fare.

INTER-ISLAND FARES - Passenger fares included in Anacortes tolls.

((CHILDREN)) HALF FARE - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

SENIOR CITIZENS - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route.

NOTE: Half fare does not include vehicle.

((HANDICAPPED)) DISABLED - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize ferry system services, may travel at half-fare tolls on any route upon presentation of a WSF ((Handicapped)) Disabled Travel Permit ((or)), Regional Reduced Fare Permit, or other identification which establishes disability at time of travel. In addition, those ((handicapped)) disabled persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF ((Handicapped)) Disabled Travel Permit and such endorsement shall allow the attendant to also travel at half fare.

BUS PASSENGERS - Passengers traveling ((in vehicles licensed as stages and buses, unless traveling under an annual permit,)) on public transit buses pay the applicable fare. Passengers traveling in private or commercial buses will be charged the half-fare rate.

MEDICARE CARD HOLDERS - Any person holding a Medicare card duly issued to that person pursuant to Title II or Title XVIII of the Social Security Act may travel at half-fare tolls on any route upon presentation of a WSF ((Handicapped)) Disabled Travel Permit or a Regional Reduced Fare Permit at time of travel.

NOTE: Half-fare privilege does not include vehicle.

((\*\*\* Commutation tickets shall be valid only for 90 days from date of purchase after which time the tickets shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.

\*\*\*\* A joint) FERRY/TRANSIT PASS - A combination ferry-transit monthly pass may be available ((in conjunction with a public transit operating authority for travel on a particular route. The pass enables the pass holder to ride aboard WSF ferry vessels and transit vehicles for an unlimited number of trips during the validated month for the pass. The pass holder may board as a bus passenger, a walk on, or a passenger of a vehicle at any time of the day, seven days a week. The pass can be shared with friends and family; however, it can only be used once on any one sailing or bus trip. The WSF portion of the monthly pass shall be priced at the commutation rate for 40 rides for the particular route. The cost of the bus portion of the pass shall be established by the public transit operating authority. The pass will be accepted for travel on any route of equal or lesser fare)) for a particular route

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when determined by Washington state ferries and a local public transit agency to be a viable fare instrument. The WSF portion of the fare is based on 21 days of passenger travel at a 50% discount.

((\*\*\*\*\* Inter-island passenger fares included in Anacortes tolls.

\*\*\*\*\* Bicycle surcharge is in addition to the appropriate passenger fare.))

**PROMOTIONAL TOLLS** - A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

**SCHOOL GROUPS** - Passengers traveling in authorized school groups for institution sponsored activities will be charged a flat rate of \$1 per walk-on group or per vehicle of students and/or advisors and staff. Private vehicles require letter of authorization. Vehicles and drivers will be charged at fare applicable to vehicle size. The special school rate is \$2 on routes where one-point toll systems are in effect.

**NOTE:** The school group rate is not available on the Anacortes-Sidney B.C. route during the peak season.

**AMENDATORY SECTION** (Amending Order 72, filed 8/27/91, effective 9/27/91)

**WAC 468-300-020 Auto, motorcycle, and stowage ferry tolls.**

((Effective 03:00 a.m. July 1, 1991

	AUTO**		MOTORCYCLE	
	INCL. DRIVER		INCL. DRIVER	
	Commutation		Commutation	
	One	20	One	20
	Way	Rides	Way	Rides
		***		***
Fauntleroy-Southworth				
Seattle-Bremerton				
Seattle-Winslow	5.55	88.80	3.05	40.65
Pt. Townsend-Keystone				
Edmonds-Kingston				
Fauntleroy-Vashon				
Southworth-Vashon	7.50	60.00	4.10	27.35
Pt. Defiance-Tahlequah				
Mukilteo-Clinton	3.75	60.00	2.05	27.35
		10 Rides		
Anacortes to Lopez,	11.60	46.40	7.15	47.65
Shaw, Oreas	13.85	55.40	8.20	54.65
or Friday Harbor	15.85	63.40	9.50	63.35
Anacortes to Sidney				
and Sidney to all	26.05	N/A	13.15	N/A
destinations				
Between Lopez, Shaw, Oreas				
and Friday Harbor	6.50	26.00	2.25	N/A
From Lopez, Shaw, Oreas@				
and Friday Harbor to Sidney	13.25	N/A	6.00	N/A))

Effective 03:00 a.m. September 20, 1992

ROUTES	Auto <sup>1</sup>	Auto	Frequent User	Auto Height	Motorcycle/Stowage	Frequent User
	Incl. Driver	w/ Sr.	Ticket book	Surcharge <sup>1</sup>	Incl. Driver	Ticket book
	One Way	Citizen or	20 Rides <sup>2</sup>		One Way	20 Rides <sup>2</sup>
		Disabled				
		Driver				
Fauntleroy-Southworth						
Seattle-Bremerton						
Seattle-Winslow	5.55	4.75	88.80	1.40	2.45	39.20
Port Townsend-Keystone						
Edmonds-Kingston						
*Fauntleroy-Vashon						
*Southworth-Vashon	7.50	6.45	60.00	1.90	3.20	25.60
*Pt. Defiance-Tahlequah						

<u>Mukilteo-Clinton</u>	<u>3.75</u>	<u>3.20</u>	<u>60.00</u>	<u>0.95</u>	<u>1.60</u>	<u>25.60</u>
<u>10 Rides</u>						
<u>*Anacortes to Lopez</u>	<u>11.60</u>	<u>9.30</u>	<u>46.40</u>	<u>2.90</u>	<u>6.05</u>	<u>48.40</u>
<u>*Shaw, Orcas</u>	<u>13.85</u>	<u>11.55</u>	<u>55.40</u>	<u>3.45</u>	<u>6.50</u>	<u>52.00</u>
<u>*Friday Harbor</u>	<u>15.85</u>	<u>13.55</u>	<u>63.40</u>	<u>3.95</u>	<u>6.90</u>	<u>55.20</u>
<u>Anacortes to Sidney and Sidney to all destinations</u>	<u>26.05</u>	<u>23.05</u>	<u>N/A</u>	<u>6.50</u>	<u>10.05</u>	<u>N/A</u>
<u>Between Lopez, Shaw, Orcas and Friday Harbor<sup>2</sup> @</u>	<u>6.50</u>	<u>6.50</u>	<u>26.00</u>	<u>1.75</u>	<u>1.75</u>	<u>N/A</u>
<u>From Lopez, Shaw, Orcas and Friday Harbor to Sidney<sup>@</sup></u>	<u>13.25</u>	<u>12.25</u>	<u>N/A</u>	<u>3.25</u>	<u>4.50</u>	<u>N/A</u>

@ These fares rounded to the nearest multiple of \$ .25.

\* These routes operate as a one-point toll collection system.

HEIGHT SURCHARGE - All vehicles up to 20' in length and under 7'6" in height shall pay the auto toll. Vehicles up to 20' in length but over 7'6" in height surcharge of 25% of the full fare auto and driver. Upon presentation of a WSF Disabled Travel Permit, Regional Reduced Fare Permit, or other identification which establishes disability, the height surcharge will be waived.

FREQUENT USER TICKETS - Shall be valid only for 90 days from date of purchase after which time the ticket shall not be accepted for passage.

INTER-ISLAND FARES - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for inter-island travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

SENIOR CITIZEN DISCOUNTS - Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate.

~~((\*\*)) VANPOOLS~~ - A commuter vanpool which carries seven or more persons on a regular ((and)) expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington state ferry system, may purchase for a \$10 fee, a permit valid for ~~((a three-month period))~~ one year valid only during the hours shown on the permit. ~~((The permit for commuter pool agency vanpools shall be valid for one year. By July 1, 1990, all vanpools will be required to have tax exempt or vanpool specialized licenses. The fee for private vanpool permits will be reduced from ten dollars per quarter to ten dollars per year to coincide with the fee charged to public vanpools, effective July 1, 1990.))~~ These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. ~~((The permit so purchased shall allow passage of the vehicle only during the valid periods.))~~ All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than ~~((the amount equal to))~~ four times the applicable passenger fare.

~~((\*\*\*) Commutation tickets shall be valid only for 90 days from date of purchase after which time the ticket shall not be accepted for passage. Washington state ferries shall enter into agreements with banks to sell commutation tickets.~~

~~\*\*\*\* Tolls collected westbound only.~~

~~\*\*\*\*\*)) Stowage~~ carry-on items including kayaks, canoes and other items of comparable size which are typically stowed on the vehicle deck of the vessel shall be charged at the motorcycle rate. This rate includes the walk-on passenger carrying on the item to be stowed.

~~((SUMMER))~~ PEAK SEASON SURCHARGE - A 20% surcharge shall be applied ~~((to coincide with the summer schedule period to regular, noncommutation auto and noncommercial vehicles with trailers and oversize vehicles))~~ effective the second Sunday in May through the second Sunday in October to all vehicles except those using frequent user tickets.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a ~~(((\$50.00))~~ \$100.00 penalty charge.

~~((Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.~~

SPECIAL SCHOOL RATE

~~School groups when traveling in authorized school vehicles for institution sponsored activities shall be assessed a flat fee of \$1.00 per vehicle load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.~~

~~NOTE: Special school rate is \$2.00 on routes where one way only toll systems are in effect. Special student Rate not available on Anacortes-Sidney, B.C. route beginning the third Sunday in June and ending the third Saturday in September due to limited space.)~~

PROMOTIONAL TOLLS - A promotional rate may be established at the discretion of the secretary of transportation for a specified discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

PERMANENT

AMENDATORY SECTION (Amending Order 72, filed 8/27/91, effective 9/27/91)

WAC 468-300-040 ((Trucks and trucks with trailer)) Oversize vehicle ferry tolls.

((Effective 03:00 a.m. July 1, 1991

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.
	Class I	Class II	Class III	Class IV	Class V	Class VI	Class VII	Class VIII	
	Under 18'	to 28'	to 38'	to 48'	to 58'	to 68'	to 78'	Over 78'	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Pt. Townsend-Keystone Edmonds-Kingston Fauntleroy-Vashon Southworth-Vashon Pt. Defiance-Tahlequah	5.55	9.40	18.65	27.85	37.10	46.35	55.50	55.50	.80
Mukilteo-Clinton **Anacortes to Lopez, Shaw, Orcas * or Friday Harbor Anacortes to Sidney **and Sidney to all destinations **Between Lopez, Shaw, Orcas ****@ and Friday Harbor **From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	3.75 11.60 13.85 15.85 26.05 6.50	6.60 22.45 44.65 34.20	13.10 44.65 57.70 11.00	19.50 66.80 81.20 11.00	25.95 88.95 104.75 44.00	32.45 111.20 128.40 44.00	38.95 133.35 151.95 44.00	38.95 133.35 151.95 44.00	.55 1.85 2.10 N/A
	7.50	13.20	26.20	39.00	51.90	64.90	77.90	77.90	1.10
	13.25	20.00	34.00	48.00	61.50	75.50	89.25	89.25	1.00

Effective 03:00 a.m. September 20, 1992

Oversize Vehicle Ferry Tolls<sup>1</sup>  
Overall Unit Length - Including Driver

ROUTES	20' To Under 30'	30' To Under 40'	40' To Under 50'	50' To Under 60'	60' To Under 70'	70' To and Include 80'	Cost Per Ft. Over 80'
	Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow Port Townsend-Keystone Edmonds-Kingston	10.40	13.90	19.40	23.30	38.85	44.40
*Fauntleroy-Vashon *Southworth-Vashon *Pt. Defiance-Tahlequah	14.05	18.75	26.50	31.50	52.50	60.00	0.75
Mukilteo-Clinton	7.00	9.40	13.25	15.75	26.25	30.00	0.40
*Anacortes to Lopez <sup>2</sup> *Shaw, Orcas *Friday Harbor	25.90	34.65	48.50	58.15	96.95	110.80	1.40
Anacortes to Sidney and Sidney to all destinations	42.00	49.70	64.25	73.75	113.65	129.90	1.75
Between Lopez, Shaw, Orcas and Friday Harbor <sup>3</sup> @	11.00	11.00	11.00	44.00	44.00	44.00	N/A

From Lopez, Shaw, Orcas and Friday Harbor to Sidney@	24.50	28.75	37.25	42.75	66.00	75.25	1.00
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@ These fares rounded to the nearest multiple of \$ .25.

\* These routes operate as a one-point toll collection system.

(~~\*\* Commercial trucks are allowed stop over at intermediate points upon payment of \$2.50 per stop over.~~

~~\*\*\* Includes all trucks licensed 8,001 lbs. gross vehicle weight and above, except busses. Trucks under 8,001 lbs. will be classified as automobiles.~~

~~Also includes all trucks licensed 8,001 lbs. gross vehicle weight and above pulling trailers, vehicles licensed as fixed load, unlicensed vehicles and road machinery on wheels. Vehicles not included in this class cannot be charged under this class.~~

~~\*\*\*\* Toll collected westbound only.)~~

<sup>1</sup>OVERSIZE VEHICLES - Includes all vehicles 20 feet in length and longer regardless of type: Commercial trucks, recreational vehicles, autos pulling trailers, etc. Length shall include vehicle and load to its furthest extension. Overheight charge is included in oversize vehicle toll. Vehicles which are 10 feet in width or wider pay double the fare applicable to their length. Private and commercial passenger buses or other passenger vehicles pay the applicable oversize vehicle tolls. Public transit buses shall travel free upon display of an annual permit which may be purchased for \$10.

PEAK SEASON SURCHARGE - Beginning May 9, 1993, an annual peak season surcharge of 20% applies to all oversize vehicle ferry tolls from the second Sunday in May of each year through the second Sunday in October except for vehicles using frequent user tickets. The senior citizen discount applies to the driver of an oversize vehicle.

<sup>2</sup>STOPOVERS - Tolls collected westbound only. Oversize vehicles traveling westbound from Anacortes may purchase a single intermediate stopover ticket for \$2.50 when first purchasing the appropriate vehicle fare. The stopover is valid for a 24-hour period.

<sup>3</sup>INTER-ISLAND - Tolls collected westbound only. Vehicles traveling between islands may request a single transfer ticket good for one transfer at an intermediate island. The transfer may only be obtained when purchasing the appropriate vehicle fare for interisland travel (westbound at Lopez, Shaw, or Orcas) and is free of charge. Transfers shall be valid for 24 hours from time of purchase.

SENIOR CITIZEN DISCOUNTS - Discounts of 50% for the driver of the above vehicles shall apply. Senior citizen discount is determined by subtracting full-fare passenger rate and adding half-fare passenger rate.

PENALTY CHARGES - Owner of vehicle without driver will be assessed a (~~(\$50.00)~~) \$100.00 penalty charge.

DISCOUNT ((PERCENTAGES)) FROM REGULAR TOLL

Oversize vehicles making 12 or more, one-way crossings per week (Sunday thru Saturday) will qualify for a (~~(25%)~~) 20% discount from the regular ferry tolls.

EMERGENCY TRIPS DURING NONSERVICE HOURS - While at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

BULK NEWSPAPERS - Per 100 lbs. \$2.20

(Shipments exceeding 60,000 lbs. in any month shall be assessed \$1.10 per 100 lbs.)

Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

EXPRESS SHIPMENTS - A flat handling charge of \$25.00 per parcel is charged.

(Shipments exceeding 100 lbs. assessed \$8.30 for each 25 lbs. or fraction thereof.)

Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight that can easily be handled by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan inter-island express shipments will be handled at \$5.00 per parcel.

MEDICAL SUPPLIES - A flat handling charge of \$5.00 per shipment is charged.

DISCLAIMER - Under no circumstances does Washington state ferries warrant the availability of ferry service at a given date or time; nor does it warrant the availability of space on board a vessel on a given sailing.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 468-300-070 Noncommercial vehicle with trailer, oversize vehicle, stage and bus, newspaper, express shipments and medical supplies ferry tolls.
- WAC 468-300-410 Hood canal bridge toll schedule.
- WAC 468-300-510 Spokane river toll bridge.

**WSR 92-18-008**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
[Filed August 21, 1992, 8:02 a.m.]

Date of Adoption: August 21, 1992.  
Purpose: In conjunction with proposed amendments to chapter 460-33A WAC this section is amended to place all regulatory interpretations of RCW 21.20.320 (5)(c) in one section.  
Citation of Existing Rules Affected by this Order: Amending WAC 460-44A-075.  
Statutory Authority for Adoption: RCW 21.20.450.

PERMANENT

Pursuant to notice filed as WSR 92-14-090 on June 30, 1992.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Pursuant to RCW 21.20.450, no rule may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this chapter.

Effective Date of Rule: Thirty-one days after filing.  
August 21, 1992  
Mary Riveland  
Director

AMENDATORY SECTION (Amending Order SDO-37-80, filed 3/19/80)

WAC 460-44A-075 Definition of real estate mortgages when "offered and sold as a unit." A bond or other evidence of indebtedness secured by a mortgage, deed of trust or agreement of sale, ~~((is not "offered and sold as a unit" within the meaning of section RCW 21.20.320(5), if it is part of an offering including other bonds or evidences of indebtedness secured by interests in real or personal property owned or developed by the same person or by persons affiliated by reason of direct or indirect control; or if it is offered or sold with any right of recourse or substitution against or any guaranty by the offeror or any person other than the debtor.))~~ involves an "investment contract other than the bond or other evidence of indebtedness" within the meaning of RCW 21.20.320 (5)(c) if any of the following services are offered or included by an issuer or its affiliates:

- (1) Guarantying the note or contract against loss at any time; or
- (2) Guarantying that payments of principal or interest will be paid; or
- (3) Assuming any payments necessary to protect the security of the note or contract, excluding necessary advances for taxes and insurance; or
- (4) Guarantying a specific yield or return on the note or contract; or
- (5) Paying any interest or premium for a period prior to actual purchase and delivery of the note or contract; or
- (6) Paying any money other than that collected from the borrower after the note or contract falls into arrears; or
- (7) Repurchasing the note or contract, provided that, this is not intended to prohibit good faith repurchases as an effort to assist the investor as long as the representation is not made at the time of sale and not as a part of the sales program; or
- (8) Promising the investor a market for the resale of the mortgage paper securities.

**WSR 92-18-009**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
[Filed August 21, 1992, 8:05 a.m.]

Date of Adoption: August 21, 1992.

Purpose: Amendments to provisions of chapter 460-33A WAC are proposed to enhance investor protection,

clarify certain portions of the chapter, provide more logical organization of the chapter and to make compliance with the chapter less burdensome.

Citation of Existing Rules Affected by this Order: Repealing WAC 460-33A-050; and amending WAC 460-33A-015, 460-33A-017, 460-33A-020, 460-33A-025, 460-33A-030, 460-33A-035, 460-33A-040, 460-33A-055, 460-33A-105, 460-33A-115, and 460-33A-125.

Statutory Authority for Adoption: RCW 21.20.045.  
Pursuant to notice filed as WSR 92-14-089 on June 30, 1992.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Pursuant to RCW 21.20.450, no rule may be made unless the director finds that the action is necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of this chapter.

Effective Date of Rule: Thirty-one days after filing.  
August 21, 1992  
Mary Riveland  
Director

AMENDATORY SECTION (Amending Order SDO-124-89, filed 8/17/89, effective 9/17/89)

**WAC 460-33A-015 Definitions.** As used in this chapter:

~~(1) ("Liquid assets" means cash and other nonpledged assets which are convertible into cash within a five day period in the normal course of business.~~

~~(2))~~ "Mortgage broker-dealer" means a person who is defined as a "broker-dealer" in RCW 21.20.005(3) and who effects transactions in mortgage paper securities registered under the provisions of this chapter.

~~((3))~~ ~~(2)~~ "General offering circular" means a disclosure document that gives a general description of what is involved in the purchase of mortgage paper securities and the business of offering the mortgage paper securities including a description of the mortgage broker-dealer.

~~((4))~~ ~~(3)~~ "Mortgage salesperson" means a person other than a mortgage broker-dealer who is defined as a "salesperson" in RCW 21.20.005(2) and who represents a mortgage broker-dealer in effecting offers or sales of mortgage paper securities registered under the provisions of this chapter.

~~((5))~~ ~~(4)~~ "Mortgage paper securities" means notes and bonds, or other debt securities secured by mortgages or trust deeds on real or personal property or by a vendor's interest in a property sales contract or options granting the right to purchase any of the foregoing, including any guarantee of or interest in the foregoing.

~~((6))~~ ~~(5)~~ "Specific offering circular" means a disclosure document describing the specific mortgage paper securities offering, which is meant to accompany the general offering circular.

~~(6)~~ "Financial institution" means any bank, trust company, savings bank, national banking association, savings and loan association, building and loan association, mortgage banker, credit union, insurance company, or other similarly regulated financial institution, or holding company for any of the foregoing.



(7) "Construction loan" means a loan in which twenty-five percent or more of the loan proceeds will be used to fund future improvements to real estate securing the loan.

AMENDATORY SECTION (Amending Order SDO-124-89, filed 8/17/89, effective 9/17/89)

**WAC 460-33A-017 Registration not required.**  
 ((Each of the following)) Securities exempt from registration pursuant to RCW 21.20.310 and transactions exempt from registration pursuant to RCW 21.20.320 need not be registered under the rules of this chapter:

Note: Persons intending to rely upon RCW 21.20.320(5) should consult WAC 460-44A-075.

~~((1) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit sharing trust, or other financial institution or institutional buyer.~~

~~(2) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, any federal savings bank, or any bank, savings bank, or trust company organized or supervised under the laws of any state.~~

~~(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, federal savings bank, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state.~~

~~(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of this state and authorized to do and actually doing business in this state.~~

~~(5) Any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state.~~

~~(6) Any transaction in a note or bond secured by real property that is exempted under RCW 21.20.320(5): *Provided*, That a transaction shall not be deemed to be within the exemption granted by RCW 21.20.320(5) if any of the following services are offered or included by the mortgage broker dealer or its affiliates:~~

~~(a) Guarantying the note or contract against loss at any time; or~~

~~(b) Guarantying that payments of principal or interest will be paid; or~~

~~(c) Assuming any payments necessary to protect the security of the note or contract, excluding necessary advances for taxes and insurance; or~~

~~(d) Guarantying a specific yield or return on the note or contract; or~~

~~(e) Paying any interest or premium by the mortgage broker dealer for a period prior to actual purchase and delivery of the note or contract; or~~

~~(f) Paying any money other than that collected from the borrower after the note or contract falls into arrears; or~~

~~(g) Repurchasing the note or contract, provided that, this is not intended to prohibit good faith repurchases as an effort to assist the investor as long as the representation is not~~

~~made at the time of sale and not as a part of the sales program; or~~

~~(h) Promising the investor a market for the resale of the mortgage paper securities.)~~

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

**WAC 460-33A-020 Optional registration procedures for mortgage paper securities.** ~~((1))~~ An applicant for registration of a mortgage paper securities offering may elect to register the offering under the rules of this chapter in lieu of following the registration procedure for debt securities under the Securities Act of Washington. Registration under this chapter requires the filing of a registration application as prescribed by the director of the department of licensing accompanied by the following:

~~((a)) (1) The general offering circular;~~

~~((b)) (2) A sample specific offering circular;~~

~~((c)) (3) The mortgage paper escrow and trust agreement;~~

~~((d)) (4) The mortgage paper service agreement;~~

~~((e)) (5) The mortgage broker-dealer's articles of incorporation and bylaws or articles of organization;~~

~~((f)) (6) Sample documents to include any note, bond, mortgage, deed of trust, master deed of trust, real or personal property contract, indenture, guaranty, or other such instrument;~~

~~((g)) (7) The financial statements of the mortgage broker-dealer, including a balance sheet, profit and loss statement, and statement of ~~(changes in financial position)~~ cash flow as set forth in RCW 21.20.210(14). Pursuant to RCW 21.20.210 (14)(c), if the estimated proceeds of the mortgage paper securities offering, together with the proceeds from registered offerings during the year preceding the date of filing of the mortgage paper securities offering, exceed five hundred thousand dollars, said financial statements shall be audited. If such proceeds exceed seven hundred fifty thousand dollars, said financial statements for the previous two fiscal years shall be audited;~~

~~((h)) (8) The subscription and acknowledgement agreements;~~

~~((i)) (9) An opinion of counsel, if requested, on the legality and validity of the mortgage paper securities being issued;~~

~~((j)) (10) An opinion of counsel, if requested, regarding the application of the usury laws to the mortgage paper securities being offered;~~

~~((k)) (11) Such other information as the director may prescribe or request.~~

~~((2) The securities division will examine the mortgage paper securities general offering circular for disclosure of material facts involving the purchase of the mortgage paper securities, for disclosure of the general description of the business of the mortgage broker dealer and for the compliance with the applicable rules of this chapter.~~

~~(3) The securities division will examine the sample and actual specific offering circular for disclosure of material facts concerning specific mortgage paper securities offerings. Copies of the specific offering circulars to be given to each offeree shall be filed with the securities division at least five~~

~~business days before they are given to investors or as otherwise required by the securities administrator.~~

~~(4) If the estimated proceeds of the mortgage paper securities offering, together with the proceeds from registered offerings during the year preceding the date of the filing of the mortgage paper securities offering, exceed five hundred thousand dollars, the financial statements of the mortgage broker-dealer in subsection (1)(g) of this section shall be audited as required by RCW 21.20.210 (14)(e).)~~

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

**WAC 460-33A-025 Contents of the general offering circular.** ~~(1) ((This registration shall provide for disclosure of all material facts which shall include the sections enumerated in the general offering circular form prescribed by the administrator of securities.))~~ The general offering circular shall be in a format prescribed by the administrator of securities and shall include all information required by the format.

(2) The general offering circular shall set forth the minimum suitability standards for investors as provided in WAC 460-33A-031.

(3) The general offering circular must state that purchases of mortgage paper securities may be made only by check payable to the mortgage broker-dealer's escrow account.

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

**WAC 460-33A-030 Contents and filing of the specific offering circular.** ~~((The specific offering circular shall provide for disclosure of all material facts and shall contain at least the applicable sections enumerated in the specific offering circular form prescribed by the administrator of securities.))~~ The form and content of the specific offering circular and accompanying exhibits shall be prescribed by the administrator. In registering mortgage paper securities pursuant to this chapter, the registrant undertakes to furnish the specific offering circulars and required exhibits to the administrator for review upon request. If such a request is made prior to the distribution of a specific offering circular to prospective investors, the registrant must refrain from such distribution pending review and approval by the administrator.

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

**WAC 460-33A-035 Limitations on the use of optional registration of this chapter.** The following types of securities cannot be offered or sold under the rules of this chapter unless written permission is obtained from the administrator based upon a showing that the investors will be adequately protected:

(1) Offerings involving construction loans may not be sold using the rules of this chapter unless the loan to value ratio, as determined utilizing the current value of the property without considering future improvements, is within the limits established by subsection (7) of this section.

(2) Offerings involving the mortgage broker-dealer, its officers, agents, affiliates, and persons controlling the

mortgage broker-dealer or affiliates may not be sold as part of the optional registration of the rules of this chapter unless the registration with the administrator includes a full description of these transactions. An offering "involves" the persons listed where the person is the owner, the borrower, or has an interest in the proceeds other than fees, commissions, or mark-ups.

(3) Offerings involving documents reserving the right to subordinate the position of any investor to any mortgage, trust deed or lien created at or after the sale.

(4) Offerings involving pooling or participations involving more than ten investors may not be sold under the optional registration of the rules of this chapter. However, where only first liens are involved and the note amount equals or exceeds one hundred thousand dollars, the registrant may ~~((apply for a modification to allow sales))~~ sell to up to twenty five investors. A husband and wife and their dependents may be counted as one investor.

(5) Offerings in which the real property or other collateral securing the notes, bonds or obligations is not within this state unless the general offering circular contains disclosure of all material facts concerning the relevant laws of the state in which the real property is situated and a risk factor discussing the risks of investing in out-of-state real estate.

(6) Offerings involving notes, bonds, or obligations secured by a single mortgage, deed of trust or real estate contract or a single group of mortgages, deeds of trust or real estate contracts that are not identical in their underlying terms, including the right to direct or require foreclosure, rights to and rate of interest, and other incidents of being a lender, and the sale to each purchaser or investor is not upon the same terms; provided however, an offering may be subject to adjustment for the face or principal amount or percentage interest purchased and for interest earned or accrued.

(7) Offerings in which the aggregate principal amount of the notes, bonds or obligations sold, together with the unpaid principal amount of any encumbrances upon the real property senior thereto, exceed the following percentages of the current market value (as determined by WAC 460-33A-105) of the real property:

(a) Single-family residences - eighty percent.

(b) Commercial and income-producing properties - seventy percent.

(c) Unimproved property which has been zoned for commercial or residential development - fifty percent. For purposes of this section, "unimproved property" includes real property with structures that cannot be legally occupied, do not substantially conform with the appraisal of the property prepared pursuant to WAC 460-33A-105, or otherwise lack the functional attributes or basic amenities customarily found in the type of structures in question.

(d) Other real property - forty percent.

(8) Offerings involving real estate paper in which a default in any note, bond or obligation will not be a default in all notes, bonds or obligations concerning a specific loan ~~((, and in which the holders of fifty percent or more of the unpaid dollar amount of the notes, bonds or obligations cannot determine and direct the actions to be taken on behalf of all holders in the event of default or with respect to other matters requiring the direction or approval of the holders or~~

designation of a broker, servicing agent or other person to act on the holders' behalf).

(9) Offerings in which the following actions may be taken on behalf of the investors without the consent of investors holding a majority percentage of the unpaid dollar amount of notes, bonds, or obligations cannot:

(a) Consenting to the sale or transfer by the borrower of the collateral securing the loan;

(b) Approving any modification to the loan which decreases the rate of interest payable to the investors;

(c) Deferring or forgiving the payment of any principal or interest;

(d) Making any agreements concerning the release, substitution, or exchange of any collateral, or any portion of the collateral, for the loan;

(e) Entering into any agreement to reduce the principal amount of the loan (except for actual payments of principal);

(f) Making any concession with respect to compliance with any material obligations imposed by the instruments evidencing or securing the loan; or

(g) Extending or renewing the loan.

(10) Loans in which investors are required to designate the servicing agent as their attorney-in-fact with respect to documents and instruments, other than those described below, which would otherwise require signing or other action by the investors:

(a) Escrow instructions concerning the closing and collection of the loan;

(b) Instruments necessary to substitute investors; and

(c) Partial or full satisfaction or release of the deed of trust or other security instrument pursuant to the provisions of the deed of trust or security agreement upon receipt of the appropriate payment.

(11) Offerings in which the investors holding a majority percentage of the unpaid dollar amount of any loan may not remove the servicing agent.

(12) A registrant requesting a modification under this section must request it in writing and must provide satisfactory evidence that the interest of the public will be adequately protected.

**AMENDATORY SECTION** (Amending Order SDO-140-86, filed 10/20/86)

**WAC 460-33A-040** (~~Net liquid assets or~~) **Net worth or bond requirement.** (1) All persons and entities meeting the definition of a mortgage broker-dealer must meet and maintain one of the following at all times:

(a) (~~Minimum net liquid assets of twenty five thousand dollars, to be maintained at all times.~~

(i) ~~To calculate the twenty five thousand dollars, total all liquid assets then subtract from that all current liabilities.~~

(ii) ~~The mortgage broker dealer shall complete an affidavit semiannually to verify to the administrator that this requirement is being met. Such report shall be on such a form as may be prescribed by the director.)~~ A minimum tangible net worth, as determined by generally accepted accounting principles, of the greater of one hundred thousand dollars or ten percent of the amount of securities registered pursuant to this chapter up to a maximum of one million dollars; or

(b) (~~A minimum net worth of \$1,000,000 or more as determined by generally accepted accounting principles; or~~) ~~(c))~~ File a surety bond in the face amount of fifty thousand dollars satisfactory to the securities administrator; or

~~((d))~~ (c) In the event the mortgage broker-dealer and any affiliate does not handle the funds of lenders and borrowers, minimum tangible net ((liquid assets)) worth of five thousand dollars, as determined ((in (a) of this subsection, to be maintained at all times)) by generally accepted accounting principles.

(2) Mortgage broker-dealers failing to ~~((meet))~~ maintain the above mentioned minimum net ~~((liquid assets))~~ worth must inform the securities division of such failure within seventy-two hours at which time all sales of securities must be suspended.

**AMENDATORY SECTION** (Amending Order SDO-124-89, filed 8/17/89, effective 9/17/89)

**WAC 460-33A-055 Escrow account.** (1) All funds received from lenders or investors to purchase mortgage paper securities shall be deposited within forty-eight hours of receipt in an escrow account acceptable to the administrator. The escrow account shall be maintained in a financial institution as set forth in WAC ~~((460-33A-050(2) or))~~ 460-33A-015(6), with an ~~((independent))~~ escrow agent registered under chapter 18.44 RCW, or with some other independent escrow agent acceptable to the administrator. The entity acting as the escrow agent must be independently audited or examined, in a manner acceptable to the administrator, on a regular basis. All checks by which purchases or investments are made shall be made payable to the escrow account. All necessary disbursements shall be made from the escrow account. No person acting as a mortgage broker-dealer or his agent shall accept any purchase or investment funds for mortgage paper securities in advance of the time necessary to fund the loan transaction. No such fund shall be maintained in such account for longer than sixty days without disbursing the funds and the escrow agreement must provide that funds maintained in such account shall be returned to the investor on the sixty-first day from deposit in the account. No interest earned on escrow account funds shall be paid to the mortgage broker-dealer or its affiliates. The escrow agreement must provide that funds may be disbursed from the escrow account only to a specific loan escrow, where funds will be disbursed only upon closing and recordation, or to return the funds to the lenders or investors.

(2) The escrow agreements shall provide that the funds will not be subject to the mortgage broker-dealer's creditors.

(3) The account shall be subject to an audit at any reasonable time by the securities division.

**AMENDATORY SECTION** (Amending Order SDO-124-89, filed 8/17/89, effective 9/17/89)

**WAC 460-33A-105 Appraisals.** (1) An appraisal of each parcel of real property or other property which secures or relates to a transaction subject to the provisions of this chapter shall be made by an independent appraiser. The appraisal shall be kept on file by the mortgage broker-dealer for four years.

(2) The appraisal shall reflect the value of the property on an "as is" not an "as built" basis.

(3) The appraisal shall conform to the following requirements:

(a) The appraisal shall be prepared by a competent, independent appraiser acceptable to the administrator; and

(b) ~~((Effective July 1, 1990,))~~ The appraiser shall be appropriately licensed or certified in conformance with the Certified Real Estate Appraiser Act, chapter ~~((414, Laws of 1989))~~ 18.140 RCW.

(4) An appraisal made within the twelve-month period prior to the sale of the mortgage paper security is sufficient.

(5) The written consent of any appraiser who is named as having prepared an appraisal in connection with the mortgage paper securities offering shall be ~~((filed with the securities administrator))~~ kept on file by the mortgage broker-dealer.

(6) In lieu of the appraisal required by this section, the mortgage broker-dealer may elect to rely on the most recent tax assessment valuation of each parcel of real property.

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

**WAC 460-33A-115 Books and records.** Each mortgage broker-dealer shall make and keep current in this state the following books and records relating to his business:

(1) A file for each loan which the mortgage broker-dealer has funded through sales of mortgage paper, which ~~((a))~~ file shall contain the following:

(a) A copy of each appraisal or tax assessment valuation required by WAC 460-33A-105;

(b) Copies of all documents of title representing current interests in the real property securing the loan;

(c) Copies of title insurance policies and any other insurance policies on the real property securing the loan;

(d) The acknowledgement of receipt by each investor of the specific and general offering circulars;

(e) The subscription agreement for each investor;

(f) A copy of the investor suitability questionnaire for each investor;

(g) The specific offering circular for the offering;

(h) All correspondence with investors relating to the loan;

(i) The loan application of the borrower and all supporting documents such as the credit report on the borrower;

(j) Copies of all service agreements with investors relating to the loan;

(k) Copies of the escrow instructions relating to the loan.

(2) A file for each loan for which the mortgage broker-dealer is soliciting funds through the sale of mortgage paper, which file shall contain the same items required under subsection (1) of this section except for those items which are not yet available because the mortgage paper has not yet been sold.

(3) A file containing copies of all service agreements required under WAC 460-33A-065.

(4) Ledgers (or other records) reflecting all assets, liabilities, income, expense, and capital accounts.

(5) Ledgers, accounts (or other records) itemizing separately each cash account of every customer including, but not limited to, all funds in the mortgage broker's escrow and trust account, all proceeds of sale, refinancing, foreclosure, or similar transaction involving the real or personal property securing a loan funded by sales of mortgage paper, and all moneys collected from the borrower on behalf of the investors.

(6) A record of the proof of money balances of all ledger accounts in the form of trial balances and a record of the computation of net liquid assets as of the trial balance date pursuant to WAC 460-33A-040. Such trial balances and computations shall be prepared currently at least once a month.

(7) A questionnaire or application for employment executed by each agent of such broker-dealer, which questionnaire or application shall be approved in writing by an authorized representative of such broker-dealer and shall contain at least the following information with respect to each such person:

(a) His name, address, social security number, and the starting date of his employment or other association with the broker-dealer.

(b) His date of birth.

(c) The educational institutions attended by him and whether or not he graduated therefrom.

(d) A complete, consecutive statement of all his business connections for at least the preceding ten years, including his reason for leaving each prior employment, and whether the employment was part time or full time.

(e) A record of any denial of a certificate, membership or registration, and of any disciplinary action taken, or sanction imposed, upon him by any federal or state agency, or by any national securities exchange or national securities association, including a record of any finding that he was a cause of any disciplinary action or had violated any law.

(f) A record of any denial, suspension, expulsion or revocation of a certificate, membership or registration of any broker-dealer with which he was associated in any capacity when such action was taken.

(g) A record of any permanent or temporary injunction entered against him or any broker-dealer with which he was associated in any capacity at the time such injunction was entered.

(h) A record of any arrests, indictments or convictions for any felony or any misdemeanor, except minor traffic offenses, of which he has been the subject.

(i) A record of any other name or names by which he has been known or which he has used.

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

**WAC 460-33A-125 Notice of changes by mortgage broker-dealers.** (1) Each mortgage broker-dealer shall, upon any material change in the information contained in its application for ~~((a certificate (other than financial information contained therein)))~~ registration promptly file an amendment to such application setting forth the changed information (and in any event within thirty days after the change occurs).

(2) Each mortgage broker-dealer shall notify the administrator of the employment of any new agent in Washington and of the termination of employment of any agent in Washington, giving the full name and Social Security number of the individual involved, the date of employment or termination, and the location of the office in which he was or will be employed by submitting a completed NASD Form U-4 to the administrator or the administrator's designee within twenty-one days after the event occurs.

(3) Each mortgage broker-dealer shall notify the administrator of the termination of employment of any agent in Washington by submitting a completed NASD Form U-5 to the administrator or the administrator's designee, within thirty days after the event occurs.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 460-33A-050 Banks and financial institutions.

**WSR 92-18-014**  
**PERMANENT RULES**  
**WILDLIFE COMMISSION**

[Order 562—Filed August 21, 1992, 4:49 p.m.]

Date of Adoption: August 15, 1992.

Purpose: To amend WAC 232-28-227 1991-92, 1992-93, 1993-94 Elk hunting seasons and regulations, by restricting antlerless hunting in Bow Area 831 (Hamilton).

Citation of Existing Rules Affected by this Order: Amending WAC 232-28-227.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 92-14-106 on June 30, 1992.

Effective Date of Rule: Thirty-one days after filing.  
August 20, 1992

Curt Smitch  
Director  
for Dean A. Lydig  
Chairman, Wildlife Commission

#### AMENDATORY SECTION (Amending Order 548, filed 6/1/92)

#### **WAC 232-28-227 1991-92, 1992-93, 1993-94 Elk hunting seasons and regulations**

##### **ELK SEASONS**

Bag Limit: One (1) elk per hunter during the annual (July 1-March 31) hunting season.

Hunting Method: Elk hunters must select one of the hunting methods (modern firearm, archery, muzzleloader).

Tag Required: Elk hunters must choose one of the four elk hunting areas (Blue Mountains, Yakima, Colockum or Western Washington) to hunt in and buy the appropriate tag for that area. (Archery elk hunters may hunt in any tag area in late seasons.)

Bull Elk Seasons: Open only to the taking of male elk with visible antlers (bull calves are illegal).

Definition: Visible Antler is defined as a horn-like growth projecting above the hairline.

Spike Bull Restriction GMUs: Bull elk taken in these GMUs must have at least one antler that is a spike above the ears (does not branch above ears). An animal with branch antlers on both sides is illegal but an animal with a spike on one side is legal in spike only units.

##### **SPIKE ONLY GMUS: 145-185 and 472.**

Branched Antler Restriction GMUs: Bull elk taken in these GMUs must meet minimum antler point requirements. Minimum antler point requirements are antler points on one side only. Antler points include eye guards but all antler points must be at least one inch long. Antler restrictions apply to all hunters during any open season.

3 Point GMUs: 418, 460, 466, 478, 490, 506, 524, 530, 556, 558, 572, 601, 602, 607, 621, 636, 638, 639, 681; and GMUs 157 and 485 by permit only.

Special Permits: Modern firearm late season elk tag holders along with muzzleloader tag holders may apply to be drawn in special elk permit seasons. Blue Mountain archery, muzzleloader, and early modern firearm tag holders may apply for bull permits in the Blue Mountains. Western Washington archery, muzzleloader, and early modern firearm tag holders may apply for bull permits in GMU 472 (White River). Hunters drawn for a special permit may hunt only with a weapon in compliance with their tag and during the dates listed for the hunt.

##### **MODERN FIREARM ELK INFORMATION**

Modern firearm elk hunters have early and late hunts in all elk areas. Those who choose the early tag have the first opportunity to hunt bulls, but only those who choose the late tag are able to apply for special elk permits except as outlined above for the Blue Mountains bull permits.

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched modern firearm elk tag as listed below on his/her person.

Hunting Method: May use rifle, bow and arrow, or muzzleloader, but only during modern firearm seasons.

##### **MODERN FIREARM ELK SEASONS**

Legal Elk: Male elk with visible antlers are legal throughout the state except in GMUs 145-185 and 472 only spike bull restrictions apply and in branched-antler areas branched antler restrictions apply.

Blue Mountains - Open Area: 100 series GMUs; GMUs 127, 130, and 157 limited to permit hunters only. GMUs 145-185 are spike bull only, except by permit.

BE - Blue Mountain Early Tag  
BL - Blue Mountain Late Tag  
BA - Blue Mountain Archery Tag  
BM - Blue Mountain Muzzleloader Tag

Colockum - Open Area: Chelan County portion of GMU 302 and GMUs 300, 301, 304, 306, 308, 314, 316, 328, 329,

330 (permit only in GMU 330), and the portion of GMU 334 north of I-90 (modern firearm restrictions in GMU 334).

- CE - Colockum Early Tag
- CL - Colockum Late Tag
- CA - Colockum Archery Tag
- CM - Colockum Muzzleloader Tag

Yakima - Open Area: Kittitas County portion of GMU 302 and GMUs 335, 336, 340, 342, 346, 352, 356, 360, 364, 366, 368, 370, and that portion of GMU 334 South of I-90 (modern firearm restrictions in GMU 334).

- YE - Yakima Early Tag
- YL - Yakima Late Tag
- YA - Yakima Archery Tag
- YM - Yakima Muzzleloader Tag

Western Washington - Open Area: All 400, 500, and 600 GMUs except closed in GMU 522. Permit only in GMUs 485, 524, 554, 556, and 602. GMU 472 is spike bull only, except by permit.

- WE - Western Washington Early Tag
- WL - Western Washington Late Tag
- WA - Western Washington Archery Tag
- WM - Western Washington Muzzleloader Tag

	Year		
	<u>1991</u>	<u>1992</u>	<u>1993</u>
<b>Blue Mountains</b>			
BE - Blue Mountains Early Elk Tag	Oct. 30-Nov. 10	Oct. 28-Nov. 8	Oct. 27-Nov. 7
BL - Blue Mountains Late Elk Tag	Nov. 2-10	Oct. 31-Nov. 8	Oct. 30-Nov. 7
<b>Colockum</b>			
CE - Colockum Early Elk Tag	Oct. 23-29	Oct. 28-Nov. 3	Oct. 27-Nov. 2
CL - Colockum Late Elk Tag	Oct. 26-29	Oct. 31-Nov. 3	Oct. 30-Nov. 2
<b>Yakima</b>			
YE - Yakima Early Elk Tag	Nov. 5-13	Nov. 5-13	Nov. 5-13
YL - Yakima Late Elk Tag	Nov. 8-13	Nov. 8-13	Nov. 8-13
<b>Western Washington</b>			
WE - Western Washington Early Elk Tag	Nov. 6-17	Nov. 4-15	Nov. 3-14
WL - Western Washington Late Elk Tag	Nov. 9-17	Nov. 7-15	Nov. 6-14

**ARCHERY ELK SEASONS**

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person.

Hunting Method: Bow and arrow only.

Special Notes: Archery tag holders can only hunt during archery seasons. Only Blue Mountain archers may apply for Blue Mountains bull archery permits. Only western Washington archers may apply for GMU 472 bull archery permits. If drawn, archers must hunt with archery equipment and only during the permit archery season.

**EARLY ARCHERY ELK SEASONS**

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person for the area hunted: Blue Mountain (BA), Colockum (CA), Yakima (YA), or Western Washington (WA).

GMUs	Elk Tag	Dates			Legal Elk
		<u>1991</u>	<u>1992</u>	<u>1993</u>	
100-118, 121-142, 178	BA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex
145-154, 160-169, 175, 181-185	BA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Antlerless or spike only
300, 306, 308, 316	CA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex
328, 329, 330	CA		Oct. 5-14	Oct. 4-14	Either sex
335, 336-340, 352-356, 364, 370	YA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex
405-410, 426-466, 472, 478, 490, 504, 505, 510, 512, 514, 516, 520, 640, 530, 550, 554, 558, 560, 568, 572, 574, 576, 580, 586, 588-601, 607, 615, 618, 638-663, 667, 669, 678, 681	WA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex except antlerless or 3-pt. min. in GMUs
484	WA	Sept. 28-Oct. 4	Oct. 1-7	Oct. 1-7	Either sex
418, 621	WA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	3-Pt. min.
802	WA	Sept. 28-Oct. 11	Oct. 1-14	Oct. 1-14	Either sex

**LATE ARCHERY ELK SEASONS**

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched archery elk tag on his/her person for any area.

GMUs	Dates			Legal Elk
	<u>1991</u>	<u>1992</u>	<u>1993</u>	
118, 121, 124, 127, 178	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Either sex
166	Nov. 27-Dec. 15	Nov. 25-Dec. 15	Nov. 24-Dec. 15	Antlerless only
328, 336, 346, 352	Nov. 27-Dec. 8	Nov. 25-Dec. 8	Nov. 24-Dec. 8	Either sex

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405, 433, 454, Nov. 27- Nov. 25- Nov. 24- Either sex  
 484, 505, 520, Dec. 15 Dec. 15 Dec. 15  
 564, 588, 603,  
 612, 615, 648,  
 672

506, 530, Nov. 27- Nov. 25- Nov. 24- Antlerless  
 638, 681\* Dec. 15 Dec. 15 Dec. 15 or 3-pt.  
 min.

636 Nov. 27- Nov. 25- Nov. 24- 3 Pt. min.  
 Dec. 15 Dec. 15 Dec. 15

\* Except closed between U.S. Highway 101 and the Columbia River from Astoria-Megler toll bridge to the Wallicut River.

**Bow Areas**  
 802 Nov. 27- Nov. 25- Nov. 24- Either sex  
 Dec. 15 Dec. 15 Dec. 15

806, 807 Nov. 27- Nov. 25- Nov. 23- Either sex  
 Dec. 8 Dec. 8 Dec. 8

831 Nov. 27- Nov. 25- Nov. 24- ((Antler-  
 Dec. 15 Dec. 15 Dec. 15 less-~~er~~))  
 3-pt. min.

**MUZZLELOADER ELK SEASONS**

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as listed below on his/her person.

Hunting Method: Muzzleloader only.

Special Notes: Hunters selecting the muzzleloader elk tag may apply for special hunt permit seasons, if eligible.

**EARLY MUZZLELOADER ELK SEASONS**

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as designated below on his/her person.

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	

172 BM Oct. 5-11 Oct. 8-14 Oct. 8-14 Spike bull only

302 CM, YM Oct. 5-11 Oct. 8-14 Oct. 8-14 Bull only

314\* CM Oct. 5-11 Oct. 8-14 Oct. 8-14 Bull only

342 YM Oct. 8-14 Oct. 8-14 Antlerless only

368 YM Oct. 5-11 Oct. 8-14 Oct. 8-14 Bull only

603, 612 WM Oct. 5-11 Oct. 8-14 Oct. 8-14 Bull only

460, 506, WM Oct. 5-11 Oct. 8-14 Oct. 8-14 3-Pt. min.  
 636

484, 501, WM Oct. 5-11 Oct. 8-14 Oct. 8-14 Either sex  
 564, 684

**Muzzleloader**  
 Area 910 YM Oct. 5-11 Oct. 5-14 Oct. 4-14 Either sex

\* The portion of GMU 314 bounded by the Colockum Pass Road (Road 10), Naneum Ridge Road (Road 9), and Ingersol Road (Road 1) is closed.

**LATE MUZZLELOADER ELK SEASONS**

Tag Required: Elk hunter must have a current, valid, unaltered, unnotched muzzleloader elk tag as designated below on his/her person.

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
130, 133, 136	BM	Nov. 27- Dec. 15	Nov. 25- Dec. 15	Nov. 24- Dec. 15	Either sex
184	BM	Nov. 27- Dec. 15	Nov. 25- Dec. 15	Nov. 24- only	Antlerless
346	YM		Nov. 17-20	Nov. 16-19	Antlerless only
484	WM	Nov. 27- Dec. 15	Nov. 25- Dec. 15	Nov. 24- Dec. 15	Either sex
501, 568, 574, 576, 580, 586	WM	Nov. 27- Dec. 15	Nov. 25- Dec. 15	Nov. 24- Dec. 15	Either sex
505	WM	Nov. 19-24	Nov. 17-22	Nov. 16-21	Either sex
504, 550	WM	Nov. 27- Dec. 15	Nov. 25- Dec. 15	Nov. 24- Dec. 15	Bull only
601	WM	Nov. 27- Dec. 15	Nov. 25- Dec. 15	Nov. 24- Dec. 15	3-Pt. bull min.
684	WM	Nov. 27- Dec. 15	Nov. 25- Dec. 15	Nov. 24- Dec. 15	Either sex
<b>Muzzleloader Areas</b>					
910	YM	Nov. 17- Dec. 8	Nov. 17- Dec. 8	Nov. 17- only	Antlerless
944	YM	Nov. 17-20	Nov. 17-20	Nov. 16-19	Either sex

**SPECIAL ELK HUNTS OPEN TO SPECIFIED TAG HOLDERS**

Tag Required: Proper elk tags are listed with each GMU below.

Hunting Method: Hunters must use method listed on their tag, except in Firearm Restriction Areas, where some types of weapons are banned from use. See elk tag required, dates, and legal elk in table below.

**Antlerless or Either Sex Elk Hunts**

GMUs	Elk Tag	Dates			Legal Elk
		1991	1992	1993	
100, 103, 105, 108, 121, 124 west of SR 395, 133, 136	BE, BL	Nov. 2-10	Oct. 31- Nov. 8	Oct. 30- Nov. 7	Either sex
178	BE, BL	Nov. 9-10	Nov. 7-8	Nov. 6-7	Either Sex
200-284	Any Elk Tag	Oct. 24- Nov. 15	Oct. 24- Nov. 15	Oct. 24- Nov. 15	Either sex

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370	CM, YE, YL, YM	Nov. 1-30	Nov. 1-30	Nov. 1-30	Either sex
564*	WA, WM, WE, WL	Nov. 6-17	Nov. 4-15	Nov. 3-14	Either sex
501, 568, 574, 576, 586, 588	WE, WL	Nov. 6-17	Nov. 4-15	Nov. 3-14	Either sex
GMUs 300, 304, 306, 308, and 316 east of Highway 2.					
	CE, CL, CM	Dec. 7-22	Dec. 5-20	Dec. 4-19	Antlerless only

\* Archery or muzzleloader equipment only. Modern firearm elk tag holders may hunt but must use primitive weapons.

**Report Cards**

Each successful hunter must fill out and return a Game Harvest Report Card to the Department of Wildlife within 10 days after taking an elk.

**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 92-18-015**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
 (Occupational Therapy Practice Board)  
 [Order 300B—Filed August 24, 1992, 3:13 p.m.]

Date of Adoption: June 5, 1992.

Purpose: Clarify continuing competency requirements, to update acceptable examination rule, to clarify licensure exemptions, to adopt temporary permits for individuals licensed in other states, and to adopt treatment program for drug/alcohol impaired therapists.

Citation of Existing Rules Affected by this Order: Amending WAC 246-847-010, 246-847-065, 246-847-080, and 246-847-110.

Statutory Authority for Adoption: RCW 18.59.130.

Pursuant to notice filed as WSR 92-09-153 on April 22, 1992.

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

July 29, 1992  
 Clark Battan, OT  
 Chair

**AMENDATORY SECTION** (Amending Order 171B, filed 5/16/91, effective 6/16/91)

**WAC 246-847-010 Definitions.** (1) The following terms in RCW 18.59.020(2) shall mean:

(a) "Scientifically based use of purposeful activity" is the treatment of individuals using established methodology based upon the behavioral and biological sciences and includes the analysis, application and adaptation of activities for use with individuals having a variety of physical, emotional, cognitive and social disorders. Use of purposeful activity includes a process of continually modifying treatment to meet the changing needs of an individual. Purposeful activity is goal-oriented and cannot be routinely prescribed.

(b) "Teaching daily living skills" is the instruction in daily living skills based upon the evaluation of all the components of the individual's disability and the adaptation or treatment based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(c) "Developing prevocational skills and play and avocational capabilities" is not only the development of prevocational skills and play and avocational capabilities but involves the scientifically based use of purposeful activity.

(d) "Designing, fabricating, or applying selected orthotic and prosthetic devices or selected adaptive equipment" is not specific occupational therapy services if a person designs, fabricates, or applies selected orthotic and prosthetic devices or selected adaptive equipment for an individual if the device or equipment is prescribed or ordered by a health care professional authorized by the laws of the state of Washington to prescribe the device or equipment or direct the design, fabrication, or application of the device or equipment.

(e) "Adapting environments for the handicapped" is the evaluation of all the components of an individual's disability and the adaptation of the environment of the individual based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(2) "Supervision" and "regular consultation" of an occupational therapy assistant by an occupational therapist in RCW 18.59.020(4) and "direct supervision" of a person holding a limited permit by an occupational therapist in RCW 18.59.040(7) shall mean face to face meetings between the occupational therapist and occupational therapy assistant and between the occupational therapist and holder of a limited permit occurring at intervals as determined necessary by the occupational therapist to establish, review, or revise the client's treatment objectives. The meetings shall be documented and the documentation shall be maintained in each client's treatment record. The failure to meet to establish, review, or revise the client's treatment objectives at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license and/or the occupational therapy assistant's license to practice in the state of Washington and/or the limited permit pursuant to WAC 246-847-160 (4) and (14), 246-847-170 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.

(3) "Professional supervision" of an occupational therapy aide in RCW 18.59.020(5) shall mean:

(a) Documented training by the occupational therapist of the occupational therapy aide in each specific occupational therapy technique for each specific client and the training shall be performed on the client;

(b) Face to face meetings between the occupational therapy aide and the supervising occupational therapist or an occupational therapy assistant under the direction of the supervising occupational therapist occurring at intervals as determined by the occupational therapist to meet the client's needs, but shall occur at least once every two weeks; and

(c) The occupational therapist shall observe the occupational therapy aide perform on the client the specific occupational therapy techniques for which the occupational therapy aide was trained at intervals as determined by the occupa-

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tional therapist to meet the client's needs, but shall occur at least once a month.

The meetings and client contacts shall be documented and the documentation shall be maintained in the client's treatment records. The failure to meet at sufficient intervals to meet the client's needs shall be grounds for disciplinary action against the occupational therapist's license to practice in the state of Washington pursuant to WAC 246-847-160 (4) and (14), 246-847-170 (2) and (3) and RCW 18.59.100 for conduct occurring prior to June 11, 1986 and pursuant to RCW 18.130.180 for conduct occurring on or after June 11, 1986.

(4) Sections (2) and (3) of this rule shall not be effective until July 1, 1985.

(5) "Clients" include patients, students, and those to whom occupational therapy services are delivered.

(6) "Evaluation" is the process of obtaining and interpreting data necessary for treatment, which includes, but is not limited to, planning for and documenting the evaluation process and results. The evaluation data may be gathered through record review, specific observation, interview, and the administration of data collection procedures, which include, but are not limited to, the use of standardized tests, performance checklists, and activities and tasks designed to evaluate specific performance abilities.

(7) "Work site" in RCW 18.59.080 means the primary work location.

(8) "In association" for RCW 18.59.040(7) shall mean practicing in a setting in which another occupational therapist licensed in the state of Washington is available for consultation and assistance as needed to provide protection for the clients' health, safety and welfare.

(9) One "contact hour" is considered to be ~~((sixty))~~ fifty minutes.

(10) "Peer reviewer" shall mean a licensed occupational therapist chosen by the licensee to review the self study plan and verify that the self study activity meets the objectives for peer reviewed self study as defined in WAC 246-847-065.

AMENDATORY SECTION (Amending Order 171B, filed 5/16/91, effective 6/16/91)

**WAC 246-847-065** Continued competency. Beginning January 1, 1993, evidence of continued competency completed after January 1, 1991, for the practice of occupational therapy shall include a minimum of thirty contact hours of continuing education ~~((per))~~ for each two-year license renewal period. The thirty contact hours may be obtained through two or more of the following methods which have specified goals and objectives relating to the practice of occupational therapy as defined in RCW 18.59.020 and WAC ~~((308-171-004))~~ 246-847-010; inservices, coursework, conferences, workshops, peer reviewed self study, presentations, or publications.

AMENDATORY SECTION (Amending Order 112B, filed 2/12/91, effective 3/15/91)

**WAC 246-847-080** Examinations. (1) The current series of the American Occupational Therapy ~~((Association))~~ Certification Board examination shall be the official examination for licensure as an occupational therapist or as an occupational therapy assistant.

(2) The examination for licensure as an occupational therapist shall be conducted twice a year, in January and July.

(3) The examination for licensure as an occupational therapy assistant shall be conducted twice a year, in January and July.

(4) The ~~((executive secretary))~~ program manager of the board shall negotiate with the American Occupational Therapy ~~((Association, Inc.))~~ Certification Board for the use of the certification examination.

(5) The examination shall be conducted in ~~((accord))~~ accordance with the American Occupational Therapy ~~((Association, Inc.'s))~~ Certification Board security measures and contract.

(6) Applicants shall be notified of the examination results in accordance with the procedures developed by the American Occupational Therapy ~~((Association, Inc.))~~ Certification Board.

(7) Examination scores will not be released except as authorized by the applicant in writing.

(8) ~~((Public notice of the examination dates shall be provided by issuance of press releases by the department at least ninety days prior to the examination dates.~~

~~((9))~~ To be eligible for a license, applicants must attain a passing score on the examination administered by the American Occupational Therapy ~~((Association, Inc.))~~ Certification Board.

AMENDATORY SECTION (Amending Order 171B, filed 5/16/91, effective 6/16/91)

**WAC 246-847-110** Persons exempt from licensure pursuant to RCW 18.59.040(5). (1) To qualify for the exemption from licensure pursuant to RCW 18.59.040(5), the individual claiming the exemption shall have been actively engaged in the practice of occupational therapy within the preceding four-year period and shall in writing notify the department, at least thirty days before any occupational therapy services are performed in this state, of the following:

(a) In which state(s) the individual is licensed to perform occupational therapy services and the license number(s); ~~((or))~~ and

(b) The name, address, and telephone number of at least one facility or employer where the individual has been engaged in the practice of occupational therapy within the preceding four years; or

(c) If the exemption is claimed pursuant to RCW 18.59.040 (5)(b), the individual shall submit a signed notarized statement attesting to:

(i) Having passed the American Occupational Therapy ~~((Association))~~ Certification Board examination; and

(ii) Having engaged in occupational therapy practice within the preceding four years, including the name, address, and telephone number of at least one facility or employer during this period;

(iii) Not having engaged in unprofessional conduct or gross incompetency as established in WAC 246-847-160 for conduct occurring prior to June 11, 1986 and as established in RCW 18.130.180 for conduct occurring on or after June 11, 1986; and not having been convicted of a crime involving moral turpitude or a felony relating to the profession of occupational therapy; and

~~((e))~~ (d) A signed notarized statement describing when the occupational therapy services will be performed, where the occupational therapy services will be performed, and how long the individual will be performing occupational therapy services in this state.

(2) A ninety-day temporary permit must be received by the occupational therapist prior to rendering of occupational therapy services.

(3) "Working days" in RCW 18.59.040(5) shall mean consecutive calendar days.

#### NEW SECTION

**WAC 246-847-117** Temporary permits—Issuance and duration pursuant to RCW 18.130.075. (1) Unless there is a basis for denial of an occupational therapist or occupational therapy assistant license, an applicant who is currently licensed in a jurisdiction considered by the board to have licensing standards substantially equivalent to Washington's shall be issued a temporary practice permit after receipt of the following documentation by the department of health:

(a) Submission of a completed occupational therapist or occupational therapy assistant application on which the applicant indicates that he or she wishes to receive a temporary practice permit;

(b) Payment of the application fee and temporary practice permit fee; and

(c) Direct written verification of current licensure from the state whose licensing standards are substantially equivalent to Washington's.

(2) The temporary practice permit shall expire upon the issuance of a license by the board; initiation of an investigation by the board; or ninety days, whichever occurs first.

(3) An applicant who receives a temporary practice permit and who does not complete the licensure application process shall not receive additional temporary practice permits even upon submission of a new application in the future.

#### NEW SECTION

**WAC 246-847-340** Philosophy governing voluntary substance abuse monitoring programs. The board recognizes the need to establish a means of proactively providing early recognition and treatment options for occupational therapists and occupational therapy assistants whose competency may be impaired due to the abuse of drugs or alcohol. The board intends that such occupational therapists or occupational therapy assistants be treated and their treatment monitored so that they can return to or continue to practice their profession in a way which safeguards the public. To accomplish this the board shall approve voluntary substance abuse monitoring programs and shall refer occupational therapists and occupational therapy assistants impaired by substance abuse to approved programs as an alternative to instituting disciplinary proceedings as defined in RCW 18.130.160.

#### NEW SECTION

**WAC 246-847-350** Terms used in WAC 246-847-340 through 246-847-370. (1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the board has determined meets the requirements of the law and the criteria established by the board in WAC 246-915-320 which enters into a contract with occupational therapists and occupational therapy assistants who have substance abuse problems regarding the required components of the occupational therapist's or occupational therapy assistant's recovery activity and oversees the occupational therapist's or occupational therapy assistant's compliance with these requirements. Substance abuse monitoring programs do not provide evaluation or treatment to participating occupational therapists or occupational therapy assistants.

(2) "Contract" is a comprehensive, structured agreement between the recovering occupational therapist or occupational therapy assistant and the approved monitoring program stipulating the occupational therapist's or occupational therapy assistant's consent to comply with the monitoring program and its required components of the occupational therapist's or occupational therapy assistant's recovery activity.

(3) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services according to RCW 70.96A.020(2) or 69.54.030 to provide intensive alcoholism or drug treatment if located within Washington state. Drug and alcohol treatment programs located out-of-state must be equivalent to the standards required for approval under RCW 70.96A.020(2) or 69.54.030.

(4) "Substance abuse" means the impairment, as determined by the board, of a occupational therapist's or occupational therapy assistant's professional services by an addiction to, a dependency on, or the use of alcohol, legend drugs, or controlled substances.

(5) "Aftercare" is that period of time after intensive treatment that provides the occupational therapist or occupational therapy assistant and the occupational therapist's or occupational therapy assistant's family with group or individual counseling sessions, discussions with other families, ongoing contact and participation in self-help groups and ongoing continued support of treatment program staff.

(6) "Support group" is a group of health care professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced health care professional facilitator in which occupational therapist or occupational therapy assistant may safely discuss drug diversion, licensure issues, return to work and other professional issues related to recovery.

(7) "Twelve steps groups" are groups such as alcoholics anonymous, narcotics anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, a peer group association, and self-help.

(8) "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 being tested.

(9) "Health care professional" is an individual who is licensed, certified or registered in Washington to engage in the delivery of health care to patients.

#### NEW SECTION

**WAC 246-847-360 Approval of substance abuse monitoring programs.** The board will approve the monitoring program(s) which will participate in the board's substance abuse monitoring program. A monitoring program approved by the board may be contracted with an entity outside the department but within the state, out-of-state, or a separate structure within the department.

(1) The approved monitoring program will not provide evaluation or treatment to the participating occupational therapists or occupational therapy assistants.

(2) The approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of occupational therapy 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) Support groups;
- (e) The occupational therapy work environment; and
- (f) The ability of the occupational therapist or occupational therapy assistant to practice with reasonable skill and safety.

(3) The approved monitoring program will enter into a contract with the occupational therapist or occupational therapy assistant and the board to oversee the occupational therapist's or occupational therapy assistant's 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 an occupational therapist or occupational therapy assistant will be prohibited from engaging in the practice of occupational therapy for a period of time and restrictions, if any, on the occupational therapist's or occupational therapy assistant'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 occupational therapist or occupational therapy assistant as to whether treatment progress is acceptable.

(8) The approved monitoring program shall report to the board any occupational therapist or occupational therapy assistant who fails to comply with the requirement of the monitoring program.

(9) The approved monitoring program shall receive from the board guidelines on treatment, monitoring, and limitations on the practice of occupational therapy for those participating in the program.

#### NEW SECTION

**WAC 246-847-370 Participation in approved substance abuse monitoring program.** (1) In lieu of disciplinary action, the occupational therapist or occupational therapy assistant may accept board referral into the approved substance abuse monitoring program.

(a) The occupational therapist or occupational therapy assistant shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The occupational therapist or occupational therapy assistant 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 occupational therapist or occupational therapy assistant will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The occupational therapist or occupational therapy assistant will agree to remain free 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.

(iii) The occupational therapist or occupational therapy assistant must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The occupational therapist or occupational therapy assistant must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis and goals.

(v) The occupational therapist or occupational therapy assistant will submit to random drug screening as specified by the approved monitoring program.

(vi) The occupational therapist or occupational therapy assistant will attend support groups facilitated by a health care professional and/or twelve step group meetings as specified by the contract.

(vii) The occupational therapist or occupational therapy assistant will comply with specified employment conditions and restrictions as defined by the contract.

(viii) The occupational therapist or occupational therapy assistant shall sign a waiver allowing the approved monitoring program to release information to the board if the occupational therapist or occupational therapy assistant does not comply with the requirements of this contract.

(c) The occupational therapist or occupational therapy assistant is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(d) The occupational therapist or occupational therapy assistant may be subject to disciplinary action under RCW 18.130.160 if the occupational therapist or occupational therapy assistant 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) An occupational therapist or occupational therapy assistant 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 18.130.160 for their substance abuse, and shall not have their participation made known to the board if they meet the requirements of the approved monitoring program:

(a) The occupational therapist or occupational therapy assistant shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment.

(b) The occupational therapist or occupational therapy assistant 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 occupational therapist or occupational therapy assistant will undergo intensive substance abuse treatment in an approved treatment facility.

(ii) The occupational therapist or occupational therapy assistant will agree to remain free 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.

(iii) The occupational therapist or occupational therapy assistant must complete the prescribed aftercare program of the intensive treatment facility, which may include individual and/or group psychotherapy.

(iv) The occupational therapist or occupational therapy assistant must cause the treatment counselor(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment, prognosis and goals.

(v) The occupational therapist or occupational therapy assistant will submit to random drug screening as specified by the approved monitoring program.

(vi) The occupational therapist or occupational therapy assistant will attend support groups facilitated by a health care professional and/or twelve step group meetings as specified by the contract.

(vii) The occupational therapist or occupational therapy assistant will comply with employment conditions and restrictions as defined by the contract.

(viii) The occupational therapist or occupational therapy assistant shall sign a waiver allowing the approved monitoring program to release information to the board if the occupational therapist or occupational therapy assistant does not comply with the requirements of this contract.

(c) The occupational therapist or occupational therapy assistant is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, and random drug screens.

(3) 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 RCW 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 subsections (1) and (2) of this section. 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.

**WSR 92-18-018**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
 (Real Estate Appraiser Program)  
 [Filed August 24, 1992, 4:40 p.m.]

Date of Adoption: August 7, 1992.

Purpose: To comply with federal appraisal subcommittee recommendations and regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 308-125-010 (3), (19), (20), and (21) Definitions, 308-125-020(2) Application process to take examination, 308-125-030 (2) and (4) Examination prerequisite general classification, 308-125-070(1) Experience requirements, 308-125-080 (1) and (2) Application for certification, 308-125-120 (11) and (12) Fees and charges, and 308-125-130 (1), (2), and (3) Examination.

Statutory Authority for Adoption: RCW 18.140.030 (1)(14) and chapter 18.40 RCW.

Pursuant to notice filed as WSR 92-14-084 on June 29, 1992.

Changes Other than Editing from Proposed to Adopted Version: The Department of Licensing does not adopt proposed changes to WAC 308-125-100 based on comments received from the community and technical colleges.

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

August 21, 1992

Mary Riveland  
 Director

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

**WAC 308-125-010 Definitions.** (1) Words and terms used in these rules shall have the same meaning as each has in the Certified Real Estate Appraiser Act, (chapter 18.140 RCW).

(2) "Appraisal" or "real estate appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate for or in expectation of compensation. An appraisal may be classified by subject matter into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value.

(3) "Appraisal report" means any communication, written or oral, of an appraisal. Except all appraisal reports in federally related transactions are required to be written reports.

(4) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a

disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate. The term "appraisal assignment" may apply to valuation work and analysis work.

(5) "Certified appraisal" means an appraisal prepared or signed by a state-certified real estate appraiser. A certified appraisal represents to the public that it meets the appraisal standards defined in this chapter.

(6) "Department" means the department of licensing.

(7) "Director" means the director of the department of licensing.

(8) "Real estate" means an identified parcel or tract of land, including improvements, if any.

(9) "Real property" means one or more defined interests, benefits, or rights inherent in the ownership of real estate.

(10) "Specialized appraisal services" means all appraisal services which do not fall within the definition of appraisal assignment. The term "specialized appraisal service" may apply to valuation work and to analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not a specialized appraisal service.

(11) "State-certified real estate appraiser" means a person who develops and communicates real estate appraisals, and who holds a valid certificate issued to him/her for either general or residential real estate under this chapter. A state-certified real estate appraiser may designate or identify an appraisal rendered by him/her as a "certified appraisal" and indicate which type of certification is held.

(12) "Advisory committee" means a committee of seven individuals, of whom at least five are real estate appraisers appointed by the director to provide technical assistance relating to real estate appraisal standards and real estate appraiser experience, education, and examination requirements that are appropriate for each classification of state-certified real estate appraiser.

(13) "College degree" means a baccalaureate degree awarded by a college or university which has been accredited by the Council on Postsecondary Accreditation or an accrediting body approved by the United States Department of Education.

(14) "Classroom hour" means fifty minutes out of each sixty minute hour.

(15) "Full-time" means the equivalent twelve-month period in which an applicant works at least one thousand five hundred hours in real estate appraisal.

(16) "Residential real estate appraiser" classification applies to those individuals qualified to appraise one to four residential units.

(17) "General real estate appraiser" classification applies to those individuals qualified to appraise all types of real property.

(18) "Associate college degree" means a degree awarded by a college or university which has been accredited by the Council on Postsecondary Accreditation or an accrediting body approved by the United States Department of Education. The associate degree must be based upon a minimum two-year program.

(19) "Federally related transaction" means any real estate-related financial transaction which Federal Financial Institutions Regulatory Agency (FFIRA) or the Resolution Trust Company (RTC) engages in, contracts for, or regulates and which requires the services of an appraiser.

(20) "Real estate related-financial transaction" means any transaction involving:

(a) The sale, lease, purchase, investment in, or exchange of real property, including interests in property or the financing thereof;

(b) The refinancing of real property or interests in real property; and

(c) The use of real property or interest in property as security for a loan or investment, including mortgage-backed securities.

(21) "Residential properties" means one to four single family residential units and lots where the highest and best use is for one to four family purposes.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

**WAC 308-125-020 Application process to take examination.** (1) Any person desiring to take an examination for certification as a state-certified residential real estate appraiser, or as a state-certified general real estate appraiser, must submit a completed examination application with supporting documents and appropriate fee to the department of licensing, professional licensing services, at its official address. After the qualifications for the examination have been verified by the department, the applicant shall submit the preapproved examination application, the request for examination and the appropriate fee to the testing service approved by the director.

(2) ((The applicant will be assigned to the first available examination subsequent to determination of eligibility. The cut-off date for eligibility for any specific examination is available to the applicant upon request.)) An application and the application fee shall be valid for six months from receipt by the department. After six months, if the applicant has not met the prerequisite to sit for the certification examination, the applicant must submit a new application with the appropriate fee.

(3) Dishonored checks will be considered as an incomplete application.

(4) An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the department of licensing or the approved testing agency.

AMENDATORY SECTION (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

**WAC 308-125-030 Examination prerequisite general classification.** The general real estate appraiser classification applies to the appraisal of all types of real property.

(1) As a prerequisite to taking the examination for certification as a state-certified general real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than one hundred sixty-five classroom hours of courses in

subjects related to real estate appraisal approved by the director. Each applicant must have successfully completed not less than thirty classroom hours of study relating to the basic principles of real estate appraising and not less than fifteen classroom hours of study specifically relating to the Uniform Standards of Professional Appraisal Practice.

(2) An original certification as a state-certified general real estate appraiser shall not be issued to any person who does not possess two years (twenty-four months) of experience as a full-time real estate appraiser in Washington or in another state having comparable certification requirements within the five years immediately preceding the filing of the application for examination and certification. An applicant may accumulate the required experience over the preceding five years; however, ~~((no more than fifteen hundred hours may be credited in any twelve-month period))~~ a minimum of two years (twenty-four months) is required.

(3) To fulfill the experience requirement, a candidate must have at least fifteen hundred hours, accumulated over the previous five years, of nonresidential appraisal experience.

(4) The content for courses required prerequisite to taking the examination for certification as a state certified general real estate appraiser ~~((should))~~ must include coverage of ~~((real estate appraisal related topics, such as))~~ all topics listed below, with particular emphasis on the appraisal of nonresidential properties:

- (a) Influences on real estate value.
- (b) Legal considerations in appraisal.
- (c) Types of value.
- (d) Economic principles.
- (e) Real estate markets and analysis.
- (f) Valuation process.
- (g) Property description.
- (h) Highest and best use analysis.
- (i) Appraisal math and statistics.
- (j) Sales comparison approach.
- (k) Site value.
- (l) Cost approach.
- (m) Income approach.
- (n) Valuation of partial interests.
- (o) Appraisal standards and ethics.

Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.

**AMENDATORY SECTION** (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

**WAC 308-125-070 Experience requirements.** (1) A minimum of two years (twenty-four months) full-time experience is required. To attain the requisite experience an applicant may accumulate hours worked during the preceding five years; however, no more than fifteen hundred hours may be credited in any twelve-month period.

(2) The work product claimed for experience credit must be in conformity with the Uniform Standards of Professional Appraisal Practice or shall be in compliance with generally accepted standards which were in effect at the time those appraisals were prepared.

(3) An appraiser applying for certification must verify his/her completion of the required experience via affidavit,

under oath subject to penalty of perjury on a form provided by the department.

To demonstrate experience the department may require submission of a log which details hours claimed for experience credit. The department may also require an affidavit from an employer concerning the applicant's length of experience.

(4) An appraiser performing appraisal work enabling the appraiser to apply for appraisal experience on an hourly basis, includes, but is not limited to, the following:

Fee and staff appraisal, ad valorem tax appraisal, review appraisal, appraisal analyst, real estate counseling, highest and best use analysis, feasibility analysis/study, market analysis/ study, teacher of appraisal courses.

(5) The department reserves the right to contact an employer for confirmation of experience claimed. This will require an employer to confirm via affidavit the experience of an applicant.

(6) The department may request submission of written reports or file memoranda claimed by the applicant in the applicant's application for experience credit.

**AMENDATORY SECTION** (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/81)

**WAC 308-125-080 Application for certification.** (1) Upon receipt of notice of passage of the examination, applicants must submit a complete original certification application with the certification fee to the department of licensing, professional licensing services at its official address. The department will verify qualifications under chapter 18.140 RCW and the rules promulgated thereunder.

(2) Each original and renewal certificate issued under RCW 18.140.130 shall expire on the applicant's second birthday following issuance of the certificate.

#### **NEW SECTION**

**WAC 308-125-085 Temporary practice.** (1) A real estate appraiser from another state who is licensed or certified by another state may apply for registration to receive temporary licensing or certification in Washington by paying a fee and filing a notarized application with the department on a form provided by the department.

(2) Licensing and certification privileges granted under the provisions of this section shall expire ninety days from issuance. Licensing or certification shall not be renewed, nor shall an applicant receive more than two registrations within any twelve-month period.

(3) Persons granted temporary licensing or certification privileges under this section shall not advertise or otherwise hold themselves out as being licensed or certified by the state of Washington.

(4) Persons granted temporary licensure or certification are subject to all provisions under this chapter.

**AMENDATORY SECTION** (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

**WAC 308-125-120 Fees and charges.** The following fees shall be paid under the provisions of chapter 18.140 RCW:

Title of Fee	Fee
(1) Application for examination	\$175.00
(2) Examination	75.00
(3) Reexamination	75.00
(4) Original certification	100.00*
(5) Certification renewal	275.00*
(6) Late renewal penalty	35.00
(7) Duplicate certificate	25.00
(8) Certification history record	25.00
(9) Application for reciprocity	175.00
(10) Original certification via reciprocity	100.00*
(11) <u>Temporary practice</u>	<u>150.00</u>
(12) Walk-in for examination	25.00

\* Proposed fees for these categories marked with an asterisk include an estimated \$25.00 to be submitted by the state to Federal Government. Title XI, SEC. 1109 requires each state to submit a roster listing of state certified appraisers to the Appraiser Subcommittee "no less than annually." The state is also required to collect from such individuals who perform appraisals in federally related transactions, an annual registry fee of "not more than \$50," such fees to be transmitted by the state to the federal government on an annual basis.

**AMENDATORY SECTION** (Amending WSR 91-04-074, filed 2/5/91, effective 3/8/91)

**WAC 308-125-130 Reexamination.** (1) ~~An applicant who has ((failed the examination, or failed to appear for a scheduled examination, may apply for reexamination provided the required reexamination fee is submitted.~~

~~(2) An applicant who has failed the examination, or failed to appear for a scheduled examination, may walk into an examination upon payment of the reexamination and walk-in fees if there are adequate space and booklets and upon presentation of the failure notice or examination admission ticket. The failure notice or examination admission ticket shall be valid for walk-in testing for a period of no more than six months after date of issuance.)) satisfied the prerequisite to sit for the certification examination must complete the examination within six months of approval date by the department.~~

~~(2) Any applicant who has passed the certification must become certified within six months from the date of such examination. Failure to comply with this provision will necessitate the submission of a new application, application fee, and the taking and passing of another examination prior to certification.~~

~~(3) An applicant who has failed the examination, or failed to appear for a scheduled examination, may apply for reexamination provided the required reexamination fee is submitted. The examination approval notice shall be valid for reexamination for a period of no more than six months after date of issuance.~~

**WSR 92-18-022**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)  
[Order 3442—Filed August 25, 1992, 1:02 p.m.]

Date of Adoption: August 25, 1992.

Purpose: Amended due to the passage of HB 2983 during the 1992 regular session.

Citation of Existing Rules Affected by this Order: Amending WAC 388-47-070 Jobs program—Priority of services.

Statutory Authority for Adoption: RCW 74.25.020.

Pursuant to notice filed as WSR 92-15-028 on July 7, 1992.

Effective Date of Rule: Thirty-one days after filing.  
August 25, 1992  
Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 3129, filed 12/31/90, effective 1/31/91)

**WAC 388-47-070 JOBS program—Priority of services.** A person's participation in JOBS activities shall be in accordance with the priorities of service set forth in this section and based on criteria for approval of participation in individual JOBS components. The department shall require nonexempt parents under twenty-four years of age to actively participate in orientation, assessment, and either education, vocational training, or employment programs. The department shall require one or more parents in the aid to families with dependent children employable program to actively participate in orientation, assessment, and either job search education, training, or employment. (1) The contractor shall give first priority for JOBS activity participation to target group volunteers (~~in the target groups~~). Target groups include:

(a) An AFDC recipient and applicant who received AFDC assistance for thirty-six or more of the preceding sixty months;

(b) A custodial parent under twenty-four years of age who did not complete high school and is not enrolled in high school, or a high school equivalent, at the time of application;

(c) A custodial parent under twenty-four years of age having little or no work experience in the preceding year; or

(d) A member of a family where the youngest child is within two years of ineligibility for AFDC because of age.

(2) The contractor shall give second priority for JOBS activity participation to other volunteers.

(3) The contractor shall give third priority for JOBS activity participation to nonexempt persons in a target group who do not volunteer.

(4) The contractor shall give fourth priority for JOBS activity participation to other nonexempt persons who do not volunteer.

(5) An AFDC applicant or recipient may volunteer for one or more JOBS components.



**WSR 92-18-027**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Public Assistance)  
 [Order 3443—Filed August 26, 1992, 11:35 a.m.]

Date of Adoption: August 26, 1992.  
 Purpose: SSI standards are reviewed and updated annually.  
 Citation of Existing Rules Affected by this Order: Amending WAC 388-29-295 Standards of assistance—Supplemental security income (SSI) program.  
 Statutory Authority for Adoption: RCW 74.04.620.  
 Pursuant to notice filed as WSR 92-15-027 on July 7, 1992.  
 Effective Date of Rule: Thirty-one days after filing.  
 August 26, 1992  
 Leslie F. James, Director  
 Administrative Services

AMENDATORY SECTION (Amending Order 3122, filed 12/28/90, effective 1/28/91)

**WAC 388-29-295 Standards of assistance—Supplemental security income (SSI) program.** Effective January 1, ((1991)) 1992, the standards of SSI assistance paid to an eligible individual and couple are:

	Standard	Federal SSI Benefit	State Supplement
<b>Area I: King, Pierce, Snohomish, Thurston, and Kitsap Counties</b>			
<b>Living alone</b>			
Individual	<del>((435.00))</del> 450.00	<del>(\$407.00))</del> 422.00	\$ 28.00
<b>Couple</b>			
Both eligible	<del>((632.00))</del> 655.00	<del>610.00))</del> 633.00	22.00
<b>With essential person</b>			
	<del>((633.00))</del> 655.00	<del>611.00))</del> 633.00	22.00
<b>With ineligible spouse</b>			
	<del>((599.00))</del> 614.00	<del>407.00))</del> 422.00	192.00

**Area II: All Counties Other Than the Above**

<b>Living alone</b>			
Individual	<del>((414.55))</del> 429.55	<del>407.00))</del> 422.00	7.55
<b>Couple</b>			
Both eligible	<del>((610.00))</del> 633.00	<del>610.00))</del> 633.00	0
<b>With essential person</b>			
	<del>((611.00))</del> 633.00	<del>611.00))</del> 633.00	0
<b>With ineligible spouse</b>			
	<del>((567.15))</del>	<del>407.00))</del>	160.15

582.15      422.00

Areas I and II: Shared living (all counties)

Individual	<del>((277.15))</del> <u>287.15</u>	<del>271.34))</del> <u>281.34</u>	5.81
<b>Couple</b>			
Both eligible	<del>((412.97))</del> <u>428.30</u>	<del>406.67))</del> <u>422.00</u>	6.30
<b>With essential person</b>			
	<del>((413.64))</del> <u>428.30</u>	<del>407.34))</del> <u>422.00</u>	6.30
<b>With ineligible spouse</b>			
	<del>((390.97))</del> <u>400.97</u>	<del>271.34))</del> <u>281.34</u>	119.63

**WSR 92-18-030**  
**PERMANENT RULES**  
**DEPARTMENT OF REVENUE**  
 [Filed August 26, 1992, 1:06 p.m.]

Date of Adoption: August 26, 1992.  
 Purpose: To provide a method for the Department of Revenue to receive and others to provide private stumpage sales data for the computation of stumpage value tables required by RCW 84.33.091.  
 Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.  
 Pursuant to notice filed as WSR 92-14-112 on July 1, 1992.  
 Effective Date of Rule: Thirty-one days after filing.  
 August 25, 1992  
 Russell W. Brubaker  
 Manager, Leg. & Policy

NEW SECTION

**WAC 458-40-615 Timber excise tax-Stumpage values-Reporting of private stumpage and log purchase sales and applicable logging costs to the department.** (1) INTRODUCTION. The department is required to semi-annually publish stumpage tables. The department has designated areas containing similar growing, harvesting and marketing conditions to be used as units for the preparation and application of stumpage values. Stumpage tables for each species or subclassification within a stumpage value area are prepared on or before each December 31 for use the following January through June and on or before June 30 for use July through December. The stumpage value is the amount that each species or subclassification would sell for at a voluntary sale (public or private) made in the ordinary course of business for purposes of immediate harvest. The stumpage values are determined in a manner which makes reasonable allowances for age, size, quantity, costs of removal, accessibility to point of conversion, market conditions and all other relevant factors from:  
 (a) Gross proceeds from sales (public and/or private) on the stump of similar timber of like quality and character at similar locations and in similar quantities;

PERMANENT



(b) Gross proceeds from sales (public and/or private) of logs adjusted to reflect only the portion of such proceeds attributable to value on the stump immediately prior to harvest; or

(c) A combination of (a) and (b) of this subsection.

(2) **REPORTING REQUIREMENT-IN GENERAL.** To enable the department to determine stumpage values, the department must have information on public and private sales of stumpage, both lump sum sales and scale sales. Informational reporting requirements on private sales of logs and applicable logging costs are deferred until such time, if any, when the department determines that private log sale information is necessary. An informational reporting requirement for private log sales will be instituted by the department only through the rule-making process. All public sales of stumpage and logs and applicable logging costs are available to the department through information sharing agreements. All private sales of stumpage are to be reported to the department as provided in this section.

(3) **REPORTING OF STUMPAGE PURCHASES-BUYERS.** All private stumpage purchases in excess of 100,000 board feet shall be reported to the department on the informational return provided by the department. The buyer of stumpage must report each stumpage purchase. For purposes of this section, all stumpage purchases are either;

(a) lump sum sales as defined in WAC 458-40-610(7), which states: "Lump sum sale. Also known as a cash sale or installment sale, it is a sale of timber wherein the total sale price is dependent upon an estimate of the total volume of timber in the sale rather than the actual timber harvested."; or

(b) scale sales as defined in WAC 458-40-610(16), which states: "Scale sale. A sale of timber in which the sale price is the product of the actual volume harvested and the unit price at the time of harvest."

(4) **REPORTING OF STUMPAGE PURCHASES-SELLERS.** The seller of stumpage shall report to the department the name and address of the buyer.

(5) **TIME OF REPORTING.** The informational returns for purchases of stumpage, and the name and address report by the seller are each due to the department no later than the last working day of the month following the month in which the purchase of stumpage occurred.

(6) **REPORTING-CONFIDENTIALITY OF INFORMATION.** All data submitted to the department in compliance with this section is confidential tax information protected from disclosure under RCW 82.32.330. To the extent allowable by law, the department will not use or publish the informational return information in a manner such that the data from a particular return can be identified.

(7) **INFORMATIONAL RETURN.** The return shall consist of an information page which contains the identification of the seller and buyer, the date of the sale, and such other information as the department may require for the identification of the transaction. In addition to the information page, the informational return shall contain a copy of the contract(s) or other instrument(s) of sale, a map of the location of the sale and a copy of the timber cruise or other volume estimate of the subject timber, all supplied by the person filing the return.

(a) A supply of informational returns will be provided to those persons involved in transactions on a regular basis.

(b) Persons who do not receive a supply of informational returns from the department will be provided a supply of informational returns upon a request to the department.

**WSR 92-18-036**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3444—Filed August 27, 1992, 1:32 p.m.]

Date of Adoption: August 27, 1992.

Purpose: Clarification of language and to provide for exception of H program children automatically eligible up to one year of age from the requirement for support enforcement referral.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-010 Alternative sources for medical care, 388-83-013 Cooperation in securing medical support, and 388-83-014 Good cause not to cooperate in securing medical support.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 92-15-007 on July 2, 1992.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-83-014 (4)(a) now reads "Anticipated or actual physical harm or emotional impairment substantially affecting the ability to function of the: . . ."

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

August 27, 1992

Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2126, filed 7/18/84)

**WAC 388-83-010 Alternative sources for medical care.** (1) A client shall use all third-party resources ((for medical care)) available to ((the applicant or recipient must be utilized)) a client for the payment of medical care to the fullest possible extent ((in the payment for the medical care prior to participation by)) before the department shall pay for medical care.

(2) The department has the authority to make((s)) agreements with providers of prepaid medical plans. The department shall require an eligible ((recipients)) client who chooses to participate in a prepaid program ((are required)) to ((utilize)) use such providers of service ((exclusively)) except for certain noncovered services for which the department may be responsible under the medical care program. ((See WAC 388-87-010(4).))

(3) Supplementation of medical services shall meet the following limitations:

(a) Supplemental services:

(i) Shall be services beyond those covered by the medical ((assistance)) care programs;

(ii) Shall not be required, implied or otherwise, by the provider in order for the ((recipient)) client to receive services covered by the medical ((assistance)) care program.

(b) Funds for payment of the supplemental services from a source other than the ~~((recipient))~~ client are not considered as income available to the ~~((recipient))~~ client for eligibility purposes if the funds:

- (i) ~~((The funds))~~ Are paid directly to the provider; and
- (ii) ~~((The funds))~~ Do not at any time come under the control of the ~~((recipient))~~ client.

**AMENDATORY SECTION** (Amending Order 3312, filed 1/15/92, effective 2/15/92)

**WAC 388-83-013 Cooperation in securing medical support.** (1) As a condition of eligibility for Medicaid, the department shall require a client(;) unless pregnant or a child, under one year of age and automatically eligible for medical assistance, or a client for whom there is a finding of good cause(;) to cooperate with the department in:

- (a) Obtaining medical support, as defined under WAC 388-11-011, for the client or for any other client other than an unborn for whom the client can legally assign rights; and
  - (b) Identifying and providing information to assist the department in pursuing any liable third party; and
  - (c) Establishing paternity of the client's child.
- (2) The department shall require a Medicaid client to cooperate as described under WAC 388-14-200 (2)(a), (b), (c), (3), (4), (5), (6), (7), (8), (9), and (16), unless:
- (a) The client is pregnant; or
  - (b) There is a finding of good cause under WAC 388-24-111.

(3) The department shall waive such client's cooperation requirements if the department finds the client has good cause for noncooperation as described under WAC 388-83-014.

(4) Unless the department finds good cause for noncooperation under WAC 388-24-111 or 388-83-014, the department shall find the client, who refuses to cooperate under subsection (1) of this section, ineligible to receive Medicaid.

(5) The department shall provide Medicaid to an otherwise eligible client when the person having the legal authority to cooperate on behalf of the client refuses such cooperation.

(6) Effective March 1, 1991, the department shall not establish an obligation to collect a client's birth costs that are:

- (a) Paid or expected to be paid by the department; and
- (b) Defined under WAC 388-11-011.

(7) The department may seek reimbursement of a client's birth costs covered by available insurance or other liable third party.

**AMENDATORY SECTION** (Amending Order 2809, filed 6/7/89)

**WAC 388-83-014 Good cause not to cooperate in securing medical care support.** (1) The department shall waive the cooperation requirement under WAC 388-83-013(1), if the client claims and the department determines cooperation is not in the best interest of the:

- (a) Medical care client for whom assignment is made; or
- (b) Person ~~((making the assignment))~~ responsible for cooperating.

(2) The department shall inform a client of the right to claim good cause for not cooperating.

(3) The department shall make a final determination of the existence of good cause using the time limits and exceptions described under WAC 388-84-110.

(4) ~~((The department shall find good cause if the cooperation is not in the best interest of the applicant or recipient/enrollee or the person responsible for cooperating.))~~ Circumstances constituting good cause for a client's noncooperation may include, but are not limited to:

(a) ~~((Cooperation is reasonably))~~ Anticipated ~~((to result in))~~ or actual physical harm or an emotional impairment substantially affecting the ability to function of the:

- (i) ~~((Applicant or recipient/enrollee))~~ Medical care client for whom assignment is made; or
  - (ii) Person responsible for cooperating.
- (b) ~~((That the person for whom support is sought was conceived as a result of))~~ Rape or incest resulting in conception of a person for whom support is sought;

(c) Legal proceedings for adoption are pending;

(d) ~~((The question of whether to place))~~ Active consideration of placement of the child for adoption ~~((is under active consideration))~~; or

(e) ~~((For an AFDC/FIP applicant or recipient/enrollee, if the))~~ A department ~~((finds))~~ finding of good cause for an AFDC/FIP client for not cooperating under WAC 388-24-111 ~~((for))~~ in establishing paternity for a child or a medical care support resource.

(5) ~~((If the client is otherwise eligible,))~~ The department shall not deny, delay, or discontinue medical assistance pending a determination of good cause for a client refusing to cooperate ~~((if the client complies with the requirements to furnish evidence or information))~~.

(6) At each reapplication or eligibility reevaluation, the department shall review all cases in which the department found good cause for refusing to cooperate. If good cause no longer exists, the department shall rescind the decision and require cooperation by the client.

(7) ~~((If))~~ When the department determines good cause does not exist the department shall:

(a) ~~((The department shall))~~ Notify the client, in writing, and afford the client the opportunity to:

- (i) Cooperate;
- (ii) ~~((Withdraw the application for medical assistance; (iii)))~~ Have the case closed; or
- ~~((iv))~~ (iii) Request a fair hearing; and

(b) ~~((The department shall deny or))~~ Terminate medical assistance, if the client refuses to cooperate as required under WAC 388-83-013.

**WSR 92-18-037**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Institutions)

[Order 3447—Filed August 27, 1992, 1:34 p.m.]

Date of Adoption: August 27, 1992.

Purpose: To expand definition of "evaluation by expert cost" and to change the cost allowance for "evaluation by

expert" and "expert witness" to actual cost. By expanding the definition for "evaluation by expert cost," this will allow counties to request reimbursement for their cost in investigating a person as to whether they are a "sexually violent predator" whether or not a petition is filed or the person is civilly committed. The cost for evaluation by an expert and expert witness will not have a maximum amount, but the allowable cost will be actual cost incurred by the counties.

Citation of Existing Rules Affected by this Order: Amending WAC 275-156-010 Definitions and 275-156-020 Maximum allowable reimbursement for law enforcement cost.

Statutory Authority for Adoption: Chapter 71.09 RCW. Pursuant to notice filed as WSR 92-15-008 on July 2, 1992.

Effective Date of Rule: Thirty-one days after filing.  
August 27, 1992  
Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 3263, filed 10/8/91, effective 11/8/91)

**WAC 275-156-010 Definitions.** (1) "Attorney cost" means the fully documented prosecutorial and defense fee directly related to the violent sexual predator civil commitment process. Said fee includes the cost of paralegal services.

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

(3) "Evaluation by expert cost" means a county-incurred service fee as the result of a comprehensive examination and/or a records review of a person:

(a) ~~((Alleged to be a))~~ Investigated for "sexually violent predator" probable cause; ~~((and))~~

(b) Alleged to be a "sexually violent predator" and who has had a petition filed; or

(c) Committed as a "sexually violent predator" and under review for release.

(4) "Incremental cost" means county-incurred efforts or costs that are not otherwise covered and are exclusively attributable to the trial of a person alleged to be a "sexually violent predator."

(5) "Judicial cost" means the costs a county incurs as the result of filing a petition for the civil commitment of a person alleged to be a "sexually violent predator" under chapter 71.09 RCW. This cost is limited to fees for judges which shall include court clerk and bailiff services, court reporter services, transcript typing and preparation, expert and nonexpert witnesses, jury, and jail facilities.

(6) "Law enforcement cost" means a cost incurred by a police agency investigating issues specific to:

(a) Filing a petition alleging a person is a "sexually violent predator"; or

(b) A hearing to determine if a person is a "sexually violent predator."

(7) "Medical cost" means a county-incurred extraordinary medical expense beyond the routine services of a jail.

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

(9) "Transportation cost" means the cost a county incurs when transporting a person alleged to be, or having found to

be, a "sexually violent predator," to and from a sexual predator program facility.

**AMENDATORY SECTION** (Amending Order 3262 [3263], filed 10/8/91, effective 11/8/91)

**WAC 275-156-020 Maximum allowable reimbursement for law enforcement cost.** The department shall reimburse a county for actual costs incurred during the period July 1, 1990, through June 30, 1992, up to the maximum allowable rate as specified:

(1) Attorney cost - Up to forty-nine dollars and forty-one cents per hour;

(2) Evaluation by expert cost - ~~((Up to one hundred dollars per hour, not to exceed more than twenty hours))~~ Actual costs plus per diem according to state travel policy;

(3) Judicial costs:

(a) Judge - Up to forty-six dollars and five cents per hour. These county costs shall include court clerk and bailiff services;

(b) Court reporters - Up to twenty dollars and seventy-one cents per hour;

(c) Transcript typing and preparation services - Up to four dollars and thirteen cents per page;

(d) Expert witnesses - ~~((Up to one hundred dollars per hour))~~ Actual costs plus per diem according to state travel policy;

(e) Nonexpert witnesses - Up to thirty-one dollars and thirteen cents per day;

(f) Jury - Thirty-one dollars and thirteen cents per day;

(g) Jail facilities - Thirty dollars per day.

(4) Law enforcement cost - Up to twenty dollars and sixty-six cents per hour;

(5) Medical costs - Up to fifty dollars per day, not to exceed five consecutive days; and

(6) Transportation cost - Up to twenty-six cents per mile, plus the cost of one meal for transporting staff, if transport exceeds eleven consecutive hours.

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

**WSR 92-18-038**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3448—Filed August 27, 1992, 1:36 p.m.]

Date of Adoption: August 27, 1992.

Purpose: The AFDC prospective eligibility, prospective budgeting and retrospective budgeting rules are modified to require the same income budgeting practices as required by the food stamp program. This implements changes required by state plan amendment.

Citation of Existing Rules Affected by this Order: Amending WAC 388-28-483 Prospective eligibility, prospective budgeting, and retrospective budgeting.

Statutory Authority for Adoption: RCW 74.04.057.

Pursuant to notice filed as WSR 92-15-131 on July 21, 1992.

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

August 27, 1992

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2861, filed 8/29/89, effective 9/29/89)

**WAC 388-28-483 Prospective eligibility, prospective budgeting, and retrospective budgeting.** (1) Definitions. The department shall call the:

(a) Calendar month for which payment is made, the payment month.

(b) Second calendar month preceding the payment month, the budget month.

(c) Calendar month between the budget month and the payment month, the process month.

(2) Eligibility determination. The department shall determine eligibility based on the best estimate of income and circumstances existing in the payment month.

(3) Prospective budgeting.

(a) Except as specified under subsections (3)~~((d))~~(e) and (4)(a) of this section, the department shall budget all income prospectively for the first two months of initial eligibility, including income of an individual added to an existing assistance unit.

(b) The department shall budget income prospectively for:

(i) Migrant assistance units as defined in WAC 388-24-044(2);

(ii) Homeless assistance units as defined in WAC 388-24-044(2);

(iii) Assistance units in which all adult members are elderly or disabled, as defined in WAC 388-24-044(3), and do not have:

(A) Earned income; or

(B) Recent work history as defined in WAC 388-24-044(3).

(c) The department shall compute the amount of the assistance payment based on the expected income and circumstances existing in the payment month.

~~((e))~~ (d) The department shall:

(i) Establish an overpayment if the income is underestimated; and

(ii) Issue a corrective payment if the income is overestimated.

~~((d))~~ (e) The department shall budget income prospectively for one month if the case has been closed less than one month and the case was closed in the first prospective month.

(4) Retrospective budgeting.

(a) The department shall retrospectively budget all income for the first two months of initial eligibility if one of the following exist:

(i) A case is reopened as terminated in error;

(ii) An individual having had income ~~((deemed))~~ allocated to an assistance unit is added to that assistance unit;

(iii) Assistance had been suspended as specified under subsection (5) of this section and:

(A) The initial month follows the month of suspension; and

(B) The family's circumstances for the initial authorization month have not changed significantly from the circumstances reported in the budget month.

(iv) A case is reopened that has been closed less than one month and was closed in the second prospective month; and

(v) A case is reopened that has been closed less than one month and was closed in a retrospective month.

(b) After the first two months of initial eligibility, the department shall budget ~~((all))~~ income retrospectively for all assistance units, except as specified under subsections (3)(b) and (4)(e) of this section.

(c) The department shall compute the amount of assistance based on the income or circumstances existing in the budget month.

(d) The department shall consider all income received during the calendar month of application approval for retrospective budgeting purposes, except as specified under subsection (4)(e) of this section.

(e) Noncontinuous income budgeted prospectively during the first two months of eligibility shall not be budgeted for the first and second payment month for which retrospective budgeting is used.

(5) See WAC 388-33-135 for effective dates of ineligibility. Suspension. The department shall suspend rather than terminate if:

(a) The department has knowledge of or reason to believe ineligibility would be only for one payment month; and

(b) Ineligibility for that one payment month was caused by income or other circumstances in the corresponding budget month.

**WSR 92-18-039**

**PERMANENT RULES**

**DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES**

(Public Assistance)

[Order 3449—Filed August 27, 1992, 1:38 p.m.]

Date of Adoption: August 27, 1992.

Purpose: Implementing changes required by state plan amendment, the AFDC mandatory monthly reporting requirements are hereby modified to require the same cases for AFDC to report monthly as required by the food stamp program. This is the result of an approved federal waiver to enhance compatibility between the AFDC program and the food stamp program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-044 Mandatory monthly reporting.

Statutory Authority for Adoption: RCW 74.04.057.

Pursuant to notice filed as WSR 92-15-143 on July 22, 1992.

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

August 27, 1992

Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2400, filed 8/1/86)

**WAC 388-24-044 Mandatory monthly reporting.** (1) As a condition of continuing eligibility for AFDC, certain ((recipients)) assistance units must return to the department a completed monthly report by the fifth day of the month following the month for which the report describes the household circumstances. ((Recipients)) Assistance units required to report monthly are those ((who)) with earned income or with a recent work history except:

- (a) ((Are currently employed, or
- (b) Have recent work history)) Migrant assistance units;
- (b) Homeless assistance units; or
- (c) Assistance units with a recent work history in which all adult members are elderly or disabled.

(2) ((Recipients)) Migrant assistance units and homeless assistance units, for purposes of mandatory monthly reporting, are defined as follows:

(a) "Migrant assistance unit" means an issuance unit that works in seasonal agricultural employment which requires the assistance unit to be absent from its permanent place of residence overnight;

(b) "Homeless assistance unit" means an assistance unit lacking a fixed and regular nighttime residence of whose primary nighttime residence is a:

- (i) Supervised shelter designed to provide temporary accommodations;
- (ii) Halfway house or similar institution providing temporary residence for persons needing institutionalization;
- (iii) Temporary accommodation in the residence of another person; or
- (iv) Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

(3) Elderly and disabled, for purposes of mandatory monthly reporting, are defined as follows:

- (a) "Elderly" means a person sixty years of age or older;
- (b) "Disabled" means a person who meets one of the following criteria:

(i) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

(ii) Is a veteran:  
(A) With service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United State Code (USC); or

(B) Considered in need of regular aid and attendance, or permanently housebound under Title 38 of the USC.

(iii) Is a surviving spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or a surviving child of a veteran and considered permanently incapable of self-support under Title 38 of the USC;

(iv) A surviving spouse or child of a veteran and entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC and has a disability considered permanent under section 221(i) of the Social Security Act;

(v) Receives disability retirement benefits from a federal, state, or local government agency, because of a disability considered permanent under section 221(i) of the Social Security Act;

(vi) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:

(A) Section 2(a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or

(B) Section 2(a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act.

(vii) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.

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

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

((4) Recipients) (6) Assistance units with recent work history are required to report for three months, including the last month of earnings.

((5)) (7) Newly approved ((applicants)) assistance units with recent work history shall be required to report for two months beginning the month following the month of opening.

((6)) (8) The first report month for ((newly employed recipients)) assistance units reporting new employment shall be the month following the month the department becomes aware of the earnings.

((7)) (9) Failure to return a completed report by the fifth day of the month shall result in termination except as provided in subsection ((9)) (11) of this section.

((8)) (10) The department shall give advance and adequate notice to the ((recipient who)) assistance unit which does not submit a completed monthly report timely as defined in subsection ((7)) (9) of this section.

((9)) (11) If the ((recipient)) assistance unit furnishes the completed report to the department within ten days from the date of a termination notice pursuant to subsections (1) and ((7)) (9) of this section, the department shall:

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

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

((11)) (13) Requirements in subsections ((2), (3), (4), (5)) (4), (5), (6), (7), and ((6)) (8) of this section are effective with monthly reports generated in November 1985.

**WSR 92-18-040**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3446—Filed August 27, 1992, 1:40 p.m.]

Date of Adoption: August 27, 1992.

Purpose: Changes the net income eligibility standard from fifty percent of need standard to ninety percent of the payment standard. RCW requires eligibility standards for

PERMANENT

CEAP be stricter than AFDC standards. In September 1992, the AFDC need standard will increase. Changing income eligibility makes administration of this mandate easier to manage.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-24-250 Consolidated emergency assistance program—Conditions of eligibility.

Statutory Authority for Adoption: RCW 74.04.660.

Pursuant to notice filed as WSR 92-15-074 on July 15, 1992.

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

August 27, 1992

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 3359, filed 4/6/92, effective 5/7/92)

**WAC 388-24-250 Consolidated emergency assistance program—Conditions of eligibility.** The department shall grant assistance under the consolidated emergency assistance program (CEAP) to families with dependent children or pregnant women meeting all of the following eligibility conditions:

(1) Have net monthly income less than ~~((fifty))~~ ninety percent of the ~~((need))~~ payment standard for AFDC households with shelter costs or, if income is above the ~~((fifty))~~ ninety percent cutoff, demonstrate that they could not have planned to avoid the emergency. The household shall demonstrate an inability to plan if funds ordinarily available were expended for:

- (a) Medical bills;
- (b) Emergent child care to avoid abuse;
- (c) Dental care to alleviate pain; or
- (d) Costs incurred in obtaining employment.

(2) Are in financial need;

(3) Are experiencing one or more of the following emergent needs:

- (a) Food;
- (b) Shelter;
- (c) Clothing;
- (d) Minor medical;
- (e) Utilities;
- (f) Household maintenance;

(g) Necessary clothing or transportation costs to accept or maintain a job; or

(h) Transportation for a minor, not in foster care, to a home where care will be provided by family members or approved caretakers.

(4) Are taking all steps necessary to make themselves eligible for, or are not under sanction for failure to comply with, the eligibility requirements of AFDC, SSI, GA-U, refugee assistance, medical assistance for CEAP applicants requesting emergent medical care, and food stamps for those CEAP applicants requesting emergent food assistance. If the crisis is not a result of the sanction and the family could not have prevented the need for emergency assistance by compliance with eligibility requirements, the family may receive assistance if otherwise eligible;

(5) Are residents of Washington state. A resident is a person living in the state voluntarily with the intention of

making and maintaining a home in the state and not for a temporary purpose or are:

(a) If not a resident, detained in Washington state for reasons beyond the household's control as a result of events which could not have been reasonably anticipated; or

(b) Migrants.

(6) Have not transferred property contrary to the requirements ~~((given in))~~ as described under WAC 388-28-457 through 388-28-465~~((:));~~

(7) Have not refused a bona fide job offer or voluntarily terminated employment without good cause within thirty days before application or after application.

(a) Households refusing a bona fide offer of employment or ~~((voluntary))~~ voluntarily terminating employment without good cause within thirty days before application or after application shall be ineligible for thirty days or until the person accepts employment, whichever is less.

(b) The period of ineligibility shall begin on the date of refusal or termination of employment.

(c) The following conditions when verified shall constitute good cause for refusal or termination of employment:

(i) Physical, mental, or emotional inability of the person to satisfactorily perform the work required;

(ii) Inability of the person to get to and from the job without undue cost or hardship to the person, e.g., ~~((t))~~ travel time in excess of one hour, one way, is considered undue hardship~~((:));~~

(iii) The nature of the work would be hazardous to the person;

(iv) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(v) The job is available because of a labor dispute; or

(vi) Child care is not available to the household.

(8) Have applied for unemployment compensation if potentially eligible; and

(9) Are not aliens granted lawful temporary resident status under sections 245A and 210A of the Immigration and Nationality Act. Disqualification due to this provision applies for a period of five years from the date the temporary residence status was granted.

**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 92-18-041**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3445—Filed August 27, 1992, 1:42 p.m.]

Date of Adoption: August 27, 1992.

Purpose: New WAC 388-15-615 COPES—Program restrictions, COPES is a Medicaid waiver program approved for a three-year period by the health care financing administration (HCFA). Approval of the waiver requires the department to serve no more clients in nursing facilities and in home and community-based waiver services with COPES

than would be served in nursing facilities without the waiver. Under this requirement, the department must restrict entry in the COPES program when the total number of unduplicated clients or the total federal funds expended for the waiver year is projected to exceed the amount approved by HCFA. Increases in the COPES caseload since March 1992 have far exceeded projections. Because of these increases, the department is at risk of exceeding the unduplicated client caseload approved by HCFA. Exceeding the number of unduplicated clients put the department at risk of federal sanctions which may include loss of federal matching funds or further program restrictions. To cover federal funding losses, the department would be required to use state funding from other programs, such as chore services. This would be detrimental to the health, safety, and welfare to the chore services clients who, in general, have less income and resources than COPES clients. The department proposes emergency rules which will limit the number of new applicants for COPES services. Clients presently on COPES will continue to receive services without restrictions. The proposed rules provide for access to the program for persons residing in hospitals or nursing facilities or who are eligible for department contracted assisted living services.

Statutory Authority for Adoption: RCW 74.09.500.

Pursuant to notice filed as WSR 92-15-130 on July 21, 1992.

Changes Other than Editing from Proposed to Adopted Version: A date change, namely September 30, 1992, to beginning paragraph, and subsections (1) and (2).

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

August 27, 1992

Leslie F. James, Director  
Administrative Services

**NEW SECTION**

**WAC 388-15-615 COPES—Program restrictions.** Effective September 30, 1992, the COPES program shall be limited to persons eligible for COPES services under WAC 388-15-610 and who:

- (1) Were in the COPES program on September 30, 1992; or
- (2) Had submitted a written application for COPES services with a Community Services Office or Aging and Adult Field Services Office as of September 30, 1992; or
- (3) Had received COPES services on or after April 1, 1992; or
- (4) For each of the thirty days preceding the date of written application for COPES services, have been either in a nursing facility as a resident or in a hospital as an inpatient; or
- (5) Are entering a department-contracted and an approved assisted living facility.

**WSR 92-18-047**  
**PERMANENT RULES**  
**SECRETARY OF STATE**  
(Division of Archives and Records Management)  
[Filed August 28, 1992, 11:53 a.m.]

Date of Adoption: August 28, 1992.

Purpose: Prescribes rules for the operation of the Local Records Committee under RCW 40.14.070.

Statutory Authority for Adoption: Chapter 40.14 RCW. Pursuant to notice filed as WSR 92-09-017 on April 3, 1992.

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

August 28, 1992

Sidney F. McAlpin  
State Archivist

**Chapter 434-630 WAC**  
**POWERS AND DUTIES OF THE LOCAL RECORDS**  
**COMMITTEE**

NEW SECTION

**WAC 434-630-010 Membership.** The chief examiner of the division of municipal corporations of the state auditor's office, the state archivist, and a representative appointed by the attorney general shall constitute a committee to be known as the local records committee. Reference: RCW 40.14.070.

NEW SECTION

**WAC 434-630-020 Committee officers—Duties.** The chief examiner of the division of municipal corporations shall be ex officio chairperson of the local records committee. The representative appointed by the attorney general shall be vice-chairperson. The state archivist shall act as secretary and shall be responsible for the proper recording of its proceedings.

NEW SECTION

**WAC 434-630-030 General powers of the committee.** The local records committee may adopt appropriate procedures for records disposition authorization, scheduling, and other matters relating to the retention, preservation, or destruction of public records of local government agencies, and may exercise such further powers as are granted by chapter 40.14 RCW or any other statute.

NEW SECTION

**WAC 434-630-040 General duties of the committee.** The local records committee shall review lists of records submitted to it for destruction authorization and may veto the destruction of any or all items contained therein.

The local records committee shall also review recurring disposition schedules recommended to it by agencies of local government and may veto, approve, or amend such schedules. Approval of a schedule or amended schedule shall be by unanimous vote of the local records committee members.

NEW SECTION

**WAC 434-630-050 Duties of the state archivist.** To facilitate the work of the local records committee, the state archivist shall have reasonable access to all public records, wherever kept, for the purposes of information, surveying, or cataloging them and shall perform the following duties:

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(1) Provide guidelines to local governmental agencies for their assistance in preparing lists and schedules for destruction authorization.

(2) Record final actions and maintain the official files of the committee.

(3) Designate those records of county, municipal, or other local government agencies which are of primarily historical interest and arrange for document transfer to a recognized depository agency in order to relieve local officers of the burden of housing such records and to insure their preservation.

#### NEW SECTION

**WAC 434-630-060 Committee meetings.** The local records committee shall meet in open public session on the last Thursday of each month at 10:00 a.m. to consider all business relevant to the duties of the committee, at the office of the state archivist, Olympia, Washington.

### WSR 92-18-048

#### PERMANENT RULES

#### SECRETARY OF STATE

(Division of Archives and Records Management)

[Filed August 28, 1992, 11:57 a.m.]

Date of Adoption: August 28, 1992.

Purpose: Establishes procedures for local government units to obtain authority from the Local Records Committee to dispose of public records under RCW 40.14.070.

Statutory Authority for Adoption: Chapter 40.14 RCW.

Pursuant to notice filed as WSR 92-09-018 on April 3, 1992.

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

August 28, 1992

Sidney F. McAlpin  
State Archivist

### Chapter 434-635 WAC LOCAL RECORDS DISPOSITION AUTHORIZATION

#### NEW SECTION

**WAC 434-635-010 Statutory requirements.** No public record other than office files and memoranda of any local government agency shall be destroyed until it is six years old or until the six-year retention is reduced by the local records committee for records that are shown by the requesting agency that a six-year retention is both unnecessary and uneconomical or that a lesser federal retention guideline has been established; or until the record has been authorized for microfilming or for conversion to any other document imaging system approved by the state archivist.

Except as otherwise provided by law, no public record, including office files and memoranda, shall be destroyed until approved for destruction by the local records committee. Reference chapter 40.14 RCW.

#### NEW SECTION

**WAC 434-635-020 Types of destruction authorizations.** Requests to destroy public records in the possession of local government agencies shall be approved only by the local records committee and shall be of two types as further set forth in these regulations; namely:

(1) Listed nonrecurring authorization; and

(2) Recurring disposition schedules.

#### NEW SECTION

**WAC 434-635-030 Listed nonrecurring authorization.** County, municipal, and other local government agencies may request authority to destroy noncurrent public records having no further administrative or legal value by submitting to the local records committee lists of such records on forms provided by the division of archives and records management. Such lists, when approved by the local records committee, constitute authority to destroy the specifically dated records indicated. Listed authorizations are valid only for the dates specified and are not recurring for subsequently dated records without submittal of a new list.

#### NEW SECTION

**WAC 434-635-040 Recurring disposition schedules.**

A local government agency, as an alternative to submitting lists, may elect to establish a records control program based on recurring disposition schedules recommended by the agency to the local records committee. The schedules are to be submitted on forms provided by the division of archives and records management, to the local records committee, which may either veto, approve, or amend the schedule. Approval of such schedules or amended schedules shall be by unanimous vote of the local records committee.

#### NEW SECTION

**WAC 434-635-050 General schedules may be adopted.** The local records committee may approve and issue records retention/disposition schedules which shall constitute authority to dispose of specific records, held commonly by like agencies, after a required retention period, on a recurring basis until the schedule is either amended or revised by the committee.

#### NEW SECTION

**WAC 434-635-060 Records retention and disposition guidelines.** The state archivist may furnish suggestions and guidelines to local governmental agencies for their assistance in the preparation of lists and schedules and may furnish information relating to any other matter relating to the retention, preservation, or destruction of public records. Such guidelines may be published and include suggestions relative to the minimal retentions of records and recommendations for microfilming. The guidelines are suggestive only and are not records destruction authorizations.



**WSR 92-18-065**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Filed August 31, 1992, 4:07 p.m.]

Date of Adoption: August 31, 1992.

Purpose: Adopt a new general reporting rule for forest, range, and timber land owners and contractors, and revise a rule classification definition both applicable to workers' compensation insurance, underwritten by the Washington state fund, Department of Labor and Industries.

Citation of Existing Rules Affected by this Order: Amending chapter 296-17 WAC, Manual of rules, classifications and rating system for Washington workers' compensation insurance.

Statutory Authority for Adoption: RCW 51.04.020(1), 51.16.035, 51.12.070, and 51.16.060.

Pursuant to notice filed as WSR 92-13-091 on June 17, 1992.

Changes Other than Editing from Proposed to Adopted Version: Premium refund contained in WAC 296-17-45004(9) has been increased to forty percent from the stated twenty-five percent as a result of public input. The term "reforestation" has been deleted and replaced with the phrase "forest, range, or timber land services by landowner or contractor" as a result of public input.

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

August 31, 1992

Joseph A. Dear  
Director

NEW SECTION

**WAC 296-17-45004 Forest, range, or timber land services—Industry rule.** Washington law (RCW 51.48.030) requires every employer to make, keep, and preserve records which are adequate to facilitate the determination of premiums (taxes) due to the state for workers' compensation insurance coverage for their covered workers. In the administration of Title 51 RCW, and as it pertains to the forest, range, or timber land services industry, the department of labor and industries has deemed the records and information required in the various subsections of this section to be essential in the determination of premiums (taxes) due to the state fund. The records so specified and required, shall be provided at the time of audit to any representative of the department who has requested them.

Failure to produce these required records within thirty days of the request, or within an agreed upon time period, shall constitute noncompliance of this rule and RCW 51.48.030 and 51.48.040. Employers whose premium computations are made by the department in accordance with subsection (4) of this section are barred from questioning, in an appeal before the board of industrial insurance appeals or the courts, the correctness of any assessment by the department on any period for which such records have not been kept, preserved, or produced for inspection as provided by law.

(1) General definitions. For purpose of interpretation of this section, the following terms shall have the meanings given below:

(a) "Actual hours worked" means each workers' composite work period beginning with the starting time of day that the employees' work day commenced, and includes the entire work period, excluding any nonpaid lunch period, and ending with the quitting time each day work was performed by the employee.

(b) "Work day" shall mean any consecutive twenty-four-hour period.

(2) Employment records. Every employer shall with respect to each worker, make, keep, and preserve original records containing all of the following information for three full calendar years following the calendar year in which the employment occurred:

(a) The name of each worker;

(b) The Social Security number of each worker;

(c) The beginning date of employment for each worker and, if applicable, the separation date of employment for each such worker;

(d) The basis upon which wages are paid to each worker;

(e) The number of units earned or produced for each worker paid on a piece-work basis;

(f) The risk classification(s) applicable to each worker;

(g) The number of actual hours worked by each worker, unless another basis of computing hours worked is prescribed in WAC 296-17-350. For purposes of chapter 296-17 WAC, this record must clearly show, by work day, the time of day the employee commenced work, and the time of day work ended;

(h) A summary time record for each worker showing the calendar day or days of the week work was performed and the actual number of hours worked each work day;

(i) In the event a single worker's time is divided between two or more risk classifications, the summary contained in (h) of this subsection shall be further broken down to show the actual hours worked in each risk classification for the worker;

(j) The workers' total gross pay period earnings;

(k) The specific sums withheld from the earnings of each worker, and the purpose of each sum withheld;

(l) The net pay earned by each such worker.

(3) Business, financial records, and record retention. Every employer is required to keep and preserve all original time records completed by their employees for a three-year period. The three-year period is specified in WAC 296-17-352 as the composite period from the date any such premium became due.

Employers who pay their workers by check are required to keep and preserve a record of all check registers and cancelled checks; and employers who pay their workers by cash are required to keep and preserve records of these cash transactions which provide a detailed record of wages paid to each worker.

(4) Recordkeeping - Estimated premium computation. Any employer required by this section to make, keep, and preserve records containing the information as specified in subsections (2) and (3) of this section, who fails to make, keep, and preserve such records, shall have premiums calculated as follows:

(a) Estimated worker hours shall be computed by dividing the gross wages of each worker for whom records were not maintained and preserved, by the state's minimum

wage, in effect at the time the wages were paid or would have been paid. However, the maximum number of hours to be assessed under this provision will not exceed five hundred twenty hours for each worker, per quarter for the first audited period. Estimated worker hours computed on all subsequent audits of the same employer that disclose a continued failure to make, keep, or preserve the required payroll and employment records shall be subject to a maximum of seven hundred eighty hours for each worker, per quarter.

(b) In the event an employer also has failed to make, keep, and preserve the records containing payroll information and wages paid to each worker, estimated average wages for each worker for whom a payroll and wage record was not maintained will be determined as follows: The employer's total gross income for the audit period (earned, received, or anticipated) shall be reduced by thirty-five percent to arrive at "total estimated wages." Total estimated wages will then be divided by the number of employees for whom a record of actual hours worked was not made, kept, or preserved to arrive at an "estimated average wage" per worker. Estimated hours for each worker will then be computed by dividing the estimated average wage by the state's minimum wage in effect at the time the wages were paid or would have been paid as described in (a) of this subsection.

(5) Reporting requirements and premium payments.

(a) Every employer who is awarded a forest, range, or timber land services contract must report the contract to the department promptly when it is awarded, and prior to any work being commenced, except as provided in (c) of this subsection. Employers reporting under the provisions of (c) of this subsection shall submit the informational report with their quarterly report of premium. The report shall include the following information:

(i) The employers' uniform business identification account number (UBI).

(ii) Identification of the landowner, firm, or primary contractor who awarded the contract, including the name, address, and phone number of a contact person.

(iii) The total contract award.

(iv) Description of the forest, range, or timber land services work to be performed under terms of the contract.

(v) Physical location/site where the work will be performed including legal description.

(vi) Number of acres covered by the contract.

(vii) Dates during which the work will be performed.

(viii) Estimated payroll and hours to be worked by employees in performance of the contract.

(b) Upon completion of every contract issued by a landowner or firm that exceeds a total of ten thousand dollars, the contractor primarily responsible for the overall project shall submit in addition to the required informational report described in (a) of this subsection, report the payroll and hours worked under the contract, and payment for required industrial insurance premiums. In the event that the contracted work lasts more than three calendar months, interim quarterly reports and premium payments are required. The first such report and payment is due three months after the contract work is begun and may not necessarily be consistent or coincide with the quarterly reporting cycle used by forestation, range, or timber land service employers.

(c) A contractor may group contracts issued by a landowner, firm, or other contractor that total less than ten thousand dollars together and submit a combined quarterly report of hours, payroll, and the required premium payment in the same manner and periods as nonforestation, range, or timber land services employers.

(6) Out-of-state employers. Forest, range, or timber land services contractors domiciled outside of Washington state must report on a contract basis regardless of contract size for all forest, range, or timber land services work done in Washington state. Out-of-state employers will not be permitted to have an active Washington state industrial insurance account for reporting forest, range, or timber land services work in the absence of an active Washington forest, range, or timber land services contract.

(7) Work done by subcontract. Any firm primarily responsible for work to be performed under the terms of a forest, range, or timber land services contract, that subcontracts out any work under a forest, range, or timber land services contract must send written notification to the department prior to any work being done by the subcontractor. This notification must include the name, address, Social Security number, farm labor contractor number, (UBI) of each subcontractor, and the amount and description of contract work to be done by subcontract.

(8) Forest, range, or timber land services contract release - Verification of hours, payroll, and premium. The department may verify reporting of contractors by way of an on-site visit to an employers' work site. This on-site visit may include close monitoring of employees and employee work hours. Upon receipt of a premium report for a finished contract, the department may conduct an audit of the firm's payroll, employment, and financial records to validate reporting. The department will notify the contractor, and the entity that awarded the contract, of the status of the contractors' account immediately after verification. The landowner, firm, or contractors' premium liability will not be released until the final report for the contract from the primary contractor and any subcontractors has been received and verified by the department.

(9) Forest, range, or timber land services premium refund. Upon verification that an employer subject to these rules complied with all the provisions contained in these rules, the department shall refund forty percent of the accident fund premium paid under the contract. For those contracts that total more than ten thousand dollars the refund shall be made upon verification and receipt of the final premium report for the contract. Contracts for less than ten thousand dollars which are grouped under the provision of subsection (4)(b) of this section will receive a forty percent refund out of their paid in accident fund premiums after the quarterly report has been received and verified. However, the refund of premium for all forest, range, or timber land services work is limited to work reported in risk classification 5004 (WAC 296-17-66002), provided further, that the contractor is otherwise eligible. As a part of the refund eligibility, forest, range, or timber land services contractors are required to attend a department sponsored industrial insurance education seminar.

Any employer who is subject to this section will be ineligible for any refund(s) for a three-year period if it is determined that the employer is out of compliance on any of

its contracts, including any group contracts completed after the effective date of this rule.

Premium refund ineligibility will extend to any new industrial insurance account in which the owner or owners, or their immediate family, have an ownership interest in an industrial insurance account, or the employer has failed to attend the education seminar sponsored by the department.

(10) Premium liability - Work done by contract. Washington law (RCW 51.12.070) places the responsibility for industrial insurance premium payments primarily and directly upon the person, firm, or corporation who lets a contract for all covered employment involved in the fulfillment of the contract terms. Any such person, firm, or corporation letting a contract is authorized to collect from the contractor the full amount payable in premiums. The contractor is in turn authorized to collect premiums from any subcontractor they may employ his or her proportionate amount of the premium payment.

To eliminate premium liability for work done by contract permitted by Title 51 RCW, any person, firm, or corporation who lets a contract for forest, range, or timber land services work must submit a copy of the contract they have let to the department and verify that all premiums due under the contract have been paid.

Each contract submitted to the department must include within its body, or on a separate addendum, all of the following items:

- (a) The name of the contractor who has been engaged to perform the work;
- (b) The contractor's UBI number;
- (c) The contractor's farm labor contractor number;
- (d) The total contract award;
- (e) The date the work is to be commenced; a description of the work to be performed including any pertinent acreage information;
- (f) Location where the work is to be performed;
- (g) A contact name and phone number of the person, firm, or corporation who let the contract;
- (h) The total estimated wages to be paid by the contractor and any subcontractors;
- (i) The amount to be subcontracted out if such subcontracting is permitted under the terms of the contract;
- (j) The total estimated number of worker hours anticipated by the contractor and his/her subcontractors in the fulfillment of the contract terms;

(11) Reports to be mailed to the department. All contracts, reports, and information required by this section are to be sent to:

The Department of Labor and Industries  
Field Audit - Reforestation Team  
P.O. Box 44150  
Tumwater, Washington 98504-4150

(12) Rule applicability. If any portion of this section is declared invalid, only that portion is repealed. The balance of the section shall remain in effect.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

**WAC 296-17-66002 Classification 5004.**

~~((Tree planting and precommercial tree thinning—forestry type operations~~

~~This classification excludes all operations subject to risk classification 5001 (WAC 296-17-659) logging, N.O.C.))~~

Forest, range, or timber land labor services by landowner or contractor: This classification covers all forms of forest, range, or timber land labor. Such labor activities include but are not limited to tree planting, tree netting, tree shading, bud capping, chemical spraying, fertilizing, animal trapping (such as mountain beaver and gopher baiting), bear feeding, precommercial tree thinning, conifer release (chemical or manual), tree pruning, cone picking, scion collection, hydro seeding and erosion control, and wildlife habitat development. This classification includes all field crew supervisors and foremen assigned to oversee work covered by this classification including internal quality control audits irrespective of whether or not their assigned duties include manual labor.

This classification excludes forest trail construction, slash burning, fire watch/patrol and forest fire fighting, slashing, hand piling, pile burning, roadside brushing, roadway dust/mud control which is to be reported separately in risk classification 0101; logging operations which are to be reported separately in risk classification 5001; logging road construction which is to be reported separately in risk classification 6902; and technical survey work which is to be reported separately in risk classification 1007.

**WSR 92-18-067  
PERMANENT RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Order 92-06—Filed August 31, 1992, 4:45 p.m.]

Date of Adoption: July 24, 1992.

Purpose: To ensure compliance by the state of Washington including the Superintendent of Public Instruction and local school districts with the provisions of Public Law 100-297.

Citation of Existing Rules Affected by this Order: Amending WAC 392-165-105.

Statutory Authority for Adoption: RCW 28A.300.070.

Pursuant to notice filed as WSR 92-11-028 on May 15, 1992.

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

August 31, 1992  
Judith A. Billings  
Superintendent of  
Public Instruction

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

**WAC 392-165-105 Purpose.** The purpose of this chapter is to ensure compliance by the state of Washington, including the superintendent of public instruction and local school districts, with the provisions of Public Law ((97-35, Title V, Subtitle D, Chapter 2 — commonly referred to as Chapter 2 of the Education Consolidation and Improvement Act of 1984)) 100-297, Elementary Secondary School Improvement Amendments of 1988, Chapter 2, — and its implementing regulations, particularly 34 CFR Part 298.

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

**WAC 392-165-115 Definition—Chapter 2.** As used in this chapter, the term "Chapter 2" shall mean that part of Public Law ((97-35)) 100-297 which is commonly referred to as Chapter 2 of the ((Education Consolidation and Improvement Act of 1984)) Elementary and Secondary School Improvement Amendments of 1988.

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

**WAC 392-165-120 Definition—Accounting manual.** As used in this chapter, the term Accounting Manual shall mean the *Accounting Manual for Public School Districts* in the state of Washington issued September ((1983)) 1989, by the superintendent of public instruction and the state auditor.

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

**WAC 392-165-130 Definition—Activity.** As used in this chapter, the term "activity(ies)" shall be as defined in the *Accounting Manual* glossary of terms (i.e., a "specific line of work carried on by a school district in order to perform its mission"). For financial accounting purposes "activity" shall be defined further as the second field of uniform expenditure classification established in the *Accounting Manual* for Chapter 2 and shall include all activities listed on Form SPI F-1000B ((CH. 2 (Chapter 2 Federal Project Budget))).

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

**WAC 392-165-170 Definition—Project.** As used in this chapter, the term "project" ((either)) shall mean all activities supported with Chapter 2 moneys in either a particular school building or combination of school buildings.

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

**WAC 392-165-260 Definition—Consultation with parents and educators and others ((interested parties)).** As used in this chapter, the term "consultation with parents and educators and others ((interested parties))" shall mean planned, systematic contact two or more times a year with parents, teachers, and administrators of children being served by Chapter 2, — including parents, teachers, and administra-

tors of served private school children, — other interested parents, teachers, administrators, ((groups, and parties in the design and implementation of the Chapter 2 program, including discussion of program revenue and expenditures)) librarians, school counselors, social workers, psychologists, and other pupil personnel deemed appropriate. All of these must be consulted in the allocation of funds for programs authorized by Chapter 2 and in the design, planning, and implementation of these programs.

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

**WAC 392-165-304 Private school Chapter 2 equipment—Program requirement.** Each school district that ((supplies)) provides equipment and materials which is purchased with Chapter 2 moneys to a private school shall retain title to all such equipment and materials and keep on file an inventory supplied by the private school which indicates the location and use of such equipment and materials. The school district will monitor each private school every year to ensure that inventories are maintained according to EDGAR, 34 C.F.R. Subtitle A, section 74.137-74.140.

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

**WAC 392-165-310 Parent, educator, and community involvement in program planning—Program requirement.** Each school district that seeks an allocation of funds under Chapter 2 shall ((consult)) provide for systematic consultation two or more times during the year with parents, teachers, administrators, and educators and other ((interested parties in preparing the proposed program design and planning expenditures submitted by)) groups involved including librarians, school counselors, social workers, etc., in the design, planning, implementation, and allocation of funds for programs authorized under Chapter 2. The designated local administrator will submit these program plans and budget to the school district board of directors for ((adoption)) approval. Such consultation shall be documented to demonstrate compliance with this section.

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

**WAC 392-165-320 Substance of annual school district application.** The school district's annual application, required by WAC 392-165-315, shall contain the following:

(1) Assurances as required by WAC 392-165-322.  
(2) Planned Chapter 2 expenditures by program object and activity in each targeted assistance area as required by WAC 392-165-325.

(3) ((Planned expenditures for public and private schools by subchapter program including subchapter A (basic skills), subchapter B (improvement and support services) and subchapter C (special projects) as required by WAC 392-165-327.)) Description of the projects, and activities the district has designed to carry out programs under one or more of the following seven targeted assistance areas:

(a) Meeting needs of students at risk;

(b) Acquisition and use of instructional and educational materials;

(c) Innovative programs designed to carry out school-wide improvements and effective schools programs;

(d) Training and professional staff development;

(e) Programs of training to enhance ability of teachers and counselors to identify students with reading problems that place them at risk for illiteracy in their adult years;

(f) Programs to enhance personal excellence of students and student achievement; and

(g) Other innovative projects which would enhance the educational program and climate of a school.

(4) The reasons for selection of such programs, projects, and activities.

(5) Description of how assistance with Chapter 2 dollars will contribute to goals of the program of improving student achievement or improving quality of education for students.

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

**WAC 392-165-322 One year assurances.** Each school district that receives an allocation of federal funds under Chapter 2 shall submit to the superintendent of public instruction once a year the following:

(1) An assurance of school district compliance with chapter 392-165 WAC.

(2) An assurance that funds received under Chapter 2 shall supplement and not supplant funds available from nonfederal sources.

(3) An assurance that children enrolled in eligible private, nonprofit schools which have submitted a statement of intention to participate in Chapter 2 programs within the district shall be provided equitable participation in benefits of funds received from Chapter 2.

(4) An assurance that the school district shall keep records and provide information to the superintendent of public instruction regarding Chapter 2 programs in such manner as required by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

**WAC 392-165-325 Planned expenditures by program object and activity.** Each school district's planned expenditures shall be summarized for all Chapter 2 ~~((subchapters))~~ expenditures in each of the seven targeted assistance areas selected by program object and activity on forms provided by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

**WAC 392-165-330 Board approval**~~((—Subchapter A, B and C activities)). ((For each subchapter activity included in the annual application,))~~ The local board of directors shall review and approve ~~((a description of the planned expenditure which indicates the purpose of the program activity, the resources to be allocated to the program activity and the expected outcome of the program activity. Such program expenditure descriptions shall remain on file with the school district and shall be open to inspec-~~

~~tion))~~ the annual application before submitting it to the office of the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 88-22, filed 10/7/88)

**WAC 392-165-340 Approved budget variance—**~~((Twenty))~~ **Ten percent allowed.** School districts may make annual expenditure adjustments on Form SPI F-1000B by increasing some approved activity-object cell amounts of up to ~~((twenty))~~ ten percent of and decreasing others without filing a request for a budget revision with the superintendent of public instruction provided the increases, in total, do not exceed ~~((twenty))~~ ten percent of the grand subtotal, (i.e., the sum of all objects of expenditure shown on the subtotal line of the approved Federal Project Budget, Form SPI F-1000B) and do not increase the amount of the grand subtotal.

AMENDATORY SECTION (Amending Order 84-6 [88-22], filed 2/29/84 [10/7/88])

**WAC 392-165-345 Budget revisions—Updating planned expenditures.** Except as provided in WAC 392-165-340, each school district shall expend Chapter 2 moneys in accordance with ~~((planned expenditures))~~ the budget documentation and program description included in the application submitted to and approved by the superintendent of public instruction. A school district shall be required to file a request for a ~~((budget revision whenever necessary with the superintendent of public instruction in order to:~~

~~(1) Increase the total expenditure of Chapter 2 moneys;~~  
or

~~(2) Change approved activity object cell amounts, in total, by more than twenty percent of the grand subtotal identified in WAC 392-165-340; or~~

~~(3) Expend money in any object or activity where no moneys were budgeted in the original application))~~ revision to its approved budget whenever one of the following circumstances apply:

(1) The district intends to increase expenditure beyond the approved amount;

(2) The district intends to change by more than ten percent of the grand subtotal;

(3) The district intends to expend moneys in any activity or object where no moneys were previously budgeted.

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

#### NEW SECTION

**WAC 392-165-347 Chapter 2 carryover provisions.** Local school districts may carry over unobligated Chapter 2 funds to the fiscal year succeeding the year for which they were appropriated. However, local districts are not allowed to do the following:

(1) Carry over a large amount of funds that preclude the district from operating its current Chapter 2 projects successfully; or

(2) Designing current projects to use only a small amount of the allocation to carry over a large amount of funds.

A school district that wishes to carry over fifty percent or more of the allocation shall submit a written plan to the superintendent of public instruction for prior approval by April 30.

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

**WAC 392-165-360 Supervisory expenditures.** A school district that charges any portion of supervisory expenditures as a direct expenditure to the Chapter 2 program shall document such expenditures, including the proportion of supervisory FTE so designated and will keep time and effort documentation on all staff paid in part or full time with Chapter 2 funds.

NEW SECTION

**WAC 392-165-362 Reallocation of Chapter 2 funds.** The superintendent of public instruction may reallocate funds to other local districts from a district that does not choose to participate in the Chapter 2 program, a district that has Chapter 2 funds that exceeds the amount required to run a program, or that are recovered by the superintendent of public instruction based on a determination by the state that the local district has failed to spend local Chapter 2 funds in accordance with applicable law. Reallocation of funds may be made only during the fiscal year for which funds were appropriated or during the succeeding fiscal year; must be made in accordance with the purpose of Chapter 2; and must be spent in accordance with the requirements in Chapter 2 federal regulations.

NEW SECTION

**WAC 392-165-415 Budget revision requirements—Two revisions limitation.** Districts may request no more than two budget revisions per school fiscal year.

NEW SECTION

**WAC 392-165-420 Budget revision requirements—Final approval date.** No budget revisions will be approved after August 31.

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

**WAC 392-165-425 Construction ~~((and portable lease/purchase))~~.** ~~((Chapter 2 moneys may be used for the modification of existing facilities and/or for lease/purchase of portable facilities for the purpose of serving Chapter 2 eligible private school children if:~~

~~(1) The district has exhausted every other available option for providing space in which to serve eligible private school children; and~~

~~(2) Modification of facilities or lease/purchase of portable facilities will provide essential improvement in the delivery of Chapter 2 regular services to eligible private school children.~~

~~Such use of moneys shall have prior approval from the superintendent of public instruction which shall be granted~~

~~only after an on-site visit to the school district to examine existing facilities in order to determine that the above conditions do exist.))~~ No Chapter 2 funds may be used to perform repairs, minor remodeling, or construction of private school facilities. A local school district may use Chapter 2 funds to perform repairs, minor remodeling, or construction of public facilities as may be necessary to carry out its responsibility under this part.

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

**WAC 392-165-430 Acquisition, control and disposition of ~~((property))~~ equipment.** ~~((Acquisition, control and disposition of property purchased with Chapter 2 moneys shall be consistent with 34 CFR 298.27(a).))~~ Except to purchase computer hardware for instructional purposes listed in WAC 392-165-325 Chapter 2 funds may not be used to purchase general classroom instructional equipment unless that instructional equipment is used only as a part of a specific program under one of the seven targeted assistance areas and has prior approval on the Chapter 2 application. All equipment purchased from Chapter 2 funds must be labeled "Chapter 2." Inventories must be maintained and updated every two years. Districts will follow all procedures for usage, inventory, and disposition listed in the Education Department General Administration Regulations (EDGAR) 34 C.F.R. 80.32.

AMENDATORY SECTION (Amending Order 84-6, filed 2/29/84)

**WAC 392-165-460 Approval of Chapter 2 program application by the office of the superintendent of public instruction.** (1) Final approval of a Chapter 2 program shall be given to a school district when the superintendent of public instruction has received a completed application in accordance with WAC 392-165-320 through 392-165-327 and 34 CFR ~~((298.7 (a) and (b)))~~ 298.6, 298.11, 298.12-298.14 and is assured that the school district has satisfied all yearly reporting requirements and compliance agreements from the previous year ~~((, unless the agreement extends into the current year)).~~

(2) Programs shall not be implemented without ~~((prior))~~ approval from the superintendent of public instruction. The effective approval date shall be July 1, of each year for applications received prior to July 1, or the subsequent date on which the complete application is received by the superintendent of public instruction.

(3) Fiscal expenditures made prior to the effective approval date indicated on an application or a request for budget revision shall not be allowed.

(4) Consistent with P.L. ~~((93-380))~~ 100.297, any school district shall have an opportunity to appeal a decision of the superintendent of public instruction, first to the superintendent of public instruction and then to the United States Secretary of Education.

(5) All districts with approved, nonprofit, private schools within their boundaries must return to the office of the superintendent of public instruction "Participation in Federal Programs" Form 829 for each school by the end of February, as part of their application. Reimbursement and approval will be withheld until all forms are received.

(6) Applications received after November 30 will not be processed and the funds will be reallocated.

AMENDATORY SECTION (Amending Order 86-6, filed 7/18/86)

**WAC 392-165-500** (~~(Distribution of)~~) **Allocation formula for distribution of eighty percent Chapter 2 moneys to local school districts.** (~~((+))~~) For the purpose of this section, the term:

~~((a)) (1) "Student enrollment" shall mean the head count for public and private schools ((and neglected and delinquent institutions)) submitted by the school districts to the office of the superintendent of public instruction on October 1 of each prior year.~~

~~((b)) (2) "Low income student enrollment" shall mean those students who ((reside in a school district whose family income meets the definition of low income reported in the statistical policy handbook/office of the federal policy and standards, 4/27/83.~~

~~(e) "Minority population enrollment" shall mean those minority students determined by sight identification or self-identification to be noncaucasian as reported in the P105 report.~~

~~(d) "Gifted enrollment" shall mean three percent of the district student enrollment submitted under (a) of this subsection.~~

~~(e) "Desegregation enrollment" shall mean all students enrolled in school plant facilities affected by plans to alleviate or prevent the racial imbalance of school plant facilities (see WAC 180-26-025 for the definition of racial imbalance). In order for the students enrolled in school plant facility to be counted for the purpose of this section, the school plant facility must meet each of the following conditions:~~

~~(i) The school plant facility must be included within a plan, adopted by the board of directors of the district, to alleviate or prevent racial imbalance within the district;~~

~~(ii) At least ten percent of the students enrolled in each school plant included within the plan meet one or combination thereof of the following:~~

~~(A) Have been reassigned from another school plan for the purpose of alleviating or preventing racial imbalance; and~~

~~(B) Must reside closer in distance to other school plants offering the same grade or program opportunity.~~

~~(iii) At least ten percent of the students enrolled in each school plant included must be minority students.~~

~~The board adopted plan, together with the number of students enrolled in each school plant facility affected, (i.e., desegregation enrollment), shall be transmitted to the superintendent of public instruction in accordance with timelines announced annually by the superintendent of public instruction.~~

~~(f) "Limited English speaking enrollment" shall mean those students who qualify under chapter 392-160 WAC.~~

~~(2) Each year the superintendent of public instruction shall make available for allocations to the school districts eighty percent of Chapter 2 moneys received for allocation during the school year plus such amount as may be carried over from the previous school year's allocation based on a formula which recognizes enrollment and high cost factors as follows:~~

~~(a) Student enrollment. Forty percent of the amount available each year will be made available on the basis of public and private school student enrollment.~~

~~(b) Low income student enrollment. Twenty five percent of the funds will be made available on the basis of low income student enrollment.~~

~~(e) Minority population enrollment. Ten percent of the funds will be made available based on minority population enrollment.~~

~~(d) Gifted enrollment. Ten percent of the funds will be made available on the basis of gifted enrollment.~~

~~(e) Desegregation enrollment. Ten percent of the funds will be made available on the basis of desegregation enrollment.~~

~~(f) Limited English speaking enrollment. Five percent of the funds will be made available on the basis of limited English speaking enrollment.~~

~~(3) From enrollment information for each of the populations described in subsection (1) of this section submitted by school districts to the superintendent of public instruction, the superintendent of public instruction shall determine the amount to be allocated to each school district)) are eligible for a free or reduced price lunch.~~

The eighty percent allocation formula to all school districts is based on sixty-seven percent enrollment and thirty-three percent low income based on the number of free and reduced price lunches served.

#### NEW SECTION

**WAC 392-165-510 Program compliance review.** The superintendent of public instruction shall conduct program compliance review of all school districts receiving Chapter 2 funds. Reviews shall occur at least once within a four-year plan as established by the superintendent of public instruction. If a school district is not reviewed due to exceptional or uncontrollable circumstances, these districts will have first priority for review the following year.

Following the review the school district will have thirty days to respond to the superintendent of public instruction if there are exceptions. Substantial noncompliance or failure by the school district to respond and/or initiate corrective action in a timely manner shall be subject to actions prescribed in WAC 392-165-440, 392-165-445, and 392-165-450.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-165-240	Definition—Basic skills.
WAC 392-165-327	Planned expenditures by subchapter program.
WAC 392-165-332	Board approval—Subchapter A activities.
WAC 392-165-342	Approved program variance—Twenty percent allowed.



**WSR 92-18-081**  
**PERMANENT RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Order R-376, Docket No. 920379—Filed September 1, 1992, 2:58 p.m.]

In the matter of chapter 480-09 WAC, Rules relating to procedural rules, amending WAC 480-09-140, 480-09-210, 480-09-400, 480-09-420, 480-09-425, 480-09-460, 480-09-480, 480-09-500, 480-09-700, 480-09-735, 480-09-780, 480-09-800, 480-09-810, and 480-120-087.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 92-13-101, filed with the code reviser on June 17, 1992. The commission brings this proceeding pursuant to RCW 80.01.040.

This proceeding complies with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The commission scheduled this matter for oral comment and adoption under Notice No. WSR 92-13-101, for 9:00 a.m., Wednesday, August 5, 1992, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. The notice provided interested persons the opportunity to submit written comments to the commission until July 15, 1992.

The commission, pursuant to the notice, heard oral comments and considered the rule change proposal for adoption at its regularly scheduled August 5, 1992, open public meeting, before Chairman Sharon L. Nelson and Commissioner Richard D. Casad.

Written comments were filed by David Wiley, Jack Davis, James Sells, Andrew Shafer, and Boyd Hartman and by Douglas Owens on behalf of International Pacific, Inc., and Edward Shaw on behalf of US West Communications. Alice Haenle, on behalf of Office of Administrative Hearings, and Edward Shaw presented oral comments.

In response to comments, the commission rejected proposed amendments to WAC 480-09-780 that would have shifted its transcript costs to litigants in certain situations. It also rejected an associated proposal to amend filing procedures for administrative review. It rejected the notice changes to better balance the need for administrative cost savings with the value of minimizing economic barriers to use of the administrative process. In all other respects, the proposal was adopted as noticed.

The rule change affects no economic values.

In reviewing the entire record, the commission determines that WAC 480-09-140, 480-09-210, 480-09-400, 480-09-420, 480-09-425, 480-09-460, 480-09-480, 480-09-500, 480-09-700, 480-09-735, 480-09-780, 480-09-800, 480-09-810, and 480-120-087 should be amended to read as set forth in Appendix A, shown below and included in it by this reference.

**ORDER**

THE COMMISSION ORDERS That WAC 480-09-140, 480-09-210, 480-09-400, 480-09-420, 480-09-425, 480-09-460, 480-09-480, 480-09-500, 480-09-700, 480-09-735, 480-

09-780, 480-09-800, 480-09-810, and 480-120-087 are amended as set forth in Appendix A, as rules of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380(2).

IT IS FURTHER ORDERED That this order and the rules shown below, after first being recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

Dated at Olympia, Washington, this 1st day of September, 1992.

Washington Utilities and Transportation Commission  
 Sharon L. Nelson, Chairman  
 Richard D. Casad, Commissioner  
 A.J. Pardini, Commissioner

**APPENDIX "A"**

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-140 Ex parte communications.** (1) General. After the commencement of an adjudicative proceeding and prior to a final determination therein, no party to the proceeding, or its counsel or other person on behalf of a party, shall discuss the merits of the proceeding with the commissioners, the presiding officer or the commissioners' staff assistants assigned to advise the commissioners in the decisional process in that proceeding, unless reasonable notice is given to all parties who have appeared therein, to enable them to be present at the conference. When a party initiates correspondence with a presiding or reviewing officer regarding ~~((the merits of))~~ any pending proceeding, the party shall serve a copy of the correspondence upon all parties of record and furnish proof of such service to the commission.

(2) Communications necessary to procedural aspects of maintaining an orderly process, such as scheduling, are not ex parte communications prohibited by RCW 34.05.455 or by this rule.

(3) The commission may prescribe appropriate sanctions, including default, for any violation of RCW 34.05.455 or this section.

AMENDATORY SECTION (Amending Order R-368, Docket No. A-910530, filed 3/5/92, effective 4/5/92)

**WAC 480-09-210 Rule making—Notice of proposed rule—Rules coordinator.** (1) In any proposed rule making, the commission may solicit comments from the public on the subject of possible rule making under active consideration within the agency by causing notice to be published in the state register of the subject matter and indicating where, when, and how persons may comment.

(2) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the *State Register*. The publication shall contain information as provided in RCW 34.05.320 and shall constitute the proposal of a rule.

(3) Within a reasonable time after the publication of the notice of a proposed rule in the *State Register*, any person



may request a copy of the notice by writing to the secretary of the commission.

(4) Petitions for adoption, amendment, or repeal of a rule shall be made pursuant to WAC 480-09-220.

(5) Upon filing notice of a proposed rule with the code reviser, the commission shall have copies of the ~~((statement))~~ proposal on file and available for public inspection. The commission will mail a copy to each industry association or trade group, whose members may be affected, that has asked to receive such notices.

(6) Inquiries regarding rules being proposed or being prepared within the commission for proposal may be made to Office of the Secretary, Rules Coordinator, Washington Utilities & Transportation Commission, 1300 S Evergreen Park Dr SW, PO Box 47250, Olympia WA 98504-7250.

(7) Persons may receive notice of proposed rule makings for all commission rules, or for those affecting specific industries, by sending a request in writing to the rules coordinator. The commission may establish a fee for this service based on the estimated actual cost of providing the service. It may decline to establish a fee for specific groupings, and it may group industries together, for efficiency or administrative convenience.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-400 Applications for adjudicative proceedings.** (1) Persons involved in an actual case or controversy within the jurisdiction of the commission to resolve may apply to the commission for an adjudicative proceeding to secure an order resolving matters at issue. Each application should specify every issue to be adjudicated in the proceeding.

(2) Petitions, formal complaints, protests, and requests for review of the denial of unprotested authority, when properly and timely filed, constitute applications for adjudicative proceedings except when specified to the contrary in statute or rule, when the document is presented during an existing adjudication, or when the subject is not required to be resolved in an adjudication as defined in chapter 34.05 RCW.

(3) The commission may, in its discretion, treat unprotested applications for authority as applications for adjudicative proceedings.

(4) Within thirty days after receipt of an application for an adjudicative proceeding, the commission shall notify the applicant of any obvious errors or omissions, request any additional information it requires and is permitted by law to require regarding the application for adjudicative proceeding, and notify the applicant of the name, mailing address, and telephone number that may be contacted regarding the application.

(5) Within ninety days after receipt of the application or receipt of the response to a timely request made under subsection (2) of this section, the commission shall:

(a) Approve or deny the petition or protest on the basis of brief or emergency adjudicative proceedings;

(b) Commence an adjudicative proceeding by serving the parties with a notice of hearing pursuant to RCW 34.05.434 and WAC 480-09-700; or

(c) Decide not to conduct an adjudicative proceeding and furnish the applicant with a copy of its decision in writing, with a brief statement of its reasons for doing so and of any administrative review available.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-420 Pleadings—Applications for authority—Protests.** Pleadings. Pleadings before the commission include formal complaints, petitions, answers, replies, and written motions.

(1) Legibility; service. All pleadings shall be legible and, unless otherwise required for a specific pleading, a copy shall be served upon each party to the proceeding.

(2) Errors in pleadings. When it finds a pleading to be defective or insufficient, the commission may return the pleading to the party filing it for correction. Typographical errors or errors in captions or spelling of names of parties may be corrected by the commission.

(3) Form. Every pleading before the commission shall generally conform with the following form.

At the top of the page shall appear the phrase, "Before the Washington Utilities and Transportation Commission." On the left side of the page, next below, the caption of the proceeding shall be set out or, if no caption exists, the following: "In the Matter of the (Petition, Motion, Answer, etc.) of (name of the pleading party) for (identify relief sought)." Opposite the foregoing caption shall appear the word (Petition, Motion, Reply, etc., of [role of party: e.g., petitioner, respondent, protestant, etc., and name the party if more than one party has the same role in the proceeding]).

The body of the pleading shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the pleading party. The second paragraph shall state all rules or statutes that may be brought into issue by the pleading. Succeeding paragraphs shall set out the statement of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the pleading party.

(4) Number of copies; size. Unless, in a particular case, the commission specifies a different number of copies, the original and three legible copies of each pleading in transportation matters, ~~((twenty))~~ and nineteen copies in all other matters, shall be filed with the commission. Copies shall be on three-hole punched white paper, 8-1/2" x 11" in size.

(5) Complaints.

(a) Defined. Formal complaints are those complaints filed in accordance with RCW 80.04.110 and 81.04.110, complaints filed pursuant to RCW 80.54.030, or complaints in proceedings designated by the commission as formal proceedings. Commission final orders on complaints filed pursuant to RCW 80.54.030 shall be entered within three hundred sixty days after the filing of such complaints.

(b) Contents. Formal complaints must be in writing setting forth clearly and concisely the ground of complaint and the relief requested. Facts constituting the basis of the complaint, including relevant dates, should be stated, together with citations of the statutes or rules of the commission involved. The name and address of the person

complained against must be stated in full. The name and address of the complainant and the name and address of complainant's attorney, if any, must appear upon the complaint.

In a proceeding under RCW 80.04.110 or 81.04.110, the provisions of the respective statute shall also apply.

(6) **Protests.** A person whose interests would be adversely affected by the granting of an application or by a rate change may file a protest. Protests to applications must conform to the requirements of any special rules relative to the type of the application being protested. A protestant must serve a copy of the protest upon the applicant or person requesting a rate change. Protestants are not entitled, as a matter of right, to a hearing upon the matter being protested, but a protest may contain a request for a hearing. The commission may, whether or not a protest contains such a request, set the matter in question for hearing.

(7) **Petitions.**

(a) **Defined.** All pleadings seeking relief (other than complaints or answers) shall be styled "petitions."

(b) **Petitions - contents.** A petition shall set forth all facts upon which the request for relief is based, with the dates of all relevant occurrences and a citation of the statutes, rules, and regulations of the commission upon which the petition is based.

(8) **Motions.** The practice respecting motions shall conform insofar as possible with the practice in the superior court of Washington.

Motions shall be filed separately from any other filing.

(9) **Responsive pleadings.**

(a) **Answer.** Except as otherwise provided in WAC 480-09-425, any party who desires to respond to a complaint, motion, or petition shall file with the commission and serve upon all other parties an answer. If an answer is not filed, the complaint or petition shall be deemed to be denied by the respondent. Answers shall fully and completely disclose the nature of the defense and shall admit or deny specifically and in detail all material allegations of the complaint or petition. Matters alleged by way of affirmative defense shall be separately stated and numbered.

(b) **Reply.** The response to an answer is styled a reply. Unless otherwise specified, replies may not be filed without authorization by the commission upon a showing of cause.

**AMENDATORY SECTION** (Amending Order R-351, Docket No. A-910835, filed 10/30/91, effective 11/30/91)

**WAC 480-09-425 Pleadings—Verification, time for filing, responsive pleadings, amendments.** (1) **Verification.** All pleadings, except motions and complaints brought upon the commission's own motion, shall be dated and signed by at least one attorney or representative of record in his or her individual name, stating his or her address, or by the party if the party is not represented.

Pleadings of a party who is not represented by an attorney shall contain a statement that the pleading is true and correct to the best of the signer's belief.

(2) (~~(Time for motion:)~~) **Motions.** Any motion directed toward a pleading must be submitted in writing and, unless good cause is shown for a delay, filed no later than the time the responsive pleading is due. If no responsive pleading is provided for, the motion must be filed within ten days after

service of the pleading. Motions shall be filed separately from any other filing. Motions on procedural issues may be argued orally during a hearing pursuant to WAC 480-09-736.

(3) **Time for answer; reply.**

(a) An answer must be filed within twenty days(;;) after the service of the pleading against which it is directed. The filing of an answer is not mandatory. During a hearing, the time for answers to interlocutory pleadings is governed by WAC 480-09-736 and the discretion of the presiding officer.

(b) A request to reply to an answer must be filed within ten days after service of the answer to which it is directed. A request to file a reply is deemed denied unless specifically granted by the commission. If the commission allows a reply, it will set the time for filing.

(c) Whenever the commission believes that the public interest so requires, it may alter the time allowed for any answer.

(4) **Liberal construction.** All pleadings shall be liberally construed with a view to effect justice among the parties. The commission will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceeding which do not affect the substantial rights of the parties.

(5) **Amendments.** The commission may allow amendments to the pleadings or other relevant documents at any time upon such terms as may be lawful and just.

**AMENDATORY SECTION** (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-460 Prehearing conferences.** (1) **General.** When issues are joined in any formal proceeding the commission may, by written notice, request all interested persons to attend a prehearing or other conference for the purpose of determining the feasibility of settlement, or of formulating the issues in the proceeding and determining other matters to aid in its disposition. A commissioner, an administrative law judge, or an employee of the commission designated by the commission, shall preside at such conference, to consider:

(a) Simplification of the issues;

(b) The necessity or desirability of amendments to the pleadings;

(c) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;

(d) Limitations on the number and consolidation of the examination of witnesses;

(e) The procedure at the hearing;

(f) The need for and timing of distribution of written testimony and exhibits to the parties prior to the hearing;

(g) Such other matters as may aid in the disposition of the proceeding, or settlement thereof.

The disposition of petitions for leave to intervene in the proceeding filed pursuant to WAC 480-09-430 may be ruled upon at a prehearing conference.

(2) A statement describing the action taken at the conference and the agreements made by the parties concerning all of the matters considered shall be made orally on the record or in writing, and served upon the parties, for approval. If no objection to the oral statement is made on the record, or no objection to the written statement is filed within ten days after the date the statement is served, it shall

be deemed to be approved, subject to commission review. The result of the prehearing conference will control the subsequent course of the proceeding unless rejected by the commission or modified to prevent manifest injustice.

(3) Recessing hearing for conference. In any proceeding the presiding officer may, in his or her discretion, call the parties together for a conference prior to the taking of testimony, or may recess the hearing for such a conference, with a view to carrying out the purpose of this section. The presiding officer shall state on the record the results of such conference.

**AMENDATORY SECTION** (Amending Order R-351, Docket No. A-910835, filed 10/30/91, effective 11/30/91)

**WAC 480-09-480 Methods for obtaining data in adjudicative proceedings.** (1) General. The only discovery procedure available in adjudicative proceedings before the commission is the subpoena. "Subpoena" as used in this section includes subpoena duces tecum: *Provided*, That in the following proceeding(s) discovery will be available as provided by this section according to a schedule established by prehearing order:

(a) Any proceeding involving a change in the rate levels of a utility company or a segment of the motor carrier industry;

(b) Any proceeding that the commission declares to be of a precedential nature; or

(c) ~~((Any proceeding in which a commission policy of general applicability is to be reconsidered;~~

~~(d))~~ Any complaint proceeding involving claims of discriminatory and/or anticompetitive conduct.

Nothing in this section shall be construed as imposing any limitation whatsoever on the commission's ability to audit and/or obtain the books and records of public service companies, and the public service companies' obligation to provide information to the commission, whether or not in the context of an adjudicative proceeding. Parties in an adjudicative proceeding may agree on informal discovery procedures in addition to or in place of the procedures contained in this section.

(2) Definitions.

(a) Party. Any party as defined by WAC 480-09-410: *Provided*, That a person who has filed a petition to intervene shall be deemed to be a party for purposes of this section pending a ruling on the petition.

(b) Data. As used in this section, data means information of any type in any form.

(c) Data request. A request for data issued by a party in an adjudicative proceeding. The request may be in writing or may be made by oral motion at a conference or hearing. Generally, data requests seek extant documents, an analysis, compilation or summary of extant documents into a requested format, or a narrative explaining a policy, position or document. If a party relies on a cost study, it is expected that the party will, upon request, rerun the study based on different assumptions, subject to the standards in (5)(a)(iii) of this section. Parties will not be ordered to respond to a data request which seeks production of a new cost study unless the commission so orders, based upon a compelling need for such production.

(d) Depositions. Depositions are described in (5)(b) of this section.

(3) When available. The data requests and the deposition procedure described in this section shall be available in the context of an adjudicative proceeding when the commission, on its own motion or on motion of a party declares that the adjudicative proceeding meets one of the criteria set forth in subsection (1) of this section.

(4) Procedure. At a prehearing conference, a data request and deposition schedule shall be established, and set forth in a prehearing order. The schedule must provide for deadlines sufficient to allow a timely opportunity for disputes to be resolved by an administrative law judge, and by subsequent commission order if necessary. In a proceeding initiated by commission complaint, the commission staff shall not be required to respond to data requests prior to the filing of the commission staff direct evidence. Unless a different schedule is adopted, motions involving disputes arising from use of the procedures in this section will be heard by an administrative law judge on Wednesday mornings at the hour of 9:00 a.m. If commission review is required, such review will take place on the same day, if possible, as soon as the commission is available to hear argument.

(5) Methods available. Unless otherwise specified in the prehearing order, the following procedures will apply:

(a) Data requests.

(i) To whom sent. Written data requests shall be sent to the party of whom the request is made, with copies to all other parties. The commission staff copy shall be sent to the assistant attorney general representing the commission staff. Neither the commissioners nor the secretary of the commission should receive copies of such requests, except upon the filing of a motion to compel or an objection to the request, at which time the specific request or requests shall be attached to the motion or objection. Data requests may also be made on the record, at hearing or conference. Each party shall number its data requests sequentially as submitted.

(ii) Receipt of responses. Responses to data requests shall be sent to the requesting party and to any other party who shall have requested a copy, so long as such responses are consistent with the terms of any protective order which may be entered in the proceeding.

The party responding to the data request shall provide the response to the data requested to the requesting party within ten days of receipt of the request. In the event the data cannot be supplied within ten days, the responding party shall notify the requesting party, in writing and within five days of receipt of the request, of the reasons why the ten-day limit cannot be met. In this event, the responding party shall also provide a schedule for producing the requested data or shall explain why portions of the data will not be supplied. Weekends and holidays will be excluded in calculating these time limits. Time limits may be modified by prehearing order to the extent necessary to conform to the commission's hearing schedule.

No response to a data request shall be considered or treated as evidence until it is entered into the record.

(iii) Scope of request. The scope of any request for data shall be for data relevant to the issues identified in the notices of hearing or orders in the adjudicative proceeding.

It is not grounds for objection that the information sought will be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to discovery of admissible evidence. The frequency, extent, or scope of discovery shall be limited by the commission if it determines that the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; the party seeking discovery has had ample opportunity to obtain the information sought; or, the discovery is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the responding party's interest in the proceeding, and the importance of the issues at stake in the adjudicative proceeding.

(b) Depositions. Depositions will be available during one or more conferences scheduled in the prehearing order. A party who intends to depose a witness will give at least five days' notice to the commission and all parties prior to the scheduled conference. The conference will be convened at Olympia by an administrative law judge who will, thereafter, withdraw from further participation in the deposition unless requested by the parties to remain. Should all parties request the administrative law judge to participate in the deposition portion of the conference, or should no party object prior to such participation, the parties will be deemed to have waived the right to argue that the deposition constitutes a "hearing" within the meaning of RCW 34.12.060. Only witnesses who have been identified by a party as a prospective witness will be subject to deposition: *Provided*, That an individual compelled to appear as an adverse witness will not be deemed to be a "prospective witness" for purposes of this subsection.

(i) Depositions—How conducted. Depositions will be conducted by the parties, using Rule 30 of the Civil Rules of Procedure as a guide. At the request of a party, the deposition may be interrupted for purposes of presenting to an administrative law judge or the commission a dispute regarding the deposition process. However, to avoid interruption, such disputes should, if possible, be reserved to the conclusion of the deposition. The scope of questioning will be the same standard set forth in (5)(a)(iii) of this section. The deposition will be recorded by a court reporter provided by the commission. Each party will be responsible for arranging for the attendance of those of its prospective witnesses who have been asked to be deposed.

(ii) Use of depositions. Except as provided in this subsection, depositions may be used for any purposes. If a witness is available, and a party seeks to offer that witness' deposition into evidence for other than impeachment purposes, that party must do the following:

(A) Offer only those portions of the deposition upon which it intends to rely; and

(B) Provide five working days' written notice (prior to the hearing at which the witness will appear) to other parties of its intent to offer the specified portions of the deposition into evidence.

At hearing, if portions of a deposition are admitted into evidence, other parties shall have the right ((e)) to offer other portions of the deposition. Time limits may be modified by prehearing order to the extent necessary to conform to the the commission's hearing schedule. The

portions of the deposition moved into evidence shall be admitted as testimony if the testimony is otherwise admissible, and if admitting the testimony would substantially reduce repetitive questioning.

(6) Procedure for resolving disputes. If a responding party refuses to produce the data requested or refuses to comply with a request for deposition, or if a witness fails to respond to a question at deposition, and the parties have failed in good faith efforts to resolve the dispute, the matter may be brought upon motion filed with the secretary of the commission and presented to an administrative law judge for resolution.

Motions shall be timely filed. Responses to the motion shall be filed within five working days of the receipt of the motion, and shall be served on all parties. Time limits may be imposed or modified by prehearing order to the extent necessary to conform to the commission's hearing schedule.

Argument on motions under this section will typically be heard at the commission's offices in Olympia, on Wednesdays, beginning at 9:00 a.m. The administrative law judge will notify the parties to the motion of the specific time and place of the argument. The notification may be by telephone or by letter. Oral arguments will be transcribed or tape recorded. The administrative law judge will rule on the motion.

If the ruling of the administrative law judge is unsatisfactory to a party, the administrative law judge, upon oral request at the time the motion is ruled upon, shall refer the matter to the commission for resolution. Oral arguments will be transcribed or tape recorded. If possible, the commission will hear the matter on the same day as soon as the commission is available to hear argument. If this is not possible, the commission will advise the parties, by telephone or by letter, of the time and place of the argument.

If a party fails or refuses to comply with a commission order resolving a dispute under this section, the commission may impose sanctions including but not limited to dismissal, striking of testimony, evidence, or cross-examination, or penalties as provided by law.

**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 R-336, Docket No. A-900700, filed 2/22/91, effective 3/25/91)

**WAC 480-09-500 Brief adjudicative proceedings.**

(1) Pursuant to RCW 34.05.482, the commission may use brief adjudicative proceedings where not violative of law and where protection of the public interest does not require the commission to give notice and an opportunity to participate to persons other than the parties. Those circumstances may include:

(a) Review of denials or partial denials of applications that are not protested;

(b) Contested applications for temporary authority;

(c) Proceedings which could lead to suspension, cancellation, or revision of authority for failure to maintain tariffs, pay fees, or file required documents; and

(d) Formal complaints in which notice and an opportunity to participate in the proceeding need not be given to persons other than the parties.

In exercising its discretion to conduct a brief adjudication, the commission will consider the benefits for the parties and the commission to be gained from a brief adjudication, the nature of issues involved and whether the commission desires to consider further or in depth an issue that is raised, the likelihood that review in a brief adjudication will provide a more sound decision than considering the issues without the brief adjudication, and whether alternative means of resolving the issues are sufficient to satisfy the parties' and the commission's interests.

(2) Application may be made for a brief adjudicative proceeding by filing a letter of request and certificate of service with the secretary of the commission. If it grants the request, the commission shall designate either a review judge, the director of its transportation division, or the director of its utilities division as a presiding officer in specified brief adjudicative proceedings. The commission may set a matter for brief adjudication on its own motion when doing so will not prejudice the rights of any party. Each applicant for a brief adjudicative proceeding shall submit a written explanation of its view of the matter along with its application. ~~((Other)) Parties may file ((a)) written ((response within ten days after service of the application for a)) submissions as provided in the commission's notice that it will conduct the brief adjudicative proceeding.~~ In the discretion of the commission or the presiding officer, oral comments offered by parties may be considered.

(a) If a party to a brief adjudicative proceeding desires an opportunity to make an oral statement, the request should be made in the application or in the response to the application.

(b) A request to make an oral statement may be granted if the presiding officer believes such a statement would benefit him or her in reaching a decision. ~~The ((presiding officer shall notify the parties within a reasonable time of the decision to grant or deny the request to hear oral comments, and, if the request is granted, shall notify the parties of the time and place for hearing comments))~~ commission shall serve upon the parties a notice of the time and place for the brief adjudicative proceeding and the name and telephone number of the scheduled presiding officer at least seven days before the proceeding.

(3) If the party is present at the time any unfavorable action is taken, the presiding officer shall make a brief statement of the reasons for the decision. The action on the application shall be expressed in a written order which shall be served upon all parties within ten days after entry of the order or the decision.

(4) The brief written statement is an initial order. If no review is taken of the initial order, it shall be the final order.

(5) Service of the initial order shall be made pursuant to WAC 480-09-120.

(6) The commission shall conduct a review of an initial order resulting from a brief adjudicative proceeding upon the written or oral request of a party if the commission receives the request within twenty-one days after service of the initial order. If no request is timely filed, the commission may adopt, modify, or reject the initial order.

(7) A request for review of an initial order shall contain an explanation of the party's view of the matter, with a statement of reasons why the initial order is incorrect, and a

certificate of service. Responses to a request for review of an initial order shall be filed with the commission and served upon the other parties within ten days after service of the request for review.

(8) The order on review must be in writing, must include a brief statement of the reasons for the decision, and must be entered within thirty days after the date of the initial order or of the request for review, whichever is later. The order shall include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(9) A request for administrative review is deemed to have been denied if the agency does not make a disposition of the matter within thirty days after the request is filed.

(10) The record in a brief adjudicative proceeding shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-700 Hearings—Notice and failure to appear.** (1) Notice.

(a) Initial hearing notice. The time and place of hearings will be set by the commission and notice thereof served upon all parties at least twenty days in advance of the initial hearing date, unless the commission finds that good cause exists for the hearing to be held upon shorter notice. An effort will be made to set all hearings sufficiently in advance so that all parties will have a reasonable time to prepare their cases, and so that need for continuances will be minimized.

(b) Continued hearing sessions. The time and place of continued hearing sessions may also be set:

- (i) Upon the record without further written notice to the parties; or
- (ii) By letter from the secretary of the commission; or
- (iii) By letter from the presiding officer.

In such instances, twenty days' prior notice is not required.

(2) The initial notice of hearing shall state that, if a limited English-speaking or hearing-impaired party needs an interpreter, a qualified interpreter will be appointed at no cost to the party or witness. The notice shall include a form for a party to indicate whether he or she needs an interpreter and to identify the primary language or hearing impaired status of the party.

(3) Failure to appear - default - dismissal.

(a) At the time and place set for hearing, if a party fails to appear, the presiding officer may recess the hearing for a brief period to enable the party to attend the hearing, but if at the time set for the resumption of the hearing the party is not present or represented, the commission may dismiss the party or find the party in default.

(b) Default shall be implemented by a default order or by a default provision in the order disposing of the issues in the proceeding, pursuant to RCW 34.05.440. Default may be appropriate in instances where the party is the initiator of the proceeding, such as an applicant, a petitioner, or a complainant.

(c) Dismissal shall be implemented by a dismissal provision in the order disposing of the issues in the proceeding. Dismissal may be contested by the filing of a petition for reopening until the close of the time for filing a petition for administrative review of an initial order or, if no initial order is entered, until the close of the period for filing a petition for reconsideration. The person who is dismissed may support the petition for reopening by showing good cause for failure to appear, for failure to seek a continuance, and for failure to earlier seek an excuse for failure to appear.

(4) Sanctions for failure to appear. Except when a hearing is otherwise required by law, an applicant for operating authority or for transfer or acquisition of control of operating authority, ~~((or))~~ a protestant to such an application, or an applicant for a rate change under WAC 480-12-295 shall appear at any scheduled hearing pursuant to this chapter unless:

(a) The application or protest is withdrawn at least five days prior to the date set; or

(b) Appearance is otherwise excused by the commission or presiding officer in writing.

Failure to comply with this subsection may result in assessment of civil penalties.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-735 Order of procedure.** (1) General. Evidence will ordinarily be received in the following order:

- (a) Upon investigation on motion of the commission:
  - (i) Commission's staff;
  - (ii) Respondent; and
  - (iii) Rebuttal by commission's staff.
- (b) In investigation and suspension proceedings:
  - (i) Respondent;
  - (ii) Commission's staff;
  - (iii) Protestants against suspended schedules; and
  - (iv) Rebuttal by respondent.
- (c) Upon applications and petitions:
  - (i) Applicants or petitioners;
  - (ii) ~~((Commission's staff))~~ Protestants;
  - (iii) ~~((Protestants))~~ Commission's staff; and
  - (iv) Rebuttal by applicant or petitioner.
- (d) Upon formal complaints:
  - (i) Complainant;
  - (ii) Respondent;
  - (iii) Commission's staff; and
  - (iv) Rebuttal by complainant.
- (e) Upon order to show cause:
  - (i) Commission's staff;
  - (ii) Respondent; and
  - (iii) Rebuttal by commission's staff.
- (f) In docket hearings: At the discretion of presiding officer ~~((or examiner))~~.

(2) Modification of procedure. The order of presentation prescribed above for hearings shall be followed, except when the presiding officer directs otherwise. When hearing several proceedings upon a consolidated record, the presiding officer shall designate who shall open and close. Intervenor shall follow the party in whose behalf the intervention is made. If the intervention is not in support of any original party, the presiding officer shall designate at

what stage the intervenor shall be heard. When two causes are set for hearing at the same time and place, the cause having the lowest number shall be heard first, if all parties are ready: *Provided*, That the presiding officer may direct a different order to suit the convenience of the parties.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-780 Entry of initial and final orders—Administrative review.** (1) General. Whenever the presiding officer enters an order in accordance with the provisions of RCW 34.05.461, each party of record and the party's attorney, or other authorized representative shall be served with a copy of the order pursuant to the provisions of WAC 480-09-120(2).

(2) Petitions for administrative review - time for filing - who may file - required copies.

(a) Any party may within twenty days after entry of the initial order file a petition for administrative review.

~~(b) Unless a different number is directed by the commission, an original and three copies of petitions for administrative review of an initial order in transportation matters and nineteen copies in all other matters must be filed with the secretary of the commission and one copy served upon each other party ((and the party's attorney within twenty days after the service of the initial order. The commission may designate a different time for filing petitions for administrative review of initial orders)). Proof of service must be made in accordance with WAC 480-09-120(2).~~

~~(3) ((Petitions for administrative review— who may file. Any party to an adjudicative proceeding may file a petition for administrative review of an initial order.~~

~~(4))~~ (4) Petitions for administrative review - contents. Petitions must clearly identify the nature of the challenge to the initial order, the evidence relied upon to support the challenge, and the nature of the remedy urged by the petition. Petitions for review of initial orders shall be specific and separate contentions must be separately stated and numbered. Petitions for review of findings of fact must be supported by a reference to the pertinent page or part of the record or by a statement of the evidence relied upon to support the petition, and should be accompanied by a recommended finding of fact. Petitions for review of conclusions of law should be supported by reference to the appropriate statute, rule, or case involved and should be accompanied by a recommended conclusion of law. When a petition challenges the summary portion of an initial order, the petition shall include a statement showing the legal or factual justification for the challenge, together with a statement of how the alleged defect in the summary affects the findings of fact, the conclusions of law, or the ultimate decision.

~~((5))~~ (4) Answers.

(a) Answers to a petition for administrative review may be filed by any party.

(b) Unless a different number is required, three copies of answers to petitions for review in transportation matters and ~~((twenty))~~ nineteen copies in all other matters must be filed with the secretary of the commission, and a copy served upon each other party to the proceeding within ten

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days after the service of the petition. The commission may designate a different time for filing answers to petitions.

(c) A party who did not file a petition for administrative review of an initial order may challenge the order or portions thereof in its answer to the petition of another party.

((6)) (5) Oral argument. The commission may in its discretion hear oral argument upon a petition for review at a time and place to be designated by it upon notice to all parties to the proceeding. A party who desires to present oral argument may move for argument, stating why the oral argument will assist the commission in making its decision and why written presentations will be insufficient.

((7)) (6) Final order. After reviewing the initial order and any petitions for review, answers, replies, briefs, and oral arguments, and the record or such portions thereof as may be cited by the parties, the commission may by final order adopt, modify, or reject an initial order. The statutory time for judicial review proceedings shall not commence until the date of the commission's final order or, if a petition for reconsideration has been filed, the date the petition is deemed denied or is otherwise disposed of.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-800 Stay.** A party may file with the commission a petition for stay of effectiveness of a final order within ten days after its service unless otherwise provided by statute or stated in the final order. The commission may stay the effect of a final order on its own motion.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

**WAC 480-09-810 Reconsideration.** (1) General. Any party to an adjudicative proceeding may file a petition for reconsideration of a final order of the commission within ten days after the date the order is served.

(2) Number of copies - filing - service. Unless a different number has been ordered by the commission, an original and three copies of the petition in transportation matters and ((twenty)) nineteen copies in all other matters shall be filed with the commission and a copy of the petition shall be served by petitioner upon each party of record.

(3) Contents. The petition shall state with particularity each portion or portions of the challenged order contended to be erroneous or incomplete, and shall cite those portions of the record and the laws or rules of the commission relied upon to support the petition, together with brief argument.

(4) Answers. No party shall file an answer unless requested by the commission: *Provided*, That if the commission determines that reconsideration may be appropriate, involving more than the correction of obvious error and involving a possible change in a significant term of the order, it shall request answers from the other affected parties.

(5) Except upon specific direction of the commission, no oral argument shall be permitted on petitions for reconsideration.

(6) Disposition. The petition is deemed denied if, within twenty days from the date the petition is filed, the commission does not either:

- (a) Dispose of the petition; or
- (b) Serve the parties with a written notice specifying the date by which it will act on the petition.

If the petition is granted, the commission may modify its prior order or take such other action as it may deem appropriate. No petition for reconsideration of an order on reconsideration will be accepted by the commission. No petition for reconsideration may stay the effectiveness of an order.

AMENDATORY SECTION (Amending Order R-265, Cause No. U-86-106, filed 11/17/86)

**WAC 480-120-087 Telephone solicitation.** (1) As used in this section, "telecommunications company" is limited to telecommunications companies providing local exchange telephone service.

(2) Telecommunications companies shall notify their customers of their rights under chapter 277, Laws of 1986, with respect to telephone solicitation. Notice shall be provided by conspicuous publication of the notice in the consumer information pages of local telephone directories. The notice shall clearly inform subscribers of their rights under the law and shall, at a minimum, include the following information:

(a) Under Washington law residential subscribers have the right to keep telephone solicitors from calling back. A solicitor is someone who calls you to ask you to buy something or donate something.

(b) The law requires that solicitors identify themselves, their company or organization, and the purpose of the call within the first thirty seconds. If at anytime during the conversation you say you do not want to be called again or want to have your name and number removed from the calling list, the company or organization may not have a solicitor call you for at least one year and may not sell or give your name and number to another company or organization.

(c) The attorney general's office is given the authority to enforce this law. In addition, individuals may sue the solicitor for a minimum of one hundred dollars per violation. If the suit is successful, the individual will be able to recover money spent on court and attorney's fees.

To file a complaint, or request more information on the law, please write to the Fair Practices Office listed below, or between 12:00 noon and 5:00 p.m., weekdays, call the Attorney General's Office, Fair Practices Division, at its toll-free number: 1-800-551-4636. If you are filing a complaint, please include as much information as possible about the name and address of the company or charity, the time you received the calls, and the nature of the calls.

Attorney General's Office  
 ((1300 Dexter Horton Building))  
 900 Fourth Avenue, Suite 2000  
 Seattle, Washington ((98104)) 98164



**WSR 92-18-083**  
**PERMANENT RULES**  
**WILDLIFE COMMISSION**

[Order 563—Filed September 2, 1992, 8:10 a.m.]

Date of Adoption: August 15, 1992.

Purpose: To amend permanent regulations for wild animal trapping.

Citation of Existing Rules Affected by this Order: Amending WAC 232-12-141 Wild animal trapping.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 92-14-105 on June 30, 1992.

Changes Other than Editing from Proposed to Adopted Version: Subsection (3) has been modified to read: "Lawfully trapped furbearers must be lethally dispatched or immediately released. A firearm may be used for this purpose."; and the language under subsection (4)(f) should have been underscored to reflect new language.

Effective Date of Rule: Thirty-one days after filing.  
September 1, 1992  
Dean A. Lydig  
Chairman

AMENDATORY SECTION (Amending Order 460, filed 9/19/90)

WAC 232-12-141 Wild animal trapping (1) The trapping season authorizes the taking of furbearing animals for their hides and pelts only. Furbearers may not be taken from the wild and held alive for sale or personal use without a special permit pursuant to WAC 232-12-064.

(2) Any wildlife trapped for which the season is not open shall be released unharmed. Any wildlife that cannot be released unharmed must be left in the trap, and the Department of Wildlife must be notified immediately.

(3) Lawfully trapped furbearers must be lethally dispatched or immediately released. A firearm may be used for this purpose.

(4) It is unlawful to trap for wild animals:

(a) By any means other than foot-hold traps, cage (live) traps, instant-kill traps and snares.

~~((1))~~ (b) With a steel trap having a jaw spread exceeding seven and one-half inches, except an instant kill trap having a jaw spread exceeding seven and one-half inches is lawful when set beneath the water surface.

~~((2))~~ (c) With a No. 3 size or larger steel trap if it does not have spacing of at least three-sixteenth of one inch when the trap is sprung and when the set is not capable of drowning the trapped animal

~~((3))~~ (d) With a No. 3 size or larger steel trap with teeth when the set is not capable of drowning the trapped animal.

~~((4))~~ (e) Unless traps or devices are checked and animals removed within seventy-two hours, except within identified urban trapping areas, where the set is not capable of drowning the animal, traps or devices must be checked and animals removed within forty-eight ~~((48))~~ hours.

(f) With a snare attached to a spring pole or any spring pole type of device.

(g) Within thirty feet of any exposed meat bait which is visible to flying raptors.

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 92-18-084**  
**PERMANENT RULES**  
**WILDLIFE COMMISSION**

[Order 565—Filed September 2, 1992, 8:11 a.m.]

Date of Adoption: August 15, 1992.

Purpose: To establish the 1992-93 and 1993-94 Trapping seasons and regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-512 1990-91 and 1991-92 Trapping seasons and rules.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 92-14-108 on June 30, 1992.

Changes Other than Editing from Proposed to Adopted Version: The corrected season dates for Eastern Washington exceptions under Okanogan County should read:

"Nov. 8, 1992-Feb. 28, 1993 and  
Nov. 8, 1993-Feb. 28, 1994 in the . . ."

The "General Seasons for All Western Washington" were changed to:

"Beaver, River Otter . . . Dec. 8, 1992-Jan. 22, 1993 and  
Dec. 8, 1993-Jan. 22, 1994"

"Muskrat, Mink, Raccoon,  
Marten, Weasel . . . . . Nov. 21, 1992-Jan. 31, 1993 and  
Nov. 21, 1993-Jan. 31, 1994"

"Bobcat, Fox . . . . . Nov. 21, 1992-Jan 31, 1993 and  
Nov. 21, 1993-Jan. 31, 1994"

Effective Date of Rule: Thirty-one days after filing.  
September 1, 1992  
Dean A. Lydig  
Chairman

NEW SECTION

**WAC 232-28-513 1992-93 and 1993-94 Trapping seasons and regulations**  
**TRAPPING REGULATIONS**

IT SHALL BE UNLAWFUL TO: Trap for wild animals before October 1, and after March 15, in western Washington; EXCEPTION: trapping of unclassified wild animals causing damage or predation on private property by the owner or person legally controlling said property (or his designee) is permitted.

IT SHALL BE UNLAWFUL TO: Place traps or establish drowning wire and weights prior to 7:00 a.m. on the opening of the trapping season.

The Fox season is closed within the exterior boundaries of the Mount Baker, Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests; and closed in San Juan, Island, Skagit, and Whatcom counties.

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Federal lands within the Ross Lake and Lake Chelan National Recreation Areas are CLOSED to trapping.

Licenses will be issued only to trappers who have submitted their mandatory Trappers Report of Catch on or before April 10, of the previous year.

Trappers who fail to submit an accurate report of catch must wait one year before purchasing another trapper's license. False reports will be considered the same as no report of catch being filed.

To be issued a trapping license, new trappers must meet trapper training requirements.

EASTERN WASHINGTON

Certain areas have extended, shortened, or closed seasons for listed species. Refer to the general season, then look for special seasons and exceptions in the trapping zone in which you wish to trap. All opening and closing dates are inclusive. Trapping season starts at 7 a.m. on opening dates.

- Bobcat . . . . . Dec. 15, 1992-Jan. 15, 1993 and Dec. 15, 1993-Jan. 15, 1994
- River Otter . . . . . season bag limit is two (2)

Northern Zone (Chelan, Ferry, Okanogan, Pend Oreille, Spokane, and Stevens counties)

- Beaver, River Otter, Muskrat, Badger, Fox . . . . . Nov. 15, 1992-Feb. 28, 1993 and Nov. 15, 1993-Feb. 28, 1994
- Weasel, Raccoon, Mink, . . . . . Nov. 15, 1992-Jan. 31, 1993 and Nov. 15, 1993-Jan. 31, 1994
- Marten . . . . . Dec. 15, 1992-Jan. 15, 1993 and Dec. 15, 1993-Jan. 15, 1994

A permit is required to trap on the Little Pend Oreille Wildlife Area. Contact Little Pend Oreille Headquarters to obtain permits.

EXCEPTIONS:

OKANOGAN

- 1. Beaver, River Otter . . . . . Nov. 8, 1992-Feb. 28, 1993 and Nov. 8, 1993-Feb. 28, 1994 in the Columbia River, Okanogan River, Lake Osoyoos, Similkameen River, Palmer Lake, and Sinlahekin Creek downstream from Cecil Creek bridge to Palmer Lake
- 2. Marten . . . . . Dec. 1, 1992-Jan 31, 1993 and Dec. 1, 1993-Jan. 31, 1994

PEND OREILLE COUNTY

- 1. Beaver, River Otter . . . . . Nov. 8, 1992-Feb. 28, 1993 and Nov. 8, 1993-Feb. 28, 1994

- 2. Marten . . . . . Closed west of the Pend Oreille River

SPOKANE COUNTY

- River Otter, Marten . . . . . CLOSED

STEVENS COUNTY

- Marten . . . . . Closed east of the Columbia River

Southern Zone (Adams, Asotin, Benton, Columbia, Douglas, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Walla Walla, Whitman, and Yakima counties)

- Beaver, River Otter, Muskrat, Weasel, Badger, Raccoon, Mink, Fox . . . . . Nov. 15, 1992-Feb. 28, 1993 and Nov. 15, 1993-Feb. 28, 1994

River Otter open only in Klickitat, Kittitas, and Yakima counties, as well as the Snake River and its tributaries (season bag limit 2 Otter).

- Marten . . . . . Dec. 1, 1992-Jan. 31, 1993 and Dec. 1, 1993-Jan. 31, 1994

EXCEPTIONS:

BEAVER closed in the north fork of Tarpiscan creek, Swakane creek drainage, Umtanum creek drainage, and Mudd creek drainage.

WESTERN WASHINGTON

Certain areas have extended, shortened, or closed seasons for listed species. Refer to the general season, then look for special seasons and exceptions. All opening and closing dates are inclusive. Trapping season starts at 7 a.m. on opening date.

For purposes of this regulation, all of Klickitat County will have the same general seasons as Eastern Washington.

General Seasons For All Western Washington

- Beaver, River Otter . . . . . Dec. 8, 1992-Jan. 22, 1993 and Dec. 8, 1993-Jan. 22, 1994
- Muskrat, Mink, Raccoon, Marten, Weasel . . . . . Nov. 21, 1992-Jan. 31, 1993 and Nov. 21, 1993-Jan. 31, 1994
- Bobcat, Fox . . . . . Nov. 21, 1992-Feb. 15, 1993 and Nov. 21, 1993-Feb. 15, 1994

URBAN TRAPPING AREAS

Trap Restrictions

The following described area is closed to the taking of wild animals by the use of foot-hold, instant kill, or snare traps except muskrat may be taken with a number one foot-hold drowning set or a 110 instant kill trap during lawful trapping seasons as established by the Wildlife Commission.

PERMANENT

Within Snohomish, King, and Pierce counties. Beginning at the confluence of the Snohomish River and the Puget Sound; then east up the Snohomish River to the Interstate 5 (I-5); then south on I-5 to Interstate 405 (I-405); then south on I-405 to I-5; then south on I-5 to its junction with Pioneer Way; then east along Pioneer Way to Waller Road; then south along Waller Road to SR 512; then west along SR 512 to I-5; then north and west to Puget Sound; then north along the coast to the mouth of the Snohomish River and point of beginning. Excluding Fort Lewis Military Reservation.

In the described area Raccoon season is open . . . . . Dec. 1, 1992-Feb. 15, 1993 and Dec. 1, 1993-Feb. 15, 1994

**48 Hour Trap Check Time**

In the following described areas all traps or devices, not capable of drowning the animal (land sets), must be checked and the animal removed within 48 hours.

Within Snohomish, King, and Pierce counties. Beginning at the mouth of the Snohomish River; then south and east up the Snohomish River to Highway 9; then south on Highway 9 to the Woodinville-Duvall Road; then east on Woodinville-Duvall Road to Avondale Road; then south on Avondale Road to Highway 202; then east on Highway 202 to Duthie Hill Road; then southwest on Duthie Hill Road to its junction with the Issaquah-Fall City Road; then southwest on Issaquah-Fall City Road to East Lake Sammamish Parkway; then south on East Lake Sammamish Parkway to Front Street; then south on Front Street to Issaquah-Hobart Road; then southeast on Issaquah-Hobart Road to Highway 18; then southwest on Highway 18 to Highway 167; then south on Highway 167 to Highway 161; then south on Highway 161 to 224th Street E.; then west on 224th Street E. to Highway 7; then northwest on Highway 7 to Highway 507; then southwest on Highway 507 to Pierce County line, then west along the county line to Puget Sound, then north along the coast to the mouth of the Snohomish River and point of beginning. Excluding Fort Lewis Military Reservation.

**EXCEPTIONS:**

**COWLITZ COUNTY**

Game Management Unit 522 (Loo-wit) is closed to all trapping.

**JEFFERSON COUNTY**

Beaver, River Otter . . . CLOSED in Penny Creek and all its tributaries.

**LEWIS COUNTY**

Green River closed to trapping above confluence of Elk Creek except bobcat and coyote. Game Management Unit 522 (Loo-wit) closed to all trapping.

**MASON COUNTY**

Agate Peninsula (near Shelton) west of the Grunert Road and Agate Loop Road to Campbell Creek is open for the use of cage traps only.

**PIERCE COUNTY**

Marten . . . . . Closed within the following described boundary. Beginning at intersection of State Highway 410 and USFS Road #70, then east along USFS Road #70 to the Pacific Crest Trail (Pierce/Yakima county line), then south along the Pacific Crest Trail to USFS Road #7174, then west along USFS Road #7174 to State Highway 410, then north along State Highway 410 to the point of beginning.

**SKAGIT COUNTY**

1. Beaver . . . . . Dec. 1, 1992-Feb. 28, 1993 and Dec. 1, 1993-Feb. 28, 1994 in that part of Skagit County west of I-5.
2. Trappers must contact the Mill Creek Department of Wildlife Office prior to trapping in the Skagit Bald Eagle Natural Area.

**SKAMANIA COUNTY**

Smith Creek, Bean Creek, Clearwater Creek, above USFS 83 Road on Pine Creek, above the confluence of Bean Creek on the Muddy River, CLOSED to all trapping except for bobcat and coyote. Game Management Unit 522 (Loo-wit) CLOSED to all trapping.

**THURSTON COUNTY**

Raccoon . . . . . Season extended for cage traps only. Feb. 1, 1993-Mar. 15, 1993 and Feb. 1, 1994-Mar. 15, 1994

**REPEALER**

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-512 1990-91 and 1991-92 Trapping seasons and rules

**WSR 92-18-085  
PERMANENT RULES  
WILDLIFE COMMISSION**

[Order 564—Filed September 2, 1992, 8:13 a.m.]

Date of Adoption: August 15, 1992.

Purpose: To establish the 1992-93 Migratory waterfowl seasons and regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 232-28-415 1992-93 Migratory waterfowl seasons and regulations.

Statutory Authority for Adoption: RCW 77.12.040.

PERMANENT

Pursuant to notice filed as WSR 92-14-107 on June 30, 1992.

Changes Other than Editing from Proposed to Adopted Version: Made calendar date adjustments on the Clark and Cowlitz Special Canada Goose season dates from: Nov. 29, 1991 to Nov. 29, 1992, and Jan. 2, 5, 9, 12, 16, 1992 to Jan. 2, 5, 9, 12, 16, 1993.

Changed Pacific and Wahkiakum County Special Canada Goose season dates from: "Saturdays and Wednesdays only, Nov. 28, 1992-Jan. 16, 1993" to "Saturdays, Sundays, and Wednesdays only, Nov. 28, 1992-Jan. 17, 1993."

Reorganized eastern Washington goose season wording. Changed name of Goose Management Area 2 to Goose Management Area 3. Added a new Goose Management Area 2 defined as: "All of Okanogan, Douglas, and Kittitas counties and those parts of Grant, Adams, Franklin, and Benton counties not included in Eastern Washington Goose Management Area 1."; and added new season dates for Goose Management Area 2: "Saturdays, Sundays, Tuesdays, and Wednesdays only, from noon Oct. 17, 1992-Jan. 10, 1993; Nov. 11, 26, 27, Dec. 25, 28, 29, 31, and Jan. 1, 1993; and every day Jan. 11-17, 1993."

Changed wording under Steel Shot Zones from "North Puget Sound Wildlife Area Restrictions" to "Skagit Wildlife Area Restrictions." Deleted reference to Lake Terrell Wildlife Area.

Deleted second sentence under falconry seasons and add the following license requirements for falconry: "In addition, an Eastern Washington Upland Bird Permit or the Western Washington Upland Bird Permit is required for pheasant, quail, and partridge; and federal and state waterfowl stamps for hunting waterfowl are required. A 1993 hunting license, 1993 falconry license, and a 1993 Eastern or Western Washington Upland Bird Permit is required for pheasant, partridge and grouse after Dec. 31."

Changed bag and possession limits for falconry goose season from "straight or mixed bag" to "straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons."

Added wording in parentheses under Falconry Seasons to emphasize mixed bag limits containing other migratory birds.

Effective Date of Rule: Thirty-one days after filing.  
 September 1, 1992  
 Dean A. Lydig  
 Chairman

NEW SECTION

**WAC 232-28-416 1992-93 Migratory waterfowl seasons and regulations**

DUCKS

Western Washington

8:00 a.m. Oct. 17-25, 1992 and Nov. 15, 1992-Jan. 3, 1993

Daily bag limit: 4 ducks—to include not more than 3 mallards, not more than 1 hen mallard, not more than 1 pintail (either sex) and not more than 2 redheads, 2 canvasbacks, or 1 of each.

Possession limit: 8 ducks—to include not more than 6 mallards, not more than 2 hen mallards, not more than 2 pintails (either sex) and not more than 4 shall be canvasbacks and/or redheads.

Eastern Washington

Noon Oct. 17-25, 1992 and Nov. 15, 1992-Jan. 10, 1993

Daily bag limit: 4 ducks—to include not more than 3 mallards, not more than 1 hen mallard, not more than 1 pintail (either sex) and not more than 2 redheads, 2 canvasbacks, or 1 of each.

Possession limit: 8 ducks—to include not more than 6 mallards, not more than 2 hen mallards, not more than 2 pintails (either sex), and not more than 4 shall be canvasbacks and/or redheads.

COOT (Mudhen)

Same areas, dates, and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

COMMON SNIPE

Same areas, dates, and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

Caution: Hunters must take care in their identification of common snipe. Many species of estuarine shorebirds, similar in appearance to common snipe, are found in the same areas, particularly in Western Washington. Common snipe do not fly in flocks.

Skagit Wildlife Area Shotgun Shell Restriction

It is unlawful to have in possession more than 15 shotgun shells or to fire more than 15 shells in one day on the farmed island segment of the Skagit public hunting area, between the south fork of the Skagit River and Fresh Water Slough.

It is unlawful to hunt waterfowl from a moving boat or any free-floating device that is not in a fixed position which is either anchored or secured to shore in Port Susan Bay, Skagit Bay, Padilla Bay, and Samish Bay.

GEESE (except Brant, Cackling and Aleutian Canada Geese)

Western Washington

Oct. 17, 1992-Jan. 3, 1993 in Island, Skagit, Snohomish, and Whatcom counties.

Daily bag limit: 3 geese.

Possession limit: 6 geese.

Oct. 17, 1992-Jan. 17, 1993 in all other parts of Western Washington EXCEPT: Canada geese in Clark, Cowlitz, Pacific, and Wahkiakum counties. (See seasons and special requirements for these counties below.)

Daily bag limit: 3 geese.

Possession limit: 6 geese.

\*Special Canada Goose Season for Clark, Cowlitz, Pacific, and Wahkiakum counties:

Special season for 1992-93 arranged cooperatively by the Washington Department of Wildlife and the U. S. Fish and Wildlife Service.

The Canada goose season for Clark, Cowlitz, Pacific, and Wahkiakum counties will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 90 geese.

Canada goose season is OPEN in Clark and Cowlitz counties only on the following dates from 8:00 a.m. to 4:00 p.m.:

Nov. 29, 1992                      Jan. 2, 5, 9, 12, 16, 1993  
Dec. 1, 5, 9, 13, 15, 19, 23, 26, 30, 1992

Canada goose season is OPEN in Pacific and Wahkiakum counties from 8:00 a.m. to 4:00 p.m., Saturdays, Sundays, and Wednesday only, Nov. 28, 1992-Jan. 17, 1993.

Bag limits for both areas:

Season limit: 1 dusky Canada goose.

Daily bag limit: 3 geese, only one of which may be a dusky Canada goose.

Possession limit: 6 geese, only one of which may be a dusky Canada goose.

Hunting only by written authorization from the Washington Department of Wildlife. Hunters who maintained a valid 1991 written authorization will be mailed a 1992 authorization card prior to the 1992 season. Hunters who did not maintain a valid 1991 authorization must attend a goose identification class at a Department of Wildlife office to receive authorization. With the authorization, hunters will receive a hunter activity and harvest report form. Hunters must carry the authorization card and harvest report form while hunting. Immediately after taking a Canada goose into possession, hunters must record in ink the information required on the harvest report form. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site. Written authorization will be revoked in the event that a hunter does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest report form.

Eastern Washington

Eastern Washington Goose Management Area 1

Saturdays, Sundays, and Wednesdays only, from noon Oct. 17, 1992-Jan. 10, 1993; Nov. 11, 26, 27, Dec. 25, 1992, and Jan. 1, 1993; and everyday Jan. 11-17, 1993.

Eastern Washington Goose Management Area 2

Saturdays, Sundays, Tuesdays, and Wednesdays only, from noon Oct. 17, 1992-Jan. 10, 1993; Nov. 11, 26, 27, Dec. 25, 28, 29, 31, 1992, and Jan. 1, 1993; and every day Jan. 11-17, 1993.

Eastern Washington Goose Management Area 3

Noon Oct. 17, 1992-Jan. 17, 1993.

Bag limits for all areas:

Daily bag limit: 3 geese.

Possession limit: 6 geese.

## BRANT

Open in Skagit, Pacific, and Whatcom counties on the following dates:

Dec. 5, 6, 8, 9, 10, 12, 13, 15, 17, 19, and 20, 1992.

**WRITTEN AUTHORIZATION REQUIRED:** All hunters participating in this season are required to obtain written authorization from a Washington Department of Wildlife office. Application forms must be delivered to a Department office no later than 5:00 p.m. on November 10 or post-marked on or before November 10. With the authorization, hunters will receive a hunter activity and harvest report form. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest report form. Return of the harvest report form is mandatory. Those hunters not returning the harvest report form to the Department of Wildlife by Jan. 31, 1993 will be ineligible to participate in the 1993 brant season.

Daily bag limit: 2 brant.

Possession limit: 4 brant.

Cackling and Aleutian Canada Geese, Swans

Season closed statewide.

## STEEL SHOT ZONES

Skagit Wildlife Area Restrictions. It is unlawful to possess while hunting, shot shells or a muzzleloader shotgun loaded with any metal other than steel on the Skagit Wildlife Area. This change will reduce the lead shot availability in waterfowl feeding areas.

It is unlawful to possess while hunting for or to take ducks, geese, or coots with shotshells or a muzzleloader shotgun loaded with any metal other than steel in all areas of Washington.

## EASTERN WASHINGTON GOOSE MANAGEMENT AREA 1

All of Lincoln, Spokane, and Walla Walla counties, and these parts of the following counties listed below:

Grant County: Those parts east of line beginning at the Douglas-Lincoln County line on State Highway 174, southwest on State Highway 174 to State Highway 155, south on State Highway 155 to U.S. Highway 2, southwest on U.S. Highway 2 to the Pinto Ridge Road, south on Pinto Ridge Road to State Highway 28, east on State Highway 28 to the Stratford Road, south on the Stratford Road to State Highway 17, south on State Highway 17 to the Grant-Adams County line.

Adams County: Those parts east of State Highway 17.

Franklin County: Those parts east and south of a line beginning at the Adams-Franklin County line on State Highway 17, south on State Highway 17 to U.S. Highway 395, south on U.S. Highway 395 to U.S. Interstate I-182, west on U.S. Interstate I-182 to the Franklin-Benton County line.

Benton County: Those parts south of U.S. Interstates I-182 and I-82.

Klickitat County: Those parts east of U.S. Highway 97.

## EASTERN WASHINGTON GOOSE MANAGEMENT AREA 2.

All of Okanogan, Douglas, and Kittitas counties and those parts of Grant, Adams, Franklin, and Benton counties not included in Eastern Washington Goose Management Area 1.

### EASTERN WASHINGTON GOOSE MANAGEMENT AREA 3.

All other parts of eastern Washington not included in Eastern Washington Goose Management Areas 1 and 2.

### SPECIAL CLOSURES AND REGULATIONS

#### Special Closures

##### Columbia River:

It is unlawful to hunt waterfowl, coot, or snipe on or within one-fourth mile of the Columbia River in the following areas:

—Between the railroad bridge at Wishram and east along the Columbia River to the grain elevator at Roosevelt.

—Between Rock Island Dam and Winesap in Chelan County and between Rock Island Dam and a point in Douglas County perpendicular to Winesap.

—Between Chief Joseph Dam and the mouth of Nespelem Creek in Okanogan and Douglas counties.

—From the old Hanford townsite (wooden tower) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge (Highway 24).

—On or within one-fourth mile of Badger and Foundation Islands in Walla Walla County.

It is unlawful to hunt game birds on the Columbia River or from any island in the Columbia River in the following areas:

—From the mouth of Glade Creek (River Marker 57) to the old townsite of Paterson (River Marker 67) in Benton County, except the hunting of game birds is permitted from the mainshoreline of the Columbia River in this area. (Check with Umatilla National Wildlife Refuge for other federal regulations for this area.)

—Between the public boat launch at Sunland Estates in Grant County (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands.

The U.S. Department of Energy retains security closures on the Hanford Reservation along the Columbia River.

##### Snake River

It is unlawful to hunt waterfowl, coot, or snipe in the following areas:

—On or within one-half mile of the Snake River from the Highway 12 bridge upriver to Lower Monumental Dam.

—On or within one-fourth mile of the Snake River between the Interstate Highway 12 bridges at Clarkston, downstream to the Lower Granite Dam.

##### Yakima River

It is unlawful to hunt waterfowl, coot, or snipe within one-fourth mile of the Yakima River in the following areas:

—From the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles).

—From the Grant Avenue bridge (steel bridge) north of Prosser downstream 2-1/2 miles, to the powerline.

##### I-82 Ponds

It is unlawful to hunt waterfowl, coot, or snipe in the following area:

—Those waters under Department of Wildlife ownership known as Ponds 1, 2, 3, and 6 north and east of Interstate 82 and south and east of S.R. 12 from the city limits of Union Gap to the Zillah/Toppenish Road.

##### Padilla Bay

It is unlawful to hunt waterfowl, coot or snipe in the following areas:

—Swinomish Spit Game Reserve—Beginning at the Burlington Northern railroad tracks on the west shoreline of the Swinomish Channel; then in a northwesterly direction along the west side of the Swinomish Channel to the red channel mark buoy N "20" (as indicated on Navigation Map #18427, 13th Ed., July 16, 1983); thence 6,000 feet ENE (East-northeast)/thence 3,300 feet SSE (South-southeast); thence 4,200 feet SW (southwest) to the dike at the south end of Padilla Bay; thence continue westerly along said dike to the intersection of the Burlington Northern railroad tracks and the east shoreline of the Swinomish Channel; thence continue along said railroad tracks (across swing bridge) to the west shore line of the Swinomish Channel and the point of beginning.

—Bayview Game Reserve—Beginning at a point on the Bayview-Edison Road 750 feet south of the intersection of the Bayview Cemetery Entrance road; thence 4,000 feet WNW (west-northwest); thence 5,750 feet NNW (north-northwest); thence 3,750 feet ENE (east-northeast) to the northwest corner of Padilla Bay Tract No. 532; thence east to the northeast corner of Padilla Bay Tract No. 532; thence SSE (south-southeast) to the Bayview-Edison Road; thence southerly along said road to the point of beginning.

### FALCONRY SEASONS

A falconry license and a current hunting license are required for hunting with a raptor. In addition, an Eastern Washington Upland Bird Permit or the Western Washington Upland Bird Permit is required for pheasant, quail, and partridge; and federal and state waterfowl stamps for hunting waterfowl are required. A 1993 hunting license, 1993 falconry license, and a 1993 Eastern or Western Washington Upland Bird Permit is required for pheasant, partridge, and grouse after Dec. 31.

#### Ducks, Coots, and Snipe

(Bag limits include geese and mourning doves.)

#### Western Washington

Oct. 17-31, 1992 and Nov. 8, 1992-Feb. 7, 1993

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

## Eastern Washington

Oct. 17-25; Nov. 15, 1992-Jan. 10, 1993; Jan. 29-Mar. 10, 1993

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

## Geese

(Bag limits include ducks, coot, snipe, and mourning doves)

October 17, 1992-Jan. 31, 1993, statewide

Daily bag limit: 3, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with ducks, coot, snipe, and mourning doves during established seasons.

REPEALER

The following section of the Washington Administrative Code is hereby repealed:

WAC 232-28-415 1991-92 Migratory waterfowl hunting seasons

**WSR 92-18-087**  
**PERMANENT RULES**  
**SECRETARY OF STATE**  
 [Filed September 2, 1992, 8:24 a.m.]

Date of Adoption: September 2, 1992.

Purpose: To provide guidelines regarding the procedures to be followed when filing officers receive certain election documents by electronic facsimile transmission.

Statutory Authority for Adoption: RCW 29.04.230.

Pursuant to notice filed as WSR 92-15-141 on July 22, 1992.

Changes Other than Editing from Proposed to Adopted Version: Requires voter to waive ballot secrecy for faxed ballot; adds resolutions for special elections and party vacancies to list of documents; provides more time for return of original of faxed ballot.

Effective Date of Rule: Thirty-one days after filing.  
 September 2, 1992  
 Gary McIntosh  
 Director of Elections

NEW SECTION

**WAC 434-08-060 Filing of electronic facsimile documents.** In addition to those documents specified by RCW 29.04.230, the secretary of state or the county auditor shall accept and file in his or her office electronic facsimile transmissions of the following documents:

(1) The text of any proposed initiative, referendum, or recall measure and any accompanying documents required by law;

(2) Any minor party or independent candidate filing material except nominating petitions;

(3) Lists of presidential electors selected by political parties or independent candidates;

(4) Voted ballots, provided the voter agrees to waive the secrecy of his or her ballot;

(5) Resolutions from cities, towns, and other districts calling for a special election;

(6) Filling of vacancies on the ticket by a major political party.

NEW SECTION

**WAC 434-08-070 Electronic facsimile filings not accepted.** No filing by electronic facsimile shall be accepted where a filing fee must accompany the filing unless the person making the filing has also provided for that fee to be paid in conjunction with the electronic facsimile filing. No initiative, referendum, or recall petition signatures may be filed by electronic facsimile.

NEW SECTION

**WAC 434-08-080 Electronic facsimile filings followed by original document.** The filing officer shall require that, except for requests for absentee ballots, any acceptance of an electronic facsimile filing be followed by the original document not later than seven calendar days after the receipt of the facsimile filing. If a voted ballot is faxed, a ballot bearing the original signature of the voter must be received not later than ten days following a primary or special election or fifteen days following a general election.

NEW SECTION

**WAC 434-08-090 Rejection of electronic facsimile filings.** The acceptance of any facsimile filing is conditional upon the person filing the document satisfying the requirements of state law and these rules with respect to such filings. The filing officer shall reject any electronic facsimile filing that does not satisfy these requirements and is not, where required, followed by the receipt of the original document in a timely manner.

**WSR 92-18-093**  
**PERMANENT RULES**  
**SECRETARY OF STATE**  
 [Filed September 2, 1992, 9:58 a.m.]

Date of Adoption: September 2, 1992.

Purpose: To provide procedures to be followed by county auditors in processing telephone requests for absentee ballots.

Statutory Authority for Adoption: RCW 29.36.010.

Pursuant to notice filed as WSR 92-15-140 on July 22, 1992.

Effective Date of Rule: Thirty-one days after filing.  
 September 2, 1992  
 Gary McIntosh  
 Director of Elections

NEW SECTION

**WAC 434-40-025 Telephone requests for absentee ballots.** Any registered voter may, by telephone, request an absentee ballot for his or her use and for any member of his or her immediate family. Whenever a request for an absentee ballot is made by telephone, the county auditor shall record the date on which the request was made and the name of the person making the request. The county auditor may, at his or her discretion, require the person making the request to identify the relationship with, and the date of birth of, each person for whom such a request is made. The county auditor may refuse to issue an absentee ballot in those instances where the person is either unable or unwilling to provide the date of birth information. The auditor shall inform the person making the request that those persons for whom a telephone request has been denied may request an absentee ballot by mail.

**WSR 92-18-103  
PERMANENT RULES  
DEPARTMENT OF AGRICULTURE**

[Filed September 2, 1992, 11:31 a.m.]

Date of Adoption: September 1, 1992.

Purpose: To update and revise the existing rule to more accurately reflect conditions of industry practices.

Citation of Existing Rules Affected by this Order: Amending chapter 16-461 WAC.

Statutory Authority for Adoption: Chapter 15.17 RCW. Pursuant to notice filed as WSR 92-15-117 on July 21, 1992.

Effective Date of Rule: Thirty-one days after filing.  
September 1, 1992

Michael V. Schwisow  
Deputy Director  
for C. Alan Pettibone  
Director

AMENDATORY SECTION (Amending WSR 92-06-085, filed 3/4/92, effective 4/4/92)

**WAC 16-461-006 Definitions.** (1) Commercial lot shall mean any number of any type of containers or any quantity in bulk of agricultural products listed in WAC 16-461-010, which are sold or bartered: *Provided*, That quantities of less than five hundred pounds net weight, when sold by any producer where grown by the producer and sold directly to the ultimate consumer, shall not be considered as a commercial lot.

(2) Fruit/produce stands, as used in this chapter, shall mean any facilities from which the predominance of the edible commodity sales to the public are of seasonal fresh fruits and/or vegetables produced within the state of Washington, and shall include roadside stands, farmer's markets, trucks or other conveyances from which sales of commodities are made, and temporary open air parking lot stands other than those owned or operated by retail grocery stores. Such facilities may or may not be owned, leased, or otherwise operated by the producer of fruits and/or vegetables.

(3) Zone of production shall be defined as one of two geographical areas: Zone 1: All counties west of the Cascade Mountain Range; Zone 2: The counties of Adams, Asotin, Benton, Chelan, Columbia, Douglas, Ferry, Franklin, Garfield, Grant, Kittitas, Klickitat, Lincoln, Okanogan, Pend Oreille, Skamania, Spokane, Stevens, Walla Walla, Whitman, and Yakima.

AMENDATORY SECTION (Amending WSR 92-06-085, filed 3/4/92, effective 4/4/92)

**WAC 16-461-010 Inspection certificate and/or permit required.** (1) No person shall ship, transport, accept for shipment, or accept delivery of, any commercial lot of the following agricultural products without an inspection and the issuance of a certificate and/or a permit by the commodity inspection division of the department of agriculture allowing such shipment, movement or delivery:

(a) Apricots - in closed or open containers for fresh market.

(b) Italian prunes - in closed or open containers for fresh market.

(c) Peaches - in closed or open containers for fresh market.

(d) Cherries - in closed or open containers for fresh market: *Provided*, That no permit shall be issued on cherries infested with live cherry fruit fly larvae.

(e) Apples - in closed or open containers for fresh market: *Provided*, That apples may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of apples having the approval of the director to issue the certificates of compliance.

(f) Pears - in closed or open containers for fresh market: *Provided*, That pears may be shipped or transported if accompanied by a certificate of compliance issued by the shipper or packer of pears having the approval of the director to issue the certificates of compliance.

(g) Asparagus - in closed or open containers for fresh market: *Provided*, That asparagus may be shipped or transported if accompanied by certificates of compliance issued by the shipper or packer of the asparagus, having the approval of the director to issue the certificates of compliance.

(h) Apples in containers or bulk, for processing: *Provided*, That apples for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of apples having the approval of the director to issue the certificates of compliance: *Provided further*, That apples for processing entering intrastate commerce shall not require a permit.

(i) Pears in containers or bulk, for processing: *Provided*, That pears for processing may be shipped or transported if accompanied by a certificate of compliance issued by the shipper of pears having the approval of the director to issue the certificates of compliance: *Provided further*, That pears for processing entering intrastate commerce shall not require a permit.

(2) Exemptions - Fruits and vegetables listed in WAC 16-461-010 shall be exempted from requirements for inspection and issuance of a certificate or permit:

(a) When the product is being transported from the premises where grown or produced to a horticultural facility

PERMANENT

other than wholesale or retail for the purpose of storing, grading, packing, packaging, labelling, or processing; prior to entering commercial channels for resale;

(b) When transportation is between horticultural facilities other than those facilities which sell at wholesale or retail level, for the purposes set forth in (a) of this subsection;

(c) When sold or transported to a fruit/ produce stand within the zone of production, not to exceed daily quantities of two thousand pounds net weight of a single commodity nor six thousand pounds net weight of any combination of commodities listed in subsection (1) of this section, when on a single conveyance, provided that such exempt sales by the producer within a farmer's market shall not be restricted to the zone of production.

(3)(a) Any shipper or packer of apples, apricots, cherries, pears, peaches, prunes, or asparagus may petition the director for authority to issue certificates of compliance for each season. The director may issue certificate of compliance agreements, granting such authority, on such terms and conditions as he may deem appropriate. The authority shall be limited to the issuance of certificates of compliance for apples, apricots, cherries, pears, peaches, prunes, and asparagus under the applicant's direct control or being handled at the shipper's or packer's facilities.

(b) The certificate of compliance shall be issued at time of shipment by the shipper or packer authorized to do so: *Provided*, That the apples and/or pears and asparagus about to be shipped or transported are in full compliance with the requirements of chapter 15.17 RCW, regulations adopted thereunder and administrative directives of the director: *Provided further*, That apricots, cherries, peaches, prunes, or pears about to be shipped or transported are in full compliance with the federal marketing order requiring quality and condition certification and Washington state lot identification or federal-state lot identification.

(c) The director's approval to issue certificates of compliance may be suspended, revoked, or denied for cause, subject to RCW 34.05.422(3) and that cause shall be the shipper's or packer's failure to comply with the requirements of subsection (3)(b) of this section, or for the shipper's or packer's actions which impede the department's abilities to ascertain full compliance with requirements of chapter 15.17 RCW or rules adopted thereunder, or for violation of the terms of the certificate of compliance agreement. The period of any suspension shall be determined by the director and shall be commensurate with the seriousness of the violation.

(d) Any shipper or packer whose authority to issue certificates of compliance has been suspended, revoked, or denied by the director shall be subject to those provisions of chapter 15.17 RCW and the regulations requiring the issuance of a shipping permit by the director before apples, apricots, cherries, pears, peaches, prunes, and asparagus may be shipped or transported.

(e) Certificates of compliance shall be on forms approved and issued by the director of agriculture.

(f) Any shipper or packer authorized to issue certificates of compliance shall deposit with the director of agriculture at the regular base fee equivalent to that charged by the director for a shipping permit, for each certificate of compliance issued by the authorized shipper or packer. The base

fees shall be deposited with the director of agriculture in the same manner as fees for shipping permits.





**WSR 92-18-001**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 92-72—Filed August 19, 1992, 4:12 p.m.]

Date of Adoption: August 19, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-24-02000R.

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: This rule is adopted at the recommendation of the Pacific Fisheries Management Council and is intended to harvest available salmon, while providing protection for coho salmon through gear and landing limitations.

Effective Date of Rule: Immediately.

August 19, 1992  
Judith Merchant  
Deputy  
for Robert Turner  
Director

NEW SECTION

**WAC 220-24-02000S Commercial salmon troll.**

Notwithstanding the provisions of WAC 220-24-010, 220-24-020 and WAC 220-24-030, effective immediately until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear from those waters west of the Bonilla-Tatoosh, the Pacific Ocean and waters west of the Buoy 10 Line at the mouth of the Columbia River except as provided for in this section:

(1) Fishing is authorized from 12:01 a.m., August 20, 1992 through 11:59 p.m. August 22 in these waters except fishing is not allowed in Washington waters within Conservation Zone 1, described as those waters surrounding the mouth of the Columbia River inside a line projected six miles due west from North Head along 46 18 00 N latitude to 124 13 18 W longitude, then southerly along a line 167 true to 46 11 06 N latitude and 124 11 00 W (the Columbia River Buoy) then northeast along the red buoy line to the tip of the south jetty.

(2) All salmon taken in the fishery provided for herein must be sold by 11:59 p.m. August 23, 1992, and must be sold within Salmon Management and Catch Reporting Areas 1 through 5.

(3) No vessel may land more than 44 coho salmon in the fishery provided for herein.

(4) Lawful terminal gear is restricted to four spreads per line and to plugs with a six-inch minimum size. A plug is defined as an artificial fish lure made of wood or hard plastic with one or more hooks attached. Plug length means the length of the wood or plastic portion of the lure, and is calculated independently of any hinge, attachment device or hook. Lures commonly known as "spoons", "wobblers", and "dodgers", and flexible plastic lures, including "hootchies",

"skirts", and "curleytails" are not considered plugs, and may not be used. A plug may have a metal attachment affixed to the body of the plug to provide direction or stability, but may not have any metal attachment, such as a spoon, wobbler, or dodger, or any flexible plastic attachment, such as hootchies, skirts, or curleytails, that serves as an attractant.

(5) No chinook salmon smaller than 28 inches in total length nor coho salmon smaller than 16 inches in total length may be taken or retained in the fishery provided for herein.

(6) It is unlawful to fish for or possess salmon taken for commercial purposes with gear other than troll gear.

(7) It is unlawful to land salmon taken south of Cape Falcon in any port north of Cape Falcon, except when the waters north of Cape Falcon are closed. It is unlawful to land chinook taken south of Cape Falcon that are less than 26 inches in length.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000R Commercial salmon troll. (92-68)

**WSR 92-18-007**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 92-73—Filed August 20, 1992, 4:41 p.m.]

Date of Adoption: August 20, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-807.

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: Openings in Areas 6, 7, and 7A provide opportunity to harvest the nontreaty share of the United States allocation of Fraser River-origin sockeye salmon. Restrictions in Areas 6, 7, and 7A provide protection for United States and Canadian origin chinook stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: Immediately.

August 20, 1992  
Judith Merchant  
Deputy  
for Robert Turner  
Director

NEW SECTION

**WAC 220-47-808 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- \* Areas 6, 7 and 7A - Gillnets using 5-inch minimum and 6-inch maximum mesh may fish from 7:00 PM to 9:00 AM nightly, Thursday and Friday nights August 20 and 21 and from 7:00 PM Saturday, August 22 to 7:00 AM Sunday, August 23 and purse seines may fish from 7:00 AM to 7:00 PM daily, Friday and Saturday August 21 and 22.
- \* Areas 4B, 5, 6A, 6B, 6C, 6D, 7B, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-47-807 Puget Sound all-citizen commercial salmon fishery (92-71)

**WSR 92-18-010**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 92-74—Filed August 21, 1992, 4:24 p.m., effective August 23, 1992, 12:01 a.m.]

Date of Adoption: August 21, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-19000A.

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 bag limit in Catch Record Card Area 3 has been liberalized to 2 salmon, any species.

Effective Date of Rule: August 23, 1992, 12:01 a.m.

August 21, 1992  
Judith Merchant  
Deputy  
for Robert Turner  
Director

NEW SECTION

**WAC 220-56-19000C Saltwater seasons and bag limits - Salmon** Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective 12:01 a.m. August 23, 1992 until further notice is unlawful to fish for salmon in Catch Record Card Areas 1, 2, 3, and 4, except as provided for in this section:

(1) Areas and times open to salmon angling are as follows:

(a) Catch Record Card Area 4 waters in the Strait of Juan de Fuca lying east of the Bonilla-Tatoosh Line. Open August 15, 1992 until coho quota of 12,000 has been reached.

(b) Catch Record Card Area 3 - July 13 through October 1, or until overall chinook quota of 33,000, or until Catch Record Card Area 3 coho sub-quota of 3,000 is reached; whichever of the three is earliest. Closed to salmon angling each Friday and Saturday.

(c) Catch Record Card Area 2 - July 6 through October 1, or until overall chinook quota of 33,000, or until Catch Record Card Area 2 coho sub-quota of 54,400 is reached; whichever of the three is earliest. Closed to salmon angling each Friday and Saturday.

(d) Catch Record Card Area 1, but excluding waters of Columbia River Mouth Conservation Zone 1 (as defined in WAC 220-56-195) - September 14 through October 31, or until overall chinook quota of 33,000 or Catch Record Card Area 1 coho sub-quota of 3,000 is reached; whichever of the three is earliest. Closed to salmon angling each Friday and Saturday.

(2) Bag Limits and weekly limits are as follows:

(a) 2 salmon per day.

(b) No more than 4 salmon in any seven consecutive day period, except:

i. There is no weekly limit in Catch Record Card Area 1 beginning September 14.

ii. There is no weekly limit in the fishery described in subsection 1(a) of this section.

(3) Minimum size limits are:

(a) Chinook salmon 24 inches

(b) Coho salmon 16 inches, and

(c) No minimum size for other salmon

(4) Gear

(a) Single point barbless hooks only

(b) One rod per angler

(c) For the fishery described in subsection 1(a) of this section, surface flies only; it is unlawful to use or have attached to the fishing line any bait, spoons, plugs, jigs, flashers, dodgers, weights of any kind, diving plane devices, or down riggers.

(5) Shore based angling from the north jetty of the Columbia River is allowed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 23, 1992:

WAC 220-56-19000A Saltwater seasons and bag limits - Salmon (92-65)

EMERGENCY

**WSR 92-18-011**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**

[Order 92-75—Filed August 21, 1992, 4:26 p.m.]

Date of Adoption: August 21, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-56-19000Z.

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: Regulations for Catch Record Card Areas 5, 6, 7, 8.1, 8.2, 9, and 12 are needed to conserve natural spawning coho salmon of stocks originating [in] Hood Canal streams, Stillaguamish, and Skagit rivers. These marine water regulations have been coordinated with regulations in other fisheries that exploit these stocks, and they are a part of the 1992 coho salmon management plan recommended by the Pacific Fisheries Management Council to conserve these stocks of naturally spawning coho salmon. These regulations will provide sport salmon fishing opportunity within the designated Catch Record Card Areas that are consistent with the Pacific Fisheries Management Council management plan.

Effective Date of Rule: Immediately.

August 21, 1992  
Judith Merchant  
Deputy  
for Robert Turner  
Director

NEW SECTION

**WAC 220-56-19000D Saltwater seasons and bag limits.** Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective immediately through October 31, 1992, it is unlawful to fish for or possess salmon taken for personal use from Catch Record Card Areas 5, 6, 7, 8.1, 8.2, 9 or 12 except as provided for in this section:

(1) Catch Record Card Area 5 - Open through 11:59 p.m. August 23. Daily bag limit of two salmon, which may include no more than one coho salmon.

(2) Catch Record Card Area 6 - Open through 11:59 p.m. August 31; open 12:01 a.m. September 5 through 11:59 p.m. September 7. Daily bag limit of two salmon, but no coho salmon allowed in daily bag limit.

(3) Catch Record Card Area 7 -

(a) All waters except those waters of Samish Bay south of a line projected true east from Fish Point open through 11:59 p.m. October 15. Daily bag limit of two salmon.

(b) All waters open 12:01 a.m. October 16 through 11:59 p.m. October 31. Daily bag limit of two salmon.

(4) Catch Record Card Areas 8.1, 8.2, 9 and 12 -

(a) All waters except those waters of Port Susan north of a line from Camano Head to Hermosa Point open through 11:59 p.m. September 7. Daily bag limit of two salmon.

(b) Those waters of Port Susan north of a line from Camano Head to Hermosa Point are closed through 11:59 p.m. October 31.

(5) In all fisheries provided for in this section, the minimum size limit for chinook salmon is 22 inches, but there is no minimum size limit for other salmon.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000Z Saltwater seasons and bag limits. (92-62).

**WSR 92-18-012**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**

[Order 92-76—Filed August 21, 1992, 4:30 p.m., effective August 24, 1992, 12:01 a.m.]

Date of Adoption: August 21, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-47-808.

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: Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish region of origin. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: August 24, 1992, 12:01 a.m.

August 21, 1992  
Judith Merchant  
Deputy  
for Robert Turner  
Director

NEW SECTION

**WAC 220-47-809 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Monday, August 24, 1992, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting areas except in accordance with the following open periods and mesh and areas restrictions:

- \* Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 7:00 p.m. to 7:00 a.m. nightly, Monday, Tuesday and Wednesday nights, August 24, 25, 26.
- \* Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A,

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12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Monday, August 24, 1992:

WAC 220-47-808 Puget Sound all citizen commercial salmon fishery (92-73)

**WSR 92-18-013  
EMERGENCY RULES  
DEPARTMENT OF FISHERIES**  
[Order 92-77—Filed August 21, 1992, 4:32 p.m.]

Date of Adoption: August 21, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-36-023.

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: This rule provides for a chinook directed fishery in Grays Harbor, implementing an agreement that has just been concluded with the [with the] Quinault Tribe for harvest of the non-Indian allocation of Grays Harbor fall salmon stocks.

Effective Date of Rule: Immediately.

August 21, 1992  
Judith Merchant  
Deputy  
for Robert Turner  
Director

**NEW SECTION**

**WAC 220-36-02300N Grays Harbor — Fall fishery.** Notwithstanding the provisions of WAC 220-36-023, effective immediately until further notice it is unlawful to fish for or possess salmon taken from Grays Harbor SMCRA 2A, 2B, 2C or 2D except as provided for in this section:

(1) Areas 2B, 2C and 2D - Open 6:00 p.m. August 26 to 6:00 p.m. August 27, 1992, for harvest with gill net gear only.

(2) Gill net gear may not exceed 1,500 feet in length along the cork line and the minimum mesh size is 5 inches.

**WSR 92-18-021  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES**  
(Public Assistance)

[Order 3441—Filed August 25, 1992, 12:58 p.m., effective August 26, 1992, 12:01 a.m.]

Date of Adoption: August 25, 1992.

Purpose: Revises how fluctuating income is treated when determining eligibility for the medically needy program.

Citation of Existing Rules Affected by this Order:  
Amending WAC 388-99-020 Eligibility determination—Medically needy in own home.

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: Methodology of counting fluctuating income changes when determining eligibility for the medically needy program.

Effective Date of Rule: August 26, 1992, 12:01 a.m.

August 25, 1992  
Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 3150, filed 3/11/91, effective 4/11/91)

**WAC 388-99-020 Eligibility determination—Medically needy in own home.** (1) Effective January 1, 1991, the department shall set the medically needy income level (MNIL) at:

(a) One person	\$ 458
(b) Two persons	\$ 575
(c) Three persons	\$ 650
(d) Four persons	\$ 725
(e) Five persons	\$ 833
(f) Six persons	\$ 942
(g) Seven persons	\$1,092
(h) Eight persons	\$1,208
(i) Nine persons	\$1,325
(j) Ten persons and above	\$1,433

(2) The department shall compute countable income by deducting, from gross income, amounts that would be deducted in determining:

(a) AFDC eligibility for families and children in a nondesignated FIP geographic area. The department shall not apply the earned income exemption of thirty dollars plus one-third of the remainder for persons applying solely for medical assistance except for families described under WAC 388-83-130 (2)(a);

(b) SSI/SSP eligibility for aged, blind, or disabled persons; and

(c) FIP eligibility for families and children.

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(3) The department shall allow the following ((special)) income disregards:

(a) Health insurance premiums, except Medicare, the person expects to pay during the base period;

(b) An amount equal to the maintenance needs of an ineligible or nonapplying spouse not to exceed the one-person medically needy income level; and

(c) Child care payment amounts allowed as if the person was a FIP enrollee.

(4) If countable income is equal to or less than the appropriate MNIL, the department shall certify the family or person eligible.

(5) Effective August 1, 1992, when countable income for any month or months of the base period is less than the appropriate MNIL, the department shall deduct the difference between the countable income and the MNIL from the total excess countable income for the base period.

(6) If countable income is greater than the appropriate MNIL, the department shall require the applicant to spenddown the excess countable income for the base period. The base period shall be the three-month or six-month period which corresponds to the certification period under WAC 388-99-055.

((6)) (7) The department shall consider the income and resources of the spouse or of the parent of an applicant under eighteen years of age:

(a) In the same household, available to the applicant, whether or not actually contributed; and

(b) Not in the same household, only to the extent of what is actually contributed.

((7)) (8) The department shall consider the financial responsibility of relatives for aged, blind, and disabled, under chapter 388-92 WAC.

((8)) (9) In mixed households, where more than one assistance unit exists, the department shall determine income for the:

(a) AFDC-related assistance unit according to subsections (2)(a) and (3) of this section;

(b) SSI-related assistance unit according to subsections (2)(b) and (3) of this section; and

(c) FIP-related assistance unit according to subsections (2)(c) and (3) of this section.

**WSR 92-18-025**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 92-78—Filed August 25, 1992, 4:45 p.m.]

Date of Adoption: August 25, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-809.

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: Openings in Areas 6, 7, and 7A provide opportunity to harvest the nontreaty share of the United States allocation of Fraser River-origin sockeye salmon. Restrictions in Areas 6, 7, and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish region of origin. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: Immediately.

August 25, 1992

William Koss

for Robert Turner

Director

NEW SECTION

**WAC 220-47-810 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting areas except in accordance with the following open periods and mesh and areas restrictions:

- \* Areas 6, 7 and 7A - Gillnets using 5-inch minimum and 6-inch maximum mesh may fish from 7:00 PM Wednesday, August 26 to 9:00 AM Thursday, August 27 and from 7:00 PM Thursday, August 27 to 7:00 AM Friday, August 28 and purse seines may fish from 7:00 AM to 7:00 PM daily Wednesday and Thursday, August 26 and 27.
- \* Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 7:00 PM to 7:00 AM nightly Tuesday and Wednesday nights, August 25 and 26.
- \* Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-47-809 Puget Sound all citizen commercial salmon fishery (92-76)

**WSR 92-18-028**

**EMERGENCY RULES**

**DEPARTMENT OF ECOLOGY**

[Order 91-67—Filed August 26, 1992, 11:53 a.m.]

Date of Adoption: August 26, 1992.

Purpose: To increase the retail sales fee to \$30.00 and remove exemption of masonry fireplaces from collection of fee.

EMERGENCY

Citation of Existing Rules Affected by this Order:  
Amending WAC 173-433-170.

Statutory Authority for Adoption: Chapter 70.94 RCW and ESHB 1028 (1991).

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: ESHB 1028 increases the retail sales fee from \$15.00 to \$30.00 after January 1, 1992, and the rule was adopted to meet that deadline. Collection of the funds on January 1, 1992, is necessary to fund the woodstove education and enforcement program.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The CR-102 for this rule was filed on April 7, 1992, and this is extending the emergency rule until the rule is adopted.

Effective Date of Rule: Immediately.

August 26, 1992

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 90-58, filed 3/20/91, effective 4/20/91)

**WAC 173-433-170 Retail sales fee.** (1) A person selling a solid fuel burning device at retail shall collect a fee from the buyer, pursuant to RCW 70.94.483.

(2) The fee shall be:

(a) Set at a minimum of ~~((fifteen dollars, until January 1, 1991))~~ thirty dollars on January 1, 1992. Thereafter, ecology may annually ~~increase~~ adjust the fee ~~((according to changes in the consumer price index))~~ to account for inflation as determined by the office of the state economic and revenue forecast council. Adjustments in the fee should be rounded down to the nearest dollar.

(b) Applicable to all new and used solid fuel burning devices ~~((, with the exception of built-in masonry fireplaces))~~.

(c) Procedures for masonry fireplaces. Generally, contractors will collect, pay and report the fee to the department of revenue on the Combined Excise Tax return for the tax reporting period during which the retail sales tax is billed to the customer for the construction of the masonry fireplace. (See: WAC 458-20-170 for a detailed explanation.) Collection and payment of the fee by contractors shall be in accordance with the following:

(i) A masonry contractor or other sub-contractor who builds a masonry fireplace. The retail sale occurs at the time the general or prime contractor or customer is billed for the work. The masonry contractor or other subcontractor must collect the fee and pay it to the department of revenue, unless the masonry contractor or other subcontractor has received a resale certificate from the general or prime contractor. The fee shall be reported on the Combined Excise Tax return.

(ii) A general or prime contractor building a custom building. The retail sale occurs at the time the customer is billed for the construction. The fee is charged and reported with the first progress payment after the masonry fireplace has been substantially completed. If a general or prime contractor sub-contracts the work on a custom building to a

masonry or other contractor, the general or prime contractor may give the masonry or other subcontractor a resale certificate. The general or prime contractor is responsible to collect the fee and pay it to the department of revenue. The fee is reported on the Combined Excise Tax return.

(iii) A general or prime contractor building a speculation building. The fee is required to be paid at the time the fireplace is complete. The fee must be reported to the department of revenue on a Combined Excise Tax return and paid to the department of revenue. If the prime or general contractor sub-contracts the building of the masonry fireplace to a masonry contractor or other sub-contractor, the general or prime contractor may not give a resale certificate to the masonry or other sub-contractor. The masonry or other subcontractor must collect and pay the fee to the department of revenue as provided in subsection (i) above.

~~((e))~~ (d) Procedures for all other solid fuel burning devices. Collected by the retailer at the time of sale and remitted to the department of revenue in conjunction with the retail sales tax under chapter 82.08 RCW.

(3) If the retailer or contractor fails to collect and remit the fee to the department of revenue as prescribed in chapter 82.08 RCW, the retailer or contractor shall be personally liable to the state for the amount of the fee, with subsequent actions taken in accordance with the collection provisions of chapter 82.32 RCW.

(4) Beginning July 1, 1990, and each calendar quarter thereafter, the funds collected under RCW 70.94.483 shall be used solely for the purposes of public education and enforcement of the solid fuel burning device program. The department shall distribute the funds from the woodstove education and enforcement account as follows:

(a) Sixty-six percent of the funds shall be distributed to those local air authorities with enforcement programs, based upon the fraction of the total state population residing in the counties within their respective jurisdictions. Population figures used to establish this fraction shall be determined by the office of financial management. Where an activated local air authority does not exist or does not implement an enforcement program, or elects not to receive the funds, ecology shall retain the funds that would otherwise be distributed under this subsection; and

(b) Thirty-four percent of the funds shall be distributed to ecology for the purposes of enforcement and educating the public about:

(i) The effects of solid fuel burning device emissions upon health and air quality; and

(ii) Methods of achieving better efficiency and emission performance from solid fuel burning devices.

**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.

**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 92-18-031**  
**EMERGENCY RULES**  
**DEPARTMENT OF HEALTH**  
 (Chiropractic Disciplinary Board)

[Order 301B—Filed August 26, 1992, 2:10 p.m.]

Date of Adoption: August 26, 1992.

Purpose: This will clarify ESB 6054 and add to existing WAC 246-807-300(2).

Citation of Existing Rules Affected by this Order: Amending WAC 246-807-300.

Statutory Authority for Adoption: RCW 18.26.110.

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:

April 3, 1993

To the Honorable, the Senate  
of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Engrossed Senate Bill No. 6054 entitled:

"AN ACT Relating to Chiropractic."

Section 5 of Engrossed Senate Bill No. 6054 implements this bill immediately. The language in the bill is ambiguous concerning the ability of chiropractors to treat problems originating in the extremities. The proponents of the bill assure me that the expansion in the scope of practice does not include disorders that originate in the extremities. I have asked the Chiropractic Disciplinary Board to clarify this issue in rule.

For these reasons, I have vetoed section 5 of Engrossed Senate Bill No. 6054.

With the exception of section 5, Engrossed Senate Bill No. 6054 is approved.

Respectfully submitted,

Booth Gardner  
Governor

Effective Date of Rule: Immediately.

August 26, 1992  
John W. Day D.C.  
Chairman

AMENDATORY SECTION (Amending Order 110B, filed 2/20/91, effective 3/23/91)

**WAC 246-807-300 Scope of practice—Revocation or suspension of license authorized for practice outside scope.** (1) The chiropractic disciplinary board finds that over the past few years there has been an increasing number of persons licensed as chiropractors who have been practicing other healing arts while holding themselves out to the public as chiropractors to the detriment of the public health and welfare of the state of Washington and contrary to the

legislative directive contained in RCW 18.26.010(5). The board further finds and deems it necessary to carry out the provisions of chapter 18.26 RCW that this rule be adopted to give guidance to members of the profession, and the public, in interpreting for purposes of application by the disciplinary board of RCW 18.26.030, the scope of health care which comes within the definition of chiropractic in RCW 18.25.005 and which is authorized under a license to practice chiropractic in the state of Washington.

(2) RCW 18.25.005 defines the term "chiropractic" for purposes of chapters 18.25 and 18.26 RCW, as that practice of health care which deals with the ~~((detection of subluxations, which shall be defined as any alteration of the biomechanical and physiological dynamics of contiguous spinal structures which can cause neuronal disturbances, the chiropractic procedure preparatory to, and complementary to the correction thereof, by adjustment or manipulation of the articulations of the vertebral column and its immediate articulations))~~ diagnosis or analysis and care or treatment of the vertebral subluxation complex and its effects, articular dysfunction, and musculoskeletal disorders, for the restoration and maintenance of health and recognizing the recuperative power of the body; it includes the use of procedures involving spinal adjustment, and extremity manipulation insofar as any such procedure is complementary or preparatory to a chiropractic spinal adjustment, the use of heat, cold, water, exercise, massage, trigger point therapy, dietary advice and recommendation of nutritional supplementation except for medicines of herbal, animal, or botanical origin, the normal regimen and rehabilitation of the patient, first aid, and counseling on hygiene, sanitation, and preventative measures, physiological therapeutic procedures as traction and light, physical examination, which may include diagnostic x-rays, to determine the ((necessity)) appropriateness of chiropractic care, or the need for referral to other health care providers, ((the use of x ray and the analytical instruments generally used in the practice of chiropractic)); *Provided*, That no chiropractor shall prescribe or dispense any medicine or drug, nor practice obstetrics or surgery nor use x-rays or any other form of radiation for therapeutic purposes, colonic irrigation, or any form of venipuncture, nor procedures involving the application of sound, diathermy, or electricity nor treat disorders originating in the extremities ((≠ *Provided, however, that the term "chiropractic" as defined in this act shall not prohibit a practitioner licensed under chapter 18.71 RCW from performing accepted medical procedures, except such procedures shall not include the adjustment by hand of any articulation of the spine: And provided further, that nothing herein shall be construed to prohibit the rendering of dietary advice)).*

(3) The board finds that the following diagnostic techniques and procedures, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) of this section and in RCW 18.25.005, and, consequently, a license to practice chiropractic does not authorize their use:

(a) The use of x-rays or other forms of radiation for any other reason than to x-ray the human skeleton.

(b) The use of any form of electrocardiogram.



(c) The testing and reduction to mathematical formulae of sputum and/or urine (commonly known as "Reams" testing).

(d) Hair analysis.

~~(e) ((The use of a vasculizer or plethysonograph (commonly known as plethysmography) except for research purposes.~~

~~((f))~~ The use of iridology.

~~((g))~~ ~~(f)~~ The taking of blood samples.

~~((h))~~ ~~(g)~~ Female breast examinations.

~~((i) The use of any form of electromyography except for research purposes, and provided no fee is charged until proper protocol is established and approved by the chiropractic disciplinary board.))~~

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other diagnostic technique or procedure is outside the scope of chiropractic practice.

(4) The board finds that the following treatment procedures or modalities, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) of this section and in RCW 18.25.005 and, consequently, a license to practice chiropractic does not authorize their use:

(a) Ultrasound, diathermy, high voltage galvanic therapy and x-rays or other radiation.

~~(b) ((Colonic irrigation.~~

~~(c) Extremity adjusting~~

~~((d))~~ Electrotherapy

~~((e))~~ ~~(c)~~ The use of a transcutaneous electrical nerve stimulator (TENS).

~~((f))~~ ~~(d)~~ The use of the endonasal technique.

~~((g))~~ ~~(e)~~ The use of any type of casting other than light body casting.

~~((h))~~ ~~(f)~~ The use of meridian therapy, whether known as "acupressure," or the same type of therapy under any other names unless complementary or preparatory to a chiropractic spinal adjustment.

~~((i))~~ ~~(g)~~ The use of hypnosis for any other than relaxation purposes.

~~((j))~~ ~~(h)~~ The use of clinical herbology.

(i) treatment of disorders originating in the extremities.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other treatment modalities are outside the scope of chiropractic practice.

**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.

**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 92-18-034**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 92-79—Filed August 26, 1992, 3:42 p.m.]

Date of Adoption: August 26, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-40-027.

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 chinook and coho salmon are available.

Effective Date of Rule: Immediately.

August 26, 1992  
William Koss  
for Robert Turner  
Director

NEW SECTION

**WAC 220-40-02700E Willapa Bay salmon — Fall fishery.** Notwithstanding the provisions of WAC 220-40-027, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

**FISHING PERIOD**

(1) Gill net gear may be used to fish for salmon from:

(a) 6:00 p.m. August 26 to 6:00 p.m. August 27, 1992, 6:00 p.m. September 2 to 6:00 p.m. September 3, 1992, and 6:00 p.m. September 9 to 6:00 p.m. September 10, 1992 in SMCRA 2J, 2K, 2M and that part of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance **Buoy 12** and that portion of SMCRA 2H west of Willapa Channel Marker 35;

(b) 6:00 p.m. September 14 to 6:00 p.m. September 18, 1992 in SMCRA 2H, 2M, and that part of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance **Buoy 12**;

(c) 6:00 p.m. September 20 to 6:00 p.m. October 17, 1992 in SMCRA 2H, 2M and that portion of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance **Buoy 10**;

(e) 6:00 p.m. September 14 to 6:00 p.m. September 15, 1992, 6:00 p.m. September 17 to 6:00 p.m. September 18, 1992, 6:00 p.m. September 21 to 6:00 p.m. September 22, 1992, 6:00 p.m. September 24 to 6:00 p.m. September 25, 1992, 6:00 p.m. September 28 to 6:00 p.m. September 29, 1992, 6:00 p.m. October 1 to 6:00 p.m. October 2, 1992, 6:00 p.m. October 5 to 6:00 p.m. October 6, 1992, 6:00 p.m. October 8 to 6:00 p.m. October 9, 1992, 6:00 p.m. October 12 to 6:00 p.m. October 13, 1992, and 6:00 p.m. October 15 to 6:00 p.m. October 16, 1992 in SMCRA 2J and 2K, **except**

that 6:00 p.m. September 14 to 6:00 p.m. September 18, and 6:00 p.m. September 20 to 6:00 p.m. October 1, 1992 that part of SMCRA 2J north of an east-west line through the north entrance marker to the Nahcotta basin (red flasher no. 2) is open continuously.

(f) 6:00 p.m. October 17 to 6:00 November 1, 1992 in SMCRA 2H and that part of SMCRA 2G east of Willapa River Channel Marker 24;

(g) 6:00 p.m. November 1 to 6:00 p.m. November 30, 1992 in SMCRA 2G, 2H, 2J, 2K, and 2M;

(2) The Tokeland Boat Basin is closed to commercial fishing during the openings in SMCRA 2G described in this section. The Tokeland Boat Basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from the Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel marker "4" to the tip of the seawall.

**GEAR**

(3) Gill net gear shall be used as provided in WAC 220-40-015, except that:

(a) before September 20, the maximum mesh size is 8-1/2 inches; and

(b) after November 19, the minimum mesh size is 7-1/2 inches.

**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 92-18-035**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 92-80—Filed August 26, 1992, 3:45 p.m., effective September 4, 1992, 12:01 a.m.]

Date of Adoption: August 26, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-44-04000B.

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: This regulation is necessary to maintain consistency between state and federal regulations and to allow for harvest of allowable quota.

Effective Date of Rule: September 4, 1992, 12:01 a.m.

August 26, 1992  
William Koss  
for Robert Turner  
Director

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. September 4, 1992:

WAC 220-44-04000B Coastal bottomfish seasons.  
(92-27)

**WSR 92-18-051**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 92-81—Filed August 28, 1992, 3:31 p.m., effective August 29, 1992, 12:01 a.m.]

Date of Adoption: August 28, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-56-195.

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: Prespawning mortality of chinook salmon in the Elwha River due to problems associated with excessively warm water will reduce the number of surviving fish below the level of the spawning goal. Initial surveys already show that 37% of the fish currently in the river have died prior to spawning. This area closure is necessary to protect any Elwha chinook that are still milling off the river mouth. It will provide protection until a more extensive salmon angling closure planned for the period September 8 through October 31 takes effect.

Effective Date of Rule: August 29, 1992, 12:01 a.m.

August 28, 1992  
Edward P. Manary  
for Robert Turner  
Director

**NEW SECTION**

**WAC 220-56-19500I Closed areas — Saltwater salmon angling.** Notwithstanding the provisions of WAC 220-56-195, effective 12:01 a.m. August 29, through 11:59 p.m. September 7, 1992, it is unlawful to fish for or possess salmon taken from waters lying within 1,000 feet of the mouth of the Elwha River.

**WSR 92-18-052**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 92-82—Filed August 28, 1992, 3:34 p.m., effective September 2, 1992, 6:00 a.m.]

Date of Adoption: August 28, 1992.

Purpose: Commercial fishing regulations.

EMERGENCY

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05100M; and amending WAC 220-32-051.

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 fall chinook are available in the area between Bonneville Dam and McNary Dam. This rule is consistent with the decision of the August 27, 1992, meeting of the Columbia River Compact.

Effective Date of Rule: September 2, 1992, 6:00 a.m.

August 28, 1992  
Edward P. Manary  
for Robert Turner  
Director

### NEW SECTION

**WAC 220-32-05100N Columbia River salmon seasons above Bonneville.** (1) Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effectively immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G, or 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open for salmon and shad: 6 a.m. September 2, 1992 to 6 p.m. September 5, 1992. Sturgeon may be retained only for subsistence purposes.

(b) Open area: SMCRA 1F, 1G, and 1H

(c) Mesh: no mesh restriction

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

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

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

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

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 1/4 miles downstream from the west bank and 1/2-mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek is those waters of the Columbia River within a radius of 50 feet of the Spring Creek Hatchery fishway.

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

(a) Area 1F (Bonneville Pool) includes those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G includes those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

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

**Reviser's note:** The typographical error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

### REPEALER

The following section of the Washington Administrative Code is repealed effective 6:00 a.m. September 2, 1992:

WAC 220-32-05100M	Columbia River salmon seasons above Bonneville. (92-64)
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**WSR 92-18-053**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**

[Order 92-83—Filed August 28, 1992, 3:36 p.m., effective August 30, 1992, 12:01 a.m.]

Date of Adoption: August 28, 1992.  
 Purpose: Commercial fishing regulations.  
 Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-47-810.

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: Openings in Areas 7B and 7C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish region of origin. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: August 30, 1992, 12:01 a.m.  
 August 28, 1992  
 Edward P. Manary  
 for Robert Turner  
 Director

NEW SECTION

**WAC 220-47-811 Puget Sound all-citizen commercial salmon fishery.**

Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 a.m. Sunday, August 30, 1992, until further notice, it unlawful take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- \* Areas 7B and 7C - Gillnets using 7-inch minimum mesh may fish from 7:00 p.m. to 7:00 a.m. nightly, Monday, Tuesday and Wednesday nights, August 31 and September 1, 2.
- \* Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. Sunday, August 30, 1992:

WAC 220-47-810 Puget Sound all-citizen commercial salmon fishery (92-78)

**WSR 92-18-054**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**

[Order 92-84—Filed August 28, 1992, 3:38 p.m., effective August 31, 1992, 11:59 p.m.]

Date of Adoption: August 28, 1992.  
 Purpose: Personal use rules.  
 Citation of Existing Rules Affected by this Order:  
 Repealing WAC 220-56-19000C.

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 coho quota in Catch Record Area 4 has been reached.

Effective Date of Rule: August 31, 1992, 11:59 p.m.  
 August 28, 1992  
 Edward P. Manary  
 for Robert Turner  
 Director

NEW SECTION

**WAC 220-56-19000E Saltwater seasons and bag limits - Salmon** Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, until further notice it is unlawful to fish for salmon in Catch Record Card Areas 1, 2, 3, and 4, except as provided for in this section:

- (1) Areas and times open to salmon angling are as follows:
  - (a) Catch Record Card Area 4 waters in the Strait of Juan de Fuca lying east of the Bonilla-Tatoosh Line. Open August 15, 1992 through 11:59 p.m. August 31, 1992.
  - (b) Catch Record Area 3 - July 13 through October 1, or until overall chinook quota of 33,000, or until Catch Record Card Area 3 coho sub-quota of 3,000 is reached; whichever of the three is earliest. Closed to salmon angling each Friday and Saturday.
  - (c) Catch Record Card Area 2 - July 6 through October 1, or until overall chinook quota of 33,000, or until Catch Record Area 2 coho sub-quota of 54,400 is reached; whichever of the three is earliest. Closed to salmon angling each Friday and Saturday.
  - (d) Catch Record Card Area 1, but excluding waters of Columbia River Mouth Conservation Zone 1 (as defined in WAC 220-56-195) - September 14 through October 31, or until overall chinook quota of 33,000 or Catch Record Card Area 1 coho sub-quota of 3,000 is reached; whichever of the three is earliest. Closed to salmon angling each Friday and Saturday.
    - (2) Bag Limits and weekly limits are as follows:
      - (a) 2 salmon per day.
      - (b) No more than 4 salmon in any seven consecutive day period, except:
        - i. There is no weekly limit in Catch Record Card Area 1 beginning September 14.
        - ii. There is no weekly limit in the fishery described in subsection 1(a) of this section.

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- (3) Minimum size limits are:
  - (a) Chinook salmon 24 inches
  - (b) Coho salmon 16 inches, and
  - (c) No minimum size for other salmon
- (4) Gear
  - (a) Single point barbless hooks only
  - (b) One rod per angler

(c) For the fishery described in subsection 1(a) of this section, surface flies only; it is unlawful to use or have attached to the fishing line any bait, spoons, plugs, jigs, flashers, dodgers, weights of any kind, diving plane devices, or down riggers.

(5) Shore based angling from the north jetty of the Columbia River is allowed.

**REPEALER**

The following section of the Washington Administrative Code is repealed effective 11:59 p.m. August 31, 1992:

WAC 220-56-19000C Saltwater seasons and bag limits - Salmon. (92-74)

**WSR 92-18-055  
EMERGENCY RULES  
FOREST PRACTICES BOARD**

[Filed August 31, 1992, 10:29 a.m., effective September 1, 1992]

Date of Adoption: June 26, 1992.

Purpose: To provide an exception to subsections (7) and (11) of WAC 222-30-020 for a land owner of not more than 1000 acres of forest land who has an approved stewardship management plan.

Citation of Existing Rules Affected by this Order: Amending WAC 222-30-020.

Statutory Authority for Adoption: RCW 76.09.040 and 34.05.350.

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: An approved stewardship plan of an owner of not more than 1000 acres of forest land provides for the protection of public resources and may replace the requirements of subsections (7) and (11) WAC 222-30-020 Harvest unit planning and design.

Effective Date of Rule: September 1, 1992.

August 28, 1992  
Patricia Harper  
Executive Assistant  
for Brian Boyle  
Commissioner of Public Lands

**AMENDATORY SECTION** (Amending 92-15-011, filed 7/2/92)

**WAC 222-30-020 Harvest unit planning and design.**

(1) **LOGGING SYSTEM.** The logging system should be appropriate for the terrain, soils, and timber type so yarding

or skidding can be economically accomplished in compliance with these regulations.

\* (2) **LANDING LOCATIONS.** Locate landings to prevent damage to public resources. Avoid excessive excavation and filling.

\* (3) **WESTERN WASHINGTON RIPARIAN MANAGEMENT ZONES.** These zones shall be measured horizontally from the ordinary high-water mark of Type 1, 2 or 3 Water and extend to the line where vegetation changes from wetland to upland plant community, or the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than 25 feet in width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for in the chart below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations. The number, size, species and ratio of leave trees, deciduous to conifer, is specified by the bed material and average width of the water type within the harvest unit. Trees left according to (d) of this subsection may be included in the number of required leave trees in this subsection.

WATER TYPE/AVERAGE WIDTH	RMZ MAXIMUM WIDTH	RATIO OF CONIFER TO DECIDUOUS/ MINIMUM SIZE LEAVE TREES	# TREES/1000 FT. EACH SIDE	
			GRAVEL/ COBBLE <10" DIAMETER	BOULDER/ BEDROCK
1 & 2 Water 75' & over	100'	representative of stand	50 trees	25 trees
1 & 2 Water under 75'	75'	representative of stand	100 trees	50 trees
3 Water 5' & over	50'	2 to 1/ 12" or next largest available	75 trees	25 trees

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3 Water less than 5'	25'	1 to 1/ 6" or next largest available	25 trees	25 trees
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"Or next largest available" requires that the next largest trees to those specified in the rule be left standing when those available are smaller than the sizes specified. Ponds or lakes which are Type 1, 2 or 3 Waters shall have the same leave tree requirements as boulder/bedrock streams.

(d) For wildlife habitat within the riparian management zone, leave an average of 5 undisturbed and uncut wildlife trees per acre at the ratio of 1 deciduous tree to 1 conifer tree equal in size to the largest existing trees of those species within the zone. Where the 1 to 1 ratio is not possible, then substitute either species present. Forty percent or more of the leave trees shall be live and undamaged on completion of harvest. Wildlife trees shall be left in clumps whenever possible.

(e) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and the harvest unit is a clearcutting of 30 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection.

**\*(4) EASTERN WASHINGTON RIPARIAN MANAGEMENT ZONES.** These zones shall be measured horizontally from the ordinary high-water mark of Type 1, 2 or 3 Waters and extend to the line where vegetation changes from wetland to upland plant community, or to the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than the minimum width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations.

(i) The width of the riparian management zone shall be based on the adjacent harvest type as defined in WAC 222-16-010(33) Partial cutting. When the adjacent unit harvest type is:

Partial cutting - The riparian management zone width shall be a minimum of 30 feet to a maximum of 50 feet on each side of the stream.

Other harvest types - The riparian management zone shall average 50 feet in width on each side of the stream with a minimum width of 30 feet and a maximum of 300 feet on each side of the stream.

(ii) Leave tree requirements within the riparian management zones of Type 1, 2 or 3 Waters:

(A) Leave all trees 12 inches or less in diameter breast height (dbh); and

(B) Leave all wildlife reserve trees within the riparian management zone where operations in the vicinity do not violate the state safety regulations (chapter 296-54 WAC and chapter 49.17 RCW administered by department of labor and industries, safety division); and

(C) Leave 16 live conifer trees/acre between 12 inches dbh and 20 inches dbh distributed by size, as representative of the stand; and

(D) Leave 3 live conifer trees/acre 20 inches dbh or larger and the 2 largest live deciduous trees/acre 16 inches dbh or larger. Where these deciduous trees do not exist, and where 2 wildlife reserve trees/acre 20 inches or larger do not exist, substitute 2 live conifer trees/acre 20 inches dbh or larger. If live conifer trees of 20 inches dbh or larger do not exist within the riparian management zone, then substitute the 5 largest live conifer trees/acre; and

(E) Leave 3 live deciduous trees/acre between 12 inches and 16 inches dbh where they exist.

(iii) Minimum leave tree requirements per acre for Type 1, 2 and 3 Waters. Trees left for (c)(ii) of this subsection shall be included in the minimum counts.

(A) On streams with a boulder/bedrock bed, the minimum leave tree requirements shall be 75 trees/acre 4 inches dbh or larger.

(B) On streams with a gravel/cobble (less than 10 inches diameter) bed, the minimum leave tree requirement shall be 135 trees/acre 4 inches dbh or larger.

(C) On lakes or ponds the minimum leave tree requirement shall be 75 trees/acre 4 inches dbh or larger.

Note: (See the Forest Practices Board Manual for assistance in calculating trees/acre and average RMZ widths.)

(d) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and either the harvest unit is a clearcutting of 30 acres or less or the harvest unit is a partial cutting of 80 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection. (See WAC 222-16-010(33) Partial cutting.)

**\*(5) RIPARIAN LEAVE TREE AREAS.** The department will require trees to be left along Type 4 Water where such practices are necessary to protect public resources. Where such practices are necessary leave at least 25 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1000 feet of stream length within 25 feet of the stream. The leave trees may be arranged to accommodate the operation.

(6) **FORESTED WETLANDS.** Within the wetland, unless otherwise approved in writing by the department, harvest methods shall be limited to low impact harvest or cable systems. Where feasible, at least one end of the log shall be suspended during yarding.

EMERGENCY

EMERGENCY

(a) When forested wetlands are included within the harvest area, landowners are encouraged to leave a portion (30 to 70%) of the wildlife reserve tree requirement for the harvest area within a wetland. In order to retain undisturbed habitat within forested wetlands, these trees should be left in clumps. Leave tree areas should be clumped adjacent to streams, riparian management zones, or wetland management zones where possible and they exist within forested wetlands. Green recruitment trees should be representative of the size and species found within the wetland. Leave nonmerchantable trees standing where feasible.

(b) If a RMZ or WMZ lies within a forested wetland, the leave tree requirement associated with those areas may be counted toward the percentages in (a) of this subsection.

(c) If the conditions described in (a) and (b) of this subsection are met, the distribution requirements for wildlife reserve trees and green recruitment trees (subsection (11)(e) of this section) are modified as follows: For purposes of distribution, no point within the harvest unit shall be more than 1000 feet from a wildlife reserve tree and green recruitment tree retention area.

(d) Approximate determination of the boundaries of forested wetlands greater than 5 acres shall be required. Approximate boundaries and areas shall be deemed to be sufficient for harvest operations.

(e) The department shall consult with the department of wildlife, the department of fisheries, and affected Indian tribes about site specific impacts of forest practices on wetland-sensitive species in forested wetlands.

(7) WETLAND MANAGEMENT ZONES (WMZ). These zones shall apply to Type A and B Wetlands, 0.5 acre in size or larger, and shall be measured horizontally from the wetland edge or the point where the nonforested wetland becomes a forested wetland, as determined by the method described in the board manual, and shall be of an average width as described in (a) of this subsection. These zones shall not be less than the minimum nor more than the maximum widths described in (a) of this subsection. When these zones overlap a riparian management zone the requirement which best protects public resources shall apply.

(a) Wetland management zones (WMZ) shall have variable widths based on the size of the wetland and the wetland type, described as follows:

Wetland Management Zones Widths

Wetland Type	Acres of Nonforested Wetland	Maximum	Average	Minimum
A	Greater than 5	200 feet	100 feet	50 feet
A	0.5 to 5	100 feet	50 feet	25 feet
A Bog/Fen	0.25 to 0.5	100 feet	50 feet	25 feet
B	Greater than 5	100 feet	50 feet	25 feet
B	0.5 to 5			25 feet
B	0.25 to 0.5	NO WMZ REQUIRED		

(b) Within the WMZ, leave a total of 75 trees per acre of WMZ greater than 6 inches dbh in Western Washington and greater than 4 inches dbh in Eastern Washington, 25 of which shall be greater than 12 inches dbh including 5 trees

greater than 20 inches dbh, where they exist. Leave trees shall be representative of the species found within the WMZ.

(c) Retain wildlife reserve trees where feasible. Type 1 and 3 wildlife reserve trees may be counted among, and need not exceed, the trees required in (b) of this subsection. Leave all cull logs on site.

(d) Partial-cutting or removal of groups of trees is acceptable within the WMZ. The maximum width of openings created by harvesting within the WMZ shall not exceed 100 feet as measured parallel to the wetland edge. Openings within WMZs shall be no closer than 200 feet. Landowners are encouraged to concentrate leave trees within the WMZ to the wetland edge.

(e) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

(f) When 10% or more of a harvest unit lies within any combination of a wetland management zone or a riparian management zone of Type 1, 2, or 3 Waters and either the harvest unit is a clearcut of 30 acres or less or the harvest unit is a partial cut of 80 acres or less, leave not less than 50% of the trees required in (b) of this subsection.

\*(8) NONFORESTED WETLANDS (TYPE A OR B). Within the boundaries of Type A or B Wetlands the following shall apply:

(a) Individual trees or forested wetland areas less than 0.5 acre in size may occur. These trees have a high habitat value to the nonforested wetland. Leave individual trees or forested wetlands less than 0.5 acre. These trees may be counted toward the WMZ requirements.

(b) Harvest of upland areas or forested wetlands which are surrounded by Type A or B Wetlands must be conducted in accordance with a plan, approved in writing by the department.

(c) No timber shall be felled into or cable yarded across Type A or B Wetlands without written approval of the department.

(9) FUTURE PRODUCTIVITY. Harvesting shall leave the land in a condition conducive to future timber production except:

(a) To the degree required for riparian management zones; or

(b) Where the lands are being converted to another use or classified urban lands as specified in WAC 222-34-050.

(10) WILDLIFE HABITAT. This subsection is designed to encourage timber harvest practices that would protect wildlife habitats, provided, that such action shall not unreasonably restrict landowners action without compensation.

(a) The applicant should make every reasonable effort to cooperate with the department of wildlife to identify critical wildlife habitats (state) as defined by the board. Where these habitats are known to the applicant, they shall be identified in the application or notification.

(b) Harvesting methods and patterns in established big game winter ranges should be designed to insure adequate access routes and escape cover where practical.

(i) Where practical, cutting units should be designed to conform with topographical features.

(ii) Where practical on established big game winter ranges, cutting units should be dispersed over the area to

provide cover, access for wildlife, and to increase edge effect.

(11) **WILDLIFE RESERVE TREE MANAGEMENT.** In areas where leaving wildlife reserve trees under this section will not create a significant fire hazard, or significant hazard to overhead power lines and operations that are proposed in the vicinity of wildlife reserve trees will not create a significant safety or residential hazard nor conflict with achieving conformance with the limitation of or performance with the provisions of chapter 76.04 RCW (snag falling law) and chapter 49.17 RCW (safety), wildlife reserve trees will be left to protect habitat for cavity nesting wildlife in accordance with the following:

(a) In Western Washington, for each acre harvested 3 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. In Eastern Washington for each acre harvested 2 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. Type 1 wildlife reserve trees may be counted, at the landowner's option, either as a wildlife reserve tree or as a green recruitment tree. If adequate wildlife reserve trees are not available, no additional green recruitment trees will be required as substitutes. Landowners shall not under any circumstances be required to leave more than 2 green recruitment trees per acre for the purpose of wildlife reserve tree recruitment, or be required to leave Type 3 or 4 wildlife reserve trees.

(b) In Eastern Washington, for 5 years from the effective date of this subsection where over-story harvest of seed trees left for purpose of reforestation are proposed and less than 10 trees per acre will be harvested within the 5-year period, 50% of the green recruitment trees otherwise required in this subsection may be left.

(c) In Western Washington, only those wildlife reserve trees 10 or more feet in height and 12 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. In Eastern Washington, only those wildlife reserve trees 10 or more feet in height and 10 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. Green recruitment trees, 10 or more inches dbh and 30 or more feet in height and with at least 1/3 of their height in live crown, left standing after harvest may be counted toward green recruitment tree requirements. Green recruitment trees and/or wildlife reserve trees left to meet other requirements of the rules or those left voluntarily by the landowner shall be counted toward satisfying the requirements of this section. Large, live defective trees with broken tops, cavities, and other severe defects are preferred as green recruitment trees. Only down logs with a small end diameter greater than or equal to 12 inches and a length greater than or equal to 20 feet or equivalent volume shall be counted under (a) of this subsection. Large cull logs are preferred as down logs.

(d) In the areas where wildlife reserve trees are left, the largest diameter wildlife reserve trees shall be retained to meet the specific needs of cavity nesters. Where the opportunity exists, larger trees with numerous cavities should be retained and count as recruitment trees.

(e) In order to facilitate safe and efficient harvesting operations, wildlife reserve trees and recruitment trees may be left in clumps. For purposes of distribution, no point within the harvest unit shall be more than 800 feet from a wildlife reserve tree or green recruitment tree retention area.

Subject to this distribution requirement, the location of these retention areas and the selection of recruitment trees shall be at the landowner's discretion. Closer spacing of retention areas through voluntary action of the landowner is encouraged. Wildlife reserve tree and green recruitment tree retention areas may include, but are not limited to, riparian management zones, riparian leave tree areas, other regulatory leave areas, or voluntary leave areas that contain wildlife reserve trees and/or green recruitment trees.

(f) In order to provide for safety, landowners may remove any Type 3 or 4 wildlife reserve tree which poses a threat to humans working, recreating, or residing within the hazard area of that tree. In order to provide for fire safety, the distribution of wildlife reserve tree retention areas, described in (e) of this subsection, may be modified as necessary based on a wildlife reserve tree management plan proposed by the landowner and approved by the department.

**(12) SMALL LANDOWNER EXCEPTIONS.** An owner of not more than 1,000 acres of forest land shall be subject to subsection (7) "wetland management zones" and subsection (11) "wildlife reserve tree management" of this section. However, an approved stewardship management plan, as described in RCW 76.13.020(2) may replace the requirements of subsections (7) and (11). The stewardship management plan must apply on the entire contiguous forest ownership and must be updated every 5 years.

(a) The stewardship management plan shall be approved by the department or the department's designee.

(b) The stewardship management plan may be prepared for the landowner by a forestry consultant or other natural resource professional and then approved by the department's designee.

(c) Prior to the effective date of this section, the department shall review and develop as necessary criteria for stewardship management plans that will meet the statutory requirements for protecting public resources. The review by the department shall reflect the input by the board's wildlife committee, and the departments of fisheries, wildlife and ecology.

**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 92-18-056**  
**EMERGENCY RULES**  
**FOREST PRACTICES BOARD**  
[Filed August 31, 1992, 10:31 a.m.]

Date of Adoption: August 12, 1992.

Purpose: To correct the citation of Title 173 WAC in WAC 222-30-040 (2)(d). The correct citation is chapter 173-201 WAC.

Citation of Existing Rules Affected by this Order: Amending 222-30-040.

Statutory Authority for Adoption: RCW 76.09.040 and 34.05.350.

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 rule corrects the citation of the Department of Ecology water quality Title 173 WAC in the new forest practices rule WAC 222-30-040 (2)(d) adopted June 26, 1992. This emergency rule will automatically be repealed upon adoption of WAC 173-203-030 by the Department of Ecology.

Effective Date of Rule: Immediately.

August 28, 1992

Patricia Harper  
Executive Assistant  
for Brian Boyle

Commissioner of Public Lands

AMENDATORY SECTION (Amending WSR 92-15-011, filed 7/2/92)

**WAC 222-30-040 Shade requirements to maintain stream temperature.** \*(1) Determination of adequate shade. The temperature prediction method in subsections (2) and (3) of this section shall be used to determine appropriate shade levels for flowing Type 1, 2, and 3 Waters to prevent excessive water temperatures which may have detrimental impact on aquatic resources.

\*(2) Temperature prediction method. In addition to the riparian management zone requirements, leave trees shall be retained in riparian management zones on flowing Type 1, 2, and 3 Waters as provided by the method described in the board manual which includes the following considerations:

- (a) Minimum shade retention requirements; and
- (b) Regional water temperature characteristics; and
- (c) Elevation; and
- (d) Temperature criteria defined for stream classes in Chapter 173-201 WAC ((173-203-030)).

\*(3) Leave tree requirements for shade. The method described in subsection (2) of this section shall be used to establish the minimum shade cover based on site specific characteristics. When site specific data indicate that preharvest conditions do not meet the minimums established by the method, no additional shade removal from riparian management zones will be allowed.

(4) **Waivers.** The department may waive or modify the shade requirements where:

- (a) The applicant agrees to a staggered setting program producing equal or greater shade requirements to maintain stream temperature; or
- (b) The applicant provides alternative means of stream temperature control satisfactory to the department; or
- (c) The temperature method indicates that additional shade will not affect stream temperature.

**WSR 92-18-066**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 92-86—Filed August 31, 1992, 4:38 p.m.]

Date of Adoption: August 31, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-36-02300N.

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: This rule provides for a chinook directed fishery in Grays Harbor, implementing an agreement that has just been concluded with the Quinault Tribe for harvest of the non-Indian allocation of Grays Harbor fall salmon stocks.

Effective Date of Rule: Immediately.

August 31, 1992

Edward P. Manary  
for Robert Turner  
Director

NEW SECTION

**WAC 220-36-02300P Grays Harbor—Fall fishery.** Notwithstanding the provisions of WAC 220-36-023, effective immediately until further notice, it is unlawful to fish for or possess salmon taken from Grays Harbor Salmon Management and Catch Reporting Areas 2A, 2B, 2C or 2D except as provided for in this section:

(1) Areas 2B, 2C and 2D - Open 6:00 p.m. September 2 to 6:00 p.m. September 3, 1992, for harvest with gill net gear only.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-36-02300N Grays Harbor—Fall fishery. (92-77)

**WSR 92-18-068**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 92-85—Filed August 31, 1992, 5:16 p.m.]

Date of Adoption: August 31, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-57-43500G; and amending WAC 220-57-380, 220-57-435, 220-57-450, and 220-57-455.

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: Early timed chum salmon in the (Big) Quilcene River are a depressed stock and are in need of protection. A September and October prohibition of

retention of this species will give this stock the necessary protection, while allowing the fishery to continue for other stocks of salmon that are present in harvestable numbers. A large number of harvestable coho salmon is expected to return to the Snohomish River system and there are sufficient numbers available to support an increased coho salmon bag limit in these streams.

Effective Date of Rule: Immediately.

August 31, 1992  
Edward P. Manary  
for Robert Turner  
Director

#### NEW SECTION

**WAC 220-57-38000A Quilcene (Big Quilcene) River.** Notwithstanding the provisions of WAC 220-57-380, effective September 1 through October 31 it is unlawful to retain chum salmon taken for personal use from the (Big) Quilcene River.

#### NEW SECTION

**WAC 220-57-43500H Skykomish River.** Notwithstanding the provisions of WAC 220-57-435, effective immediately until further notice, for waters of the Skykomish River downstream of the confluence of the north and south forks, special bag limit of six salmon per day, up to four of which may be adult salmon, but not more than two of the four adults may be any combination of chinook or chum salmon. (Adult salmon are chinook over 24 inches in length, coho over 20 inches in length, or other salmon over 12 inches in length.

**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 220-57-45000H Snohomish River.** Notwithstanding the provisions of WAC 220-57-450, effective immediately until further notice, for waters of the Snohomish River, special bag limit of six salmon per day, up to four of which may be adult salmon, but not more than two of the four adults may be any combination of chinook or chum salmon. (Adult salmon are chinook over 24 inches in length, coho over 20 inches in length, or other salmon over 12 inches in length.)

#### NEW SECTION

**WAC 220-57-45500C Snoqualmie River.** Notwithstanding the provisions of WAC 220-57-455, effective immediately until further notice, for waters of the Snoqualmie River, special bag limit of six salmon per day, up to four of which may be adult salmon, but not more than two of the four adults may be any combination of chinook or chum salmon. (Adult salmon are chinook over 24 inches in length, coho over 20 inches in length, or other salmon over 12 inches in length.

**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.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-57-43500G Skykomish River. (92-44)

#### **WSR 92-18-069**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 92-87—Filed August 31, 1992, 5:16 p.m.]

Date of Adoption: August 31, 1992.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-47-811.

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: Emergency closure in Areas 7B and 7C are necessary to prevent overharvest of chinook destined for the Nooksack-Samish region of origin, based upon August 31, 1992, in-season run size update. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: Immediately.

August 31, 1992  
Edward P. Manary  
for Robert Turner  
Director

#### NEW SECTION

**WAC 220-47-812 Puget Sound all-citizen commercial salmon fishery.** Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

- \* Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7B, 7C, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

#### REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-47-811 Puget Sound all-citizen commercial salmon fishery (92-83)

**WSR 92-18-086**  
**EMERGENCY RULES**  
**FOREST PRACTICES BOARD**  
 [Filed September 2, 1992, 8:17 a.m.]

Date of Adoption: June 26, 1992.

Purpose: To allow an approved stewardship plan for a forest land owner of 1000 acres (western Washington) or 2000 acres (eastern Washington) to replace the requirements of subsections (7) and (11) of WAC 222-30-020.

Citation of Existing Rules Affected by this Order: Amending WAC 222-30-020, this emergency rule supersedes the emergency rule filed August 31, 1992, WSR 92-18-055.

Statutory Authority for Adoption: RCW 76.09.040 and 34.05.350.

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 Forest Practices Board has received comments that the new requirements in WAC 222-30-020 (7) and (11) don't adequately address small landowner concerns. This emergency rule is designed to address these concerns while still meeting the objectives of the Forest Practices Act.

Effective Date of Rule: Immediately.

September 2, 1992  
 James A. Stearns  
 Supervisor  
 for Brian Boyle  
 Commissioner of Public Lands

**AMENDATORY SECTION** (Amending WSR 92-15-011, filed 7/2/92)

**WAC 222-30-020 Harvest unit planning and design.**

(1) **LOGGING SYSTEM.** The logging system should be appropriate for the terrain, soils, and timber type so yarding or skidding can be economically accomplished in compliance with these regulations.

\*(2) **LANDING LOCATIONS.** Locate landings to prevent damage to public resources. Avoid excessive excavation and filling.

\*(3) **WESTERN WASHINGTON RIPARIAN MANAGEMENT ZONES.** These zones shall be measured horizontally from the ordinary high-water mark of Type 1, 2 or 3 Water and extend to the line where vegetation changes from wetland to upland plant community, or the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than 25 feet in width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including

those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for in the chart below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations. The number, size, species and ratio of leave trees, deciduous to conifer, is specified by the bed material and average width of the water type within the harvest unit. Trees left according to (d) of this subsection may be included in the number of required leave trees in this subsection.

WATER TYPE/ AVERAGE WIDTH	RMZ MAXIMUM WIDTH	RATIO OF CONIFER TO DECIDUOUS/ MINIMUM SIZE LEAVE TREES	# TREES/1000 FT. EACH SIDE	
			GRAVEL/ COBBLE <10" DIAMETER	BOULDER/ BEDROCK
1 & 2 Water 75' & over	100'	representative of stand	50 trees	25 trees
1 & 2 Water under 75'	75'	representative of stand	100 trees	50 trees
3 Water 5' & over	50'	2 to 1/12" or next largest available	75 trees	25 trees
3 Water less than 5'	25'	1 to 1/6" or next largest available	25 trees	25 trees

"Or next largest available" requires that the next largest trees to those specified in the rule be left standing when those available are smaller than the sizes specified. Ponds or lakes which are Type 1, 2 or 3 Waters shall have the same leave tree requirements as boulder/bedrock streams.

(d) For wildlife habitat within the riparian management zone, leave an average of 5 undisturbed and uncut wildlife trees per acre at the ratio of 1 deciduous tree to 1 conifer tree equal in size to the largest existing trees of those species within the zone. Where the 1 to 1 ratio is not possible, then substitute either species present. Forty percent or more of the leave trees shall be live and undamaged on completion of harvest. Wildlife trees shall be left in clumps whenever possible.

(e) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and the harvest unit is a clearcutting of 30 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection.

EMERGENCY

**\* (4) EASTERN WASHINGTON RIPARIAN MANAGEMENT ZONES.** These zones shall be measured horizontally from the ordinary high-water mark of Type 1, 2 or 3 Waters and extend to the line where vegetation changes from wetland to upland plant community, or to the line required to leave sufficient shade as required by WAC 222-30-040, whichever is greater, but shall not be less than the minimum width nor more than the maximum widths described in (c) of this subsection, provided that the riparian management zone width shall be expanded as necessary to include wetlands or ponds adjacent to the stream. When the riparian management zone overlaps a Type A or B Wetland or a wetland management zone, the requirement which best protects public resources shall apply.

(a) Harvest units shall be designed so that felling, bucking, yarding or skidding, and reforestation can be accomplished in accordance with these regulations, including those regulations relating to stream bank integrity and shade requirements to maintain stream temperature. Where the need for additional actions or restrictions adjacent to waters not covered by the following become evident, WAC 222-12-050 and 222-12-060 may apply.

(b) When requested in writing by the applicant, the department shall assist in preparation of an alternate plan for the riparian management zone.

(c) Within the riparian management zone, there shall be trees left for wildlife and fisheries habitat as provided for below. Fifty percent or more of the trees shall be live and undamaged on completion of the harvest. The leave trees shall be randomly distributed where feasible; some clumping is allowed to accommodate operational considerations.

(i) The width of the riparian management zone shall be based on the adjacent harvest type as defined in WAC 222-16-010(33) Partial cutting. When the adjacent unit harvest type is:

Partial cutting - The riparian management zone width shall be a minimum of 30 feet to a maximum of 50 feet on each side of the stream.

Other harvest types - The riparian management zone shall average 50 feet in width on each side of the stream with a minimum width of 30 feet and a maximum of 300 feet on each side of the stream.

(ii) Leave tree requirements within the riparian management zones of Type 1, 2 or 3 Waters:

(A) Leave all trees 12 inches or less in diameter breast height (dbh); and

(B) Leave all wildlife reserve trees within the riparian management zone where operations in the vicinity do not violate the state safety regulations (chapter 296-54 WAC and chapter 49.17 RCW administered by department of labor and industries, safety division); and

(C) Leave 16 live conifer trees/acre between 12 inches dbh and 20 inches dbh distributed by size, as representative of the stand; and

(D) Leave 3 live conifer trees/acre 20 inches dbh or larger and the 2 largest live deciduous trees/acre 16 inches dbh or larger. Where these deciduous trees do not exist, and where 2 wildlife reserve trees/acre 20 inches or larger do not exist, substitute 2 live conifer trees/acre 20 inches dbh or larger. If live conifer trees of 20 inches dbh or larger do not exist within the riparian management zone, then substitute the 5 largest live conifer trees/acre; and

(E) Leave 3 live deciduous trees/acre between 12 inches and 16 inches dbh where they exist.

(iii) Minimum leave tree requirements per acre for Type 1, 2 and 3 Waters. Trees left for (c)(ii) of this subsection shall be included in the minimum counts.

(A) On streams with a boulder/bedrock bed, the minimum leave tree requirements shall be 75 trees/acre 4 inches dbh or larger.

(B) On streams with a gravel/cobble (less than 10 inches diameter) bed, the minimum leave tree requirement shall be 135 trees/acre 4 inches dbh or larger.

(C) On lakes or ponds the minimum leave tree requirement shall be 75 trees/acre 4 inches dbh or larger.

Note: (See the Forest Practices Board Manual for assistance in calculating trees/acre and average RMZ widths.)

(d) When 10 percent or more of the harvest unit lies within any combination of a riparian management zone of Type 1, 2 or 3 Waters or a wetland management zone and either the harvest unit is a clearcutting of 30 acres or less or the harvest unit is a partial cutting of 80 acres or less, leave not less than 50 percent of the trees required in (c) of this subsection. (See WAC 222-16-010(33) Partial cutting.)

**\*(5) RIPARIAN LEAVE TREE AREAS.** The department will require trees to be left along Type 4 Water where such practices are necessary to protect public resources. Where such practices are necessary leave at least 25 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1000 feet of stream length within 25 feet of the stream. The leave trees may be arranged to accommodate the operation.

(6) **FORESTED WETLANDS.** Within the wetland, unless otherwise approved in writing by the department, harvest methods shall be limited to low impact harvest or cable systems. Where feasible, at least one end of the log shall be suspended during yarding.

(a) When forested wetlands are included within the harvest area, landowners are encouraged to leave a portion (30 to 70%) of the wildlife reserve tree requirement for the harvest area within a wetland. In order to retain undisturbed habitat within forested wetlands, these trees should be left in clumps. Leave tree areas should be clumped adjacent to streams, riparian management zones, or wetland management zones where possible and they exist within forested wetlands. Green recruitment trees should be representative of the size and species found within the wetland. Leave nonmerchantable trees standing where feasible.

(b) If a RMZ or WMZ lies within a forested wetland, the leave tree requirement associated with those areas may be counted toward the percentages in (a) of this subsection.

(c) If the conditions described in (a) and (b) of this subsection are met, the distribution requirements for wildlife reserve trees and green recruitment trees (subsection (11)(e) of this section) are modified as follows: For purposes of distribution, no point within the harvest unit shall be more than 1000 feet from a wildlife reserve tree and green recruitment tree retention area.

(d) Approximate determination of the boundaries of forested wetlands greater than 5 acres shall be required. Approximate boundaries and areas shall be deemed to be sufficient for harvest operations.

(e) The department shall consult with the department of wildlife, the department of fisheries, and affected Indian tribes about site specific impacts of forest practices on wetland-sensitive species in forested wetlands.

(7) **WETLAND MANAGEMENT ZONES (WMZ).** These zones shall apply to Type A and B Wetlands, 0.5 acre in size or larger, and shall be measured horizontally from the wetland edge or the point where the nonforested wetland becomes a forested wetland, as determined by the method described in the board manual, and shall be of an average width as described in (a) of this subsection. These zones shall not be less than the minimum nor more than the maximum widths described in (a) of this subsection. When these zones overlap a riparian management zone the requirement which best protects public resources shall apply.

(a) Wetland management zones (WMZ) shall have variable widths based on the size of the wetland and the wetland type, described as follows:

Wetland Management Zones Widths

Wetland Type	Acres of Nonforested Wetland	Maximum	Average	Minimum
A	Greater than 5	200 feet	100 feet	50 feet
A	0.5 to 5	100 feet	50 feet	25 feet
A Bog/Fen	0.25 to 0.5	100 feet	50 feet	25 feet
B	Greater than 5	100 feet	50 feet	25 feet
B	0.5 to 5			25 feet
B	0.25 to 0.5	NO WMZ REQUIRED		

(b) Within the WMZ, leave a total of 75 trees per acre of WMZ greater than 6 inches dbh in Western Washington and greater than 4 inches dbh in Eastern Washington, 25 of which shall be greater than 12 inches dbh including 5 trees greater than 20 inches dbh, where they exist. Leave trees shall be representative of the species found within the WMZ.

(c) Retain wildlife reserve trees where feasible. Type 1 and 3 wildlife reserve trees may be counted among, and need not exceed, the trees required in (b) of this subsection. Leave all cull logs on site.

(d) Partial-cutting or removal of groups of trees is acceptable within the WMZ. The maximum width of openings created by harvesting within the WMZ shall not exceed 100 feet as measured parallel to the wetland edge. Openings within WMZs shall be no closer than 200 feet. Landowners are encouraged to concentrate leave trees within the WMZ to the wetland edge.

(e) Tractors, wheeled skidders, or other ground based harvesting systems shall not be used within the minimum WMZ width without written approval of the department.

(f) When 10% or more of a harvest unit lies within any combination of a wetland management zone or a riparian management zone of Type 1, 2, or 3 Waters and either the harvest unit is a clearcut of 30 acres or less or the harvest unit is a partial cut of 80 acres or less, leave not less than 50% of the trees required in (b) of this subsection.

\*(8) **NONFORESTED WETLANDS (TYPE A OR B).** Within the boundaries of Type A or B Wetlands the following shall apply:

(a) Individual trees or forested wetland areas less than 0.5 acre in size may occur. These trees have a high habitat value to the nonforested wetland. Leave individual trees or forested wetlands less than 0.5 acre. These trees may be counted toward the WMZ requirements.

(b) Harvest of upland areas or forested wetlands which are surrounded by Type A or B Wetlands must be conducted in accordance with a plan, approved in writing by the department.

(c) No timber shall be felled into or cable yarded across Type A or B Wetlands without written approval of the department.

(9) **FUTURE PRODUCTIVITY.** Harvesting shall leave the land in a condition conducive to future timber production except:

(a) To the degree required for riparian management zones; or

(b) Where the lands are being converted to another use or classified urban lands as specified in WAC 222-34-050.

(10) **WILDLIFE HABITAT.** This subsection is designed to encourage timber harvest practices that would protect wildlife habitats, provided, that such action shall not unreasonably restrict landowners action without compensation.

(a) The applicant should make every reasonable effort to cooperate with the department of wildlife to identify critical wildlife habitats (state) as defined by the board. Where these habitats are known to the applicant, they shall be identified in the application or notification.

(b) Harvesting methods and patterns in established big game winter ranges should be designed to insure adequate access routes and escape cover where practical.

(i) Where practical, cutting units should be designed to conform with topographical features.

(ii) Where practical on established big game winter ranges, cutting units should be dispersed over the area to provide cover, access for wildlife, and to increase edge effect.

(11) **WILDLIFE RESERVE TREE MANAGEMENT.** In areas where leaving wildlife reserve trees under this section will not create a significant fire hazard, or significant hazard to overhead power lines and operations that are proposed in the vicinity of wildlife reserve trees will not create a significant safety or residential hazard nor conflict with achieving conformance with the limitation of or performance with the provisions of chapter 76.04 RCW (snag falling law) and chapter 49.17 RCW (safety), wildlife reserve trees will be left to protect habitat for cavity nesting wildlife in accordance with the following:

(a) In Western Washington, for each acre harvested 3 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. In Eastern Washington for each acre harvested 2 wildlife reserve trees, 2 green recruitment trees, and 2 down logs shall be left. Type 1 wildlife reserve trees may be counted, at the landowner's option, either as a wildlife reserve tree or as a green recruitment tree. If adequate wildlife reserve trees are not available, no additional green recruitment trees will be required as substitutes. Landowners shall not under any circumstances be required to leave more than 2 green recruitment trees per acre for the purpose of wildlife reserve tree recruitment, or be required to leave Type 3 or 4 wildlife reserve trees.

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(b) In Eastern Washington, for 5 years from the effective date of this subsection where over-story harvest of seed trees left for purpose of reforestation are proposed and less than 10 trees per acre will be harvested within the 5-year period, 50% of the green recruitment trees otherwise required in this subsection may be left.

(c) In Western Washington, only those wildlife reserve trees 10 or more feet in height and 12 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. In Eastern Washington, only those wildlife reserve trees 10 or more feet in height and 10 or more inches dbh shall be counted toward wildlife reserve tree retention requirements. Green recruitment trees, 10 or more inches dbh and 30 or more feet in height and with at least 1/3 of their height in live crown, left standing after harvest may be counted toward green recruitment tree requirements. Green recruitment trees and/or wildlife reserve trees left to meet other requirements of the rules or those left voluntarily by the landowner shall be counted toward satisfying the requirements of this section. Large, live defective trees with broken tops, cavities, and other severe defects are preferred as green recruitment trees. Only down logs with a small end diameter greater than or equal to 12 inches and a length greater than or equal to 20 feet or equivalent volume shall be counted under (a) of this subsection. Large cull logs are preferred as down logs.

(d) In the areas where wildlife reserve trees are left, the largest diameter wildlife reserve trees shall be retained to meet the specific needs of cavity nesters. Where the opportunity exists, larger trees with numerous cavities should be retained and count as recruitment trees.

(e) In order to facilitate safe and efficient harvesting operations, wildlife reserve trees and recruitment trees may be left in clumps. For purposes of distribution, no point within the harvest unit shall be more than 800 feet from a wildlife reserve tree or green recruitment tree retention area. Subject to this distribution requirement, the location of these retention areas and the selection of recruitment trees shall be at the landowner's discretion. Closer spacing of retention areas through voluntary action of the landowner is encouraged. Wildlife reserve tree and green recruitment tree retention areas may include, but are not limited to, riparian management zones, riparian leave tree areas, other regulatory leave areas, or voluntary leave areas that contain wildlife reserve trees and/or green recruitment trees.

(f) In order to provide for safety, landowners may remove any Type 3 or 4 wildlife reserve tree which poses a threat to humans working, recreating, or residing within the hazard area of that tree. In order to provide for fire safety, the distribution of wildlife reserve tree retention areas, described in (e) of this subsection, may be modified as necessary based on a wildlife reserve tree management plan proposed by the landowner and approved by the department.

(12) SMALL LANDOWNER EXCEPTIONS. An owner of not more than 1,000 acres (western Washington) or 2000 acres (eastern Washington) of forest land shall be subject to subsection (7) "wetland management zones" and subsection (11) "wildlife reserve tree management" of this section. However, an approved stewardship management plan, as described in RCW 76.13.020(2) may replace the requirements of subsections (7) and (11). The stewardship

management plan must apply on the entire contiguous forest ownership and must be updated every 5 years.

(a) The stewardship management plan shall be approved by the department or the department's designee.

(b) The stewardship management plan may be prepared for the landowner by a forestry consultant or other natural resource professional and then approved by the department's designee.

(c) Prior to the effective date of this section, the department shall review and develop as necessary criteria for stewardship management plans that will meet the statutory requirements for protecting public resources. The review by the department shall reflect the input by the board's wildlife committee, and the departments of fisheries, wildlife and ecology.

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 92-18-094

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 92-88—Filed September 2, 1992, 10:36 a.m.]

Date of Adoption: September 2, 1992.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-56-19000B.

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: Nonlocal stocks of coho salmon are present in Grays Harbor in late August and early September. In 1992 the available harvest of these fish was allocated to the ocean quotas. Harvestable numbers of local origin coho salmon are available in Grays Harbor after mid-September, and in the Westport and Ocean Shores boat basins at the beginning of September.

Effective Date of Rule: Immediately.

September 2, 1992

Judith Freeman

for Robert Turner

Director

#### NEW SECTION

**WAC 220-56-19000F Saltwater seasons and bag limits—Salmon.** Notwithstanding the provisions of WAC 220-56-190(4) for Grays Harbor (Catch Record Card Area 2-2), effective immediately, it is unlawful to fish for personal use in those waters of Catch Record Card Area 2-2 or to possess fish taken from those waters, except:

(1) Catch Record Card Area 2-2 is open to salmon angling coincidentally with the season, bag limit, size, and gear restrictions in adjacent waters of the Pacific Ocean

(Catch Record Card Area 2). Lawful to fish from the bank only of the north and south jetties 7 days per week when the recreational season is in progress in adjacent ocean waters;

(2) Bag limit A - **September 16, 1992** until further notice in the waters of Catch Record Card Area 2-2 east of Channel Marker 13 line, but not including the waters of the Westport Boat Basin and the Ocean Shores Boat Basin.

(3) Bag limit A - **September 3, 1992** until further notice in the waters of the Westport Boat Basin and the Ocean Shores Boat Basin.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000B Saltwater seasons and bag limits—Salmon. (92-66)

**WSR 92-18-102**  
**EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**

[Filed September 2, 1992, 11:27 a.m.]

Date of Adoption: September 2, 1992.

Purpose: Rules relating to re-entry intervals for all dry wettable formulations to protect unprotected workers in Bosc pear orchards.

Statutory Authority for Adoption: Chapters 15.58 and 17.21 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: The department proposed for adoption and a hearing was held to consider a PIRT panel recommendation to establish a re-entry interval of 14 days. It was determined that more information was needed to determine what restrictions should be adopted. The Bosc pear harvest season is presently in full swing and this emergency is necessary to cover this season.

Effective Date of Rule: Immediately.

September 2, 1992  
Michael V. Schwisow  
Deputy Director  
for C. Alan Pettibone  
Director

### NEW SECTION

**WAC 16-228-500 Re-entry interval—Ziram.** All dry wettable formulations (such as wettable powders or water dispersible granules) of ziram labeled for use on pears are hereby declared state restricted use pesticides because of dermal effects to persons exposed while working in Bosc pear orchards.

1) Growers shall observe a fourteen-day interval following treatment with dry wettable formulations of ziram

before entering or allowing persons to enter Bosc pear orchards without personal protective clothing.

2) Personal protective clothing shall be that which is required by the label for re-entry but shall consist of no less than long-sleeved shirt, long-legged pants and chemical resistant gloves.

**WSR 92-18-003**  
**NOTICE OF PUBLIC MEETINGS**  
**TRANSPORTATION COMMISSION**  
 [Memorandum—August 21, 1992]

The September 1992 Washington State Transportation Commission meeting will be held on Thursday, September 17, 1992, in Riverfront Ballroom A at Cavanaugh's Inn at the Park, Spokane, Washington. There will be subcommittee meetings on Wednesday, September 16, in the Corbin Room and Riverside Boardroom II at Cavanaugh's Inn at the Park.

The October 1992 Washington State Transportation Commission meeting will be held on Thursday, October 22, 1992, in the Transportation Commission Room (1D2), Transportation Building, Olympia, Washington. There will be subcommittee meetings on Wednesday, October 21.

**WSR 92-18-004**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**  
 (Board of Registration for Architects)  
 [Memorandum—August 19, 1992]

<u>Meeting Date</u>	<u>Location</u>	<u>Time</u>
September 11	To be determined	
<b>DATE CHANGED TO:</b>		
September 30	Rainier Room Tacoma Club 1st Interstate Plaza Bldg 1201 Pacific Avenue Tacoma, WA 98402	8:00 a.m.

**WSR 92-18-016**  
**NOTICE OF PUBLIC MEETINGS**  
**SOUTH PUGET SOUND**  
**COMMUNITY COLLEGE**  
 [Memorandum—August 20, 1992]

Due to scheduling conflicts, the regular board of trustees meeting scheduled for Thursday, September 3, 1992, has been changed to a special board of trustees meeting on Thursday, September 10, 1992.

**WSR 92-18-017**  
**NOTICE OF PUBLIC MEETINGS**  
**COMMUNITY ECONOMIC**  
**REVITALIZATION BOARD**  
 [Memorandum—August 18, 1992]

The following schedule of the 1993 regular meetings of the Community Economic Revitalization Board (CERB) is hereby submitted for publication in the Washington State Register:

January 16*, 1993	July 15, 1993
March 18 or 20*, 1993	September 16, 1993
May 20, 1993	November 18, 1993

The meetings held during the legislative session (those dates with an \*) will be held on Saturdays in SeaTac. If the legislature is not in session in March, the meeting will be held on the 18th. All other CERB meetings will be held on the third Thursday, every other month in SeaTac.

In accordance with Executive Order 79-03, the meeting site has been selected to be barrier free to the greatest extent feasible. Braille 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 CERB meetings should be sent to:

CERB Administrator  
 Community Economic Revitalization Board  
 c/o Department of Trade and Economic Development  
 2001 6th Avenue, Suite 2700  
 Seattle, WA 98121  
 (206) 464-6282

**WSR 92-18-023**  
**NOTICE OF PUBLIC MEETINGS**  
**HARDWOODS COMMISSION**  
 [Memorandum—August 20, 1992]

There will be a meeting of the Washington Hardwoods Commission on Monday, September 15, 1992, at 9:00 a.m. at 919 Lakeridge Way, Olympia, WA.

**WSR 92-18-024**  
**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**  
 [Memorandum—August 21, 1992]

The Washington State Human Rights Commission will hold its October regular commission meeting in Longview on October 21 and 22, 1992. The meeting on October 21, will be held at the Public Utility District #1 of Cowlitz County, Public Service Room, 960 Commerce, Longview, and will be a planning and training session beginning at 7:00 p.m. The regular business meeting on October 22, will be held at the City of Longview City Hall, City Council Chambers, 1525 Broadway, Longview, beginning at 9:30 a.m.

**WSR 92-18-033**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE UNIVERSITY**  
 [Memorandum—August 17, 1992]

The Associated Students of Washington State University established the following regular meeting dates for August 26, 1992, through May 5, 1992 [1993]:

Wednesday	August 26, 1992	WSU-Pullman
Wednesday	September 2, 1992	WSU-Pullman
Wednesday	September 9, 1992	WSU-Pullman
Wednesday	September 16, 1992	WSU-Pullman
Wednesday	September 23, 1992	WSU-Pullman



Wednesday	September 30, 1992	WSU-Pullman
Wednesday	October 7, 1992	WSU-Pullman
Wednesday	October 14, 1992	WSU-Pullman
Wednesday	October 21, 1992	WSU-Pullman
Wednesday	October 28, 1992	WSU-Pullman
Wednesday	November 4, 1992	WSU-Pullman
Wednesday	November 11, 1992	WSU-Pullman
Wednesday	November 18, 1992	WSU-Pullman
Wednesday	November 25, 1992	WSU-Pullman
Wednesday	December 2, 1992	WSU-Pullman
Wednesday	December 9, 1992	WSU-Pullman
Wednesday	December 16, 1992	WSU-Pullman
Wednesday	January 13, 1992 [1993]	WSU-Pullman
Wednesday	January 20, 1992 [1993]	WSU-Pullman
Wednesday	January 27, 1992 [1993]	WSU-Pullman
Wednesday	February 3, 1992 [1993]	WSU-Pullman
Wednesday	February 10, 1992 [1993]	WSU-Pullman
Wednesday	February 17, 1992 [1993]	WSU-Pullman
Wednesday	February 24, 1992 [1993]	WSU-Pullman
Wednesday	March 3, 1992 [1993]	WSU-Pullman
Wednesday	March 10, 1992 [1993]	WSU-Pullman
Wednesday	March 24, 1992 [1993]	WSU-Pullman
Wednesday	March 31, 1992 [1993]	WSU-Pullman
Wednesday	April 7, 1992 [1993]	WSU-Pullman
Wednesday	April 14, 1992 [1993]	WSU-Pullman
Wednesday	April 21, 1992 [1993]	WSU-Pullman
Wednesday	April 28, 1992 [1993]	WSU-Pullman
Wednesday	May 5, 1992 [1993]	WSU-Pullman

B. Jean Floten  
President

**WSR 92-18-057**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1992 No. 18**  
[August 25, 1992]

**AIRPORTS—PORT DISTRICTS—FEES—PROPERTY—Charges for Use of Airport Property**

1. RCW 14.08.120(6) authorizes a port district to charge a fee to persons who use airport property. However, this authority does not empower a port district to charge persons who do not use airport property, but who simply benefit from their proximity to airport property.
2. RCW 14.08.120(6) provides that charges for the use of airport property shall be reasonable and uniform for the same class of service and established with due regard to the property and improvements used and the expense of operation to the municipality. A charge based on a percentage of a user's gross receipts fails to meet these statutory requirements.

Requested by:  
Honorable Mary Margaret Haugen  
State Representative  
331 John L. O'Brien Building  
Post Office Box 40620  
Olympia, Washington 98504-0620

**WSR 92-18-049**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
(National Heritage Advisory Council)  
[Memorandum—August 28, 1992]

The Natural Heritage Advisory Council will meet on September 18, 1992, at 9:00 a.m. to 5:00 p.m.

The location for the meeting is the Natural Resources Building, First Floor, Room 172, 1111 South Washington, Olympia, WA.

Regular council business will include consideration of registered natural area recommendations and discussions on preserve management and use activities.

For further information contact: Department of Natural Resources, Washington Natural Heritage Program, Division of Land and Water Conservation, P.O. Box 47047, Olympia, WA 98504-7047, (206) 753-2449.

**WSR 92-18-050**  
**RULES COORDINATOR**  
**BELLEVUE COMMUNITY COLLEGE**  
[Filed August 28, 1992, 2:08 p.m.]

As required by RCW 34.05.310(3), the designated rules coordinator for Bellevue Community College, Community College District VIII, will be Carol Peterson, Executive Assistant and Secretary to the President, Bellevue Community College, A201, 3000 Landerholm Circle S.E., Bellevue, WA 98007.

**WSR 92-18-079**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF ECOLOGY**  
(Resource Damage Assessment Committee)  
[Memorandum—September 1, 1992]

Pursuant to WAC 173-183-230 through 173-183-260, and 173-183-820 through 173-183-870, the regular meetings of the Washington State Resource Damage Assessment Committee during calendar year 1992 will be held on the second Wednesday of each and every month, commencing at 9:00 a.m. The meetings will be held in Room 202 of the Olympia Center located at 222 North Columbia, Olympia, WA 98501. If the second Wednesday of the month is a legal holiday, the meeting will be held on the next weekday of the month which is not a holiday.

**WSR 92-18-080**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF AGRICULTURE**  
(Wine Commission)  
[Memorandum—August 31, 1992]

There is a change in date for the next meeting of the Washington Wine Commission. We had originally given notice for our meeting to be held on Thursday, September 3, 1992. Due to the distractions of an exceptionally large and early harvest for our members, they have requested that we

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delay the meeting by one month to Thursday, October 8, 1992.

The meeting time of 9 a.m. and location of the Red Lion Inn/Pasco remain unchanged.

**WSR 92-18-091**

**NOTICE OF PUBLIC MEETINGS  
BELLINGHAM TECHNICAL COLLEGE**

[Memorandum—September 2, 1992]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, September 17, 1992, 9-11 a.m., in the Bellingham Technical College Building G Conference Center A.

**WSR 92-18-092**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF  
COMMUNITY DEVELOPMENT**

[Memorandum—September 1, 1992]

The Washington State House of Representatives plans to hold a public hearing on the proposed 1993 State Plan for the Community Services Block Grant (CSBG) Program.

The hearing will be held before the House Human Services Committee, Tuesday, September 22, 1992, from 9:30 a.m. to 11:30 a.m., at the Legislative Building, Tower One, 18000 Pacific Highway South, Suite 500, SeaTac, WA.

If you have questions or need additional information, please contact Ed Barton, CSBG Program Manager at (206) 586-1232 or SCAN 321-1232; or David Knutson, Senior Research Analyst, House Human Services Committee, at (206) 786-7146 or SCAN 298-7146.

**WSR 92-18-100**

**NOTICE OF PUBLIC MEETINGS  
DEPARTMENT OF AGRICULTURE**

[Memorandum—September 2, 1992]

The director of the Washington Department of Agriculture, under the provisions of RCW 15.35.110, will conduct a hearing on whether the establishment [of] a market area pooling arrangement will satisfy the purposes of the Washington State Milk Pooling Act, chapter 15.35 RCW, and whether to conduct a referendum of affected individual producers, producer-dealers and milk dealers to determine their approval or dissent.

The hearing will convene at 1:00 p.m. on Tuesday, October 6, 1992, at the Tyee Hotel, 500 Tyee Drive S.E., Tumwater, WA, in the Lakefair Room.

MISCELLANEOUS



**Table of WAC Sections Affected**

**KEY TO TABLE**

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.

**Symbols:**

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an 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
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of 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

**WAC #** shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

**WSR #** shows the issue of the Washington State Register where the document may be found; the last three digits identify the document within the issue.

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4-25-020	AMD-P	92-17-083	16-162-010	NEW	92-11-001	16-166-020	NEW	92-17-017
4-25-040	AMD-P	92-17-084	16-162-025	NEW-P	92-07-052	16-166-030	NEW-P	92-13-099
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16-54-111	AMD-P	92-18-062	16-164-010	NEW-P	92-13-100	16-212-060	AMD	92-15-046
16-54-120	AMD-P	92-18-062	16-164-010	NEW-E	92-16-030	16-212-070	AMD-P	92-11-073
16-54-135	NEW-P	92-18-062	16-164-010	NEW	92-17-018	16-212-070	AMD	92-15-046
16-54-150	AMD-P	92-18-062	16-164-020	NEW-P	92-13-100	16-212-080	AMD-P	92-11-073
16-86-015	AMD-P	92-18-063	16-164-020	NEW-E	92-16-030	16-212-080	AMD	92-15-046
16-103-001	NEW-E	92-14-076	16-164-020	NEW	92-17-018	16-212-082	AMD-P	92-11-073
16-103-001	NEW-P	92-16-088	16-164-030	NEW-P	92-13-100	16-212-082	AMD	92-15-046
16-103-002	NEW-E	92-14-076	16-164-030	NEW-E	92-16-030	16-228-010	AMD-P	92-03-133
16-103-002	NEW-P	92-16-088	16-164-030	NEW	92-17-018	16-228-010	AMD	92-07-084
16-103-003	NEW-E	92-14-076	16-164-040	NEW-P	92-13-100	16-228-180	AMD-P	92-03-133
16-103-003	NEW-P	92-16-088	16-164-040	NEW-E	92-16-030	16-228-180	AMD	92-07-084
16-141-010	NEW-E	92-07-070	16-164-040	NEW	92-17-018	16-228-214	NEW-P	92-11-077
16-146-100	AMD-P	92-15-060	16-164-050	NEW-P	92-13-100	16-228-214	NEW	92-15-001
16-146-100	AMD-E	92-16-061	16-164-050	NEW-E	92-16-030	16-228-400	NEW-P	92-03-133
16-146-110	AMD-P	92-15-060	16-164-050	NEW	92-17-018	16-228-400	NEW	92-07-084
16-146-110	AMD-E	92-16-061	16-164-060	NEW-P	92-13-100	16-228-410	NEW-P	92-03-133
16-156-001	AMD-P	92-07-052	16-164-060	NEW-E	92-16-030	16-228-410	NEW	92-07-084
16-156-001	AMD	92-11-001	16-164-060	NEW	92-17-018	16-228-420	NEW-P	92-03-133
16-156-003	NEW-P	92-07-052	16-164-070	NEW-P	92-13-100	16-228-420	NEW	92-07-084
16-156-003	NEW	92-11-001	16-164-070	NEW-E	92-16-030	16-228-430	NEW-P	92-03-133
16-156-005	AMD-P	92-07-052	16-164-070	NEW	92-17-018	16-228-430	NEW	92-07-084
16-156-005	AMD	92-11-001	16-164-080	NEW-P	92-13-100	16-228-500	NEW-P	92-15-026
16-156-010	AMD-P	92-07-052	16-164-080	NEW-E	92-16-030	16-228-500	NEW-W	92-18-101
16-156-010	AMD	92-11-001	16-164-080	NEW	92-17-018	16-228-500	NEW-E	92-18-102
16-156-020	AMD-P	92-07-052	16-164-090	NEW-P	92-13-100	16-228-900	REP-P	92-06-083
16-156-020	AMD	92-11-001	16-164-090	NEW-E	92-16-030	16-228-900	REP-W	92-10-008
16-156-030	AMD-P	92-07-052	16-164-090	NEW	92-17-018	16-228-905	NEW-P	92-06-083
16-156-030	AMD	92-11-001	16-164-100	NEW-P	92-13-100	16-228-905	NEW-W	92-10-008
16-156-035	AMD-P	92-07-052	16-164-100	NEW-E	92-16-030	16-228-910	NEW-P	92-06-083
16-156-035	AMD	92-11-001	16-164-100	NEW	92-17-018	16-228-910	NEW-W	92-10-008
16-156-050	AMD-P	92-07-052	16-166-010	NEW-P	92-13-099	16-228-915	NEW-P	92-06-083
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16-228-925	NEW-P	92-06-083	16-230-862	NEW	92-13-035	16-231-025	RESCIND	92-08-026
16-228-925	NEW-W	92-10-008	16-230-863	NEW-P	92-03-134	16-231-025	REP-E	92-08-027
16-228-930	NEW-P	92-06-083	16-230-863	NEW-S	92-07-059	16-231-025	REP	92-13-035
16-228-930	NEW-W	92-10-008	16-230-863	NEW-E	92-07-060	16-231-030	REP-P	92-03-134
16-230	AMD-C	92-07-005	16-230-863	RESCIND	92-08-026	16-231-030	REP-S	92-07-059
16-230-290	AMD-E	92-15-051	16-230-863	NEW-E	92-08-027	16-231-030	REP-E	92-07-060
16-230-640	AMD-E	92-08-028	16-230-863	NEW	92-13-035	16-231-030	RESCIND	92-08-026
16-230-645	AMD-E	92-08-028	16-230-864	NEW-P	92-03-134	16-231-030	REP-E	92-08-027
16-230-810	AMD-P	92-03-134	16-230-864	NEW-S	92-07-059	16-231-030	REP	92-13-035
16-230-810	AMD-S	92-07-059	16-230-864	NEW-E	92-07-060	16-231-110	AMD-E	92-08-028
16-230-810	AMD-E	92-07-060	16-230-864	RESCIND	92-08-026	16-231-115	AMD-E	92-08-028
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16-230-810	AMD	92-13-035	16-230-865	REP-P	92-03-134	16-231-210	AMD-E	92-08-028
16-230-813	NEW-P	92-03-134	16-230-865	REP-S	92-07-059	16-231-215	AMD-E	92-08-028
16-230-813	NEW-S	92-07-059	16-230-865	REP-E	92-07-060	16-231-220	AMD-E	92-08-028
16-230-813	NEW-E	92-07-060	16-230-865	RESCIND	92-08-026	16-231-225	AMD-E	92-08-028
16-230-813	RESCIND	92-08-026	16-230-865	REP-E	92-08-027	16-231-315	AMD-E	92-08-028
16-230-813	NEW-E	92-08-027	16-230-865	REP	92-13-035	16-231-910	AMD-E	92-08-028
16-230-813	NEW	92-13-035	16-230-866	NEW-P	92-03-134	16-231-912	AMD-E	92-08-028
16-230-825	AMD-P	92-03-134	16-230-866	NEW-S	92-07-059	16-232-010	AMD-E	92-08-028
16-230-825	AMD-S	92-07-059	16-230-866	NEW-E	92-07-060	16-232-015	AMD-E	92-08-028
16-230-825	AMD-E	92-07-060	16-230-866	RESCIND	92-08-026	16-232-020	AMD-E	92-08-028
16-230-825	RESCIND	92-08-026	16-230-866	NEW-E	92-08-027	16-232-027	AMD-E	92-08-028
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16-230-825	AMD	92-13-035	16-230-867	NEW-P	92-03-134	16-304-110	AMD	92-13-027
16-230-835	AMD-P	92-03-134	16-230-867	NEW-W	92-16-079	16-304-130	AMD-P	92-09-150
16-230-835	AMD-S	92-07-059	16-230-867	NEW-P	92-03-134	16-304-130	AMD	92-13-027
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16-230-835	RESCIND	92-08-026	16-230-868	NEW-E	92-07-060	16-316-235	AMD	92-13-027
16-230-835	AMD-E	92-08-027	16-230-868	RESCIND	92-08-026	16-316-240	AMD-P	92-09-150
16-230-835	AMD	92-13-035	16-230-868	NEW-E	92-08-027	16-316-240	AMD	92-13-027
16-230-840	AMD-P	92-03-134	16-230-868	NEW	92-13-035	16-316-245	AMD-P	92-09-150
16-230-840	AMD-S	92-07-059	16-230-870	NEW-P	92-03-134	16-316-245	AMD	92-13-027
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16-230-840	RESCIND	92-08-026	16-230-870	NEW-E	92-07-060	16-316-250	AMD	92-13-027
16-230-840	AMD-E	92-08-027	16-230-870	RESCIND	92-08-026	16-316-266	NEW-E	92-13-027
16-230-840	AMD	92-13-035	16-230-870	NEW-E	92-08-027	16-316-266	NEW-P	92-09-075
16-230-845	AMD-P	92-03-134	16-230-870	NEW	92-13-035	16-316-266	NEW	92-12-025
16-230-845	AMD-S	92-07-059	16-231	REP-C	92-07-005	16-316-270	AMD-E	92-06-048
16-230-845	AMD-E	92-07-060	16-231-001	REP-P	92-03-134	16-316-270	AMD-P	92-09-075
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16-230-850	AMD-P	92-03-134	16-231-001	REP-E	92-08-027	16-316-280	AMD	92-12-025
16-230-850	AMD-S	92-07-059	16-231-001	REP	92-13-035	16-316-285	AMD-E	92-06-048
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16-230-850	RESCIND	92-08-026	16-231-005	REP-S	92-07-059	16-316-285	AMD	92-12-025
16-230-850	AMD-E	92-08-027	16-231-005	REP-E	92-07-060	16-316-290	AMD-E	92-06-048
16-230-850	AMD	92-13-035	16-231-005	RESCIND	92-08-026	16-316-290	AMD-P	92-09-075
16-230-855	AMD-P	92-03-134	16-231-005	REP-E	92-08-027	16-316-290	AMD	92-12-025
16-230-855	AMD-S	92-07-059	16-231-005	REP	92-13-035	16-316-315	AMD-P	92-09-150
16-230-855	AMD-E	92-07-060	16-231-010	REP-P	92-03-134	16-316-315	AMD	92-13-027
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16-230-855	AMD-E	92-08-027	16-231-010	REP-E	92-07-060	16-316-327	AMD	92-13-027
16-230-855	AMD	92-13-035	16-231-010	RESCIND	92-08-026	16-316-340	AMD-P	92-09-150
16-230-860	AMD-P	92-03-134	16-231-010	REP-E	92-08-027	16-316-340	AMD	92-13-027
16-230-860	AMD-S	92-07-059	16-231-010	REP	92-13-035	16-316-350	AMD-P	92-09-150
16-230-860	AMD-E	92-07-060	16-231-015	REP-P	92-03-134	16-316-350	AMD	92-13-027
16-230-860	RESCIND	92-08-026	16-231-015	REP-S	92-07-059	16-316-355	AMD-P	92-09-150
16-230-860	AMD-E	92-08-027	16-231-015	REP-E	92-07-060	16-316-355	AMD	92-13-027
16-230-860	AMD	92-13-035	16-231-015	RESCIND	92-08-026	16-316-360	AMD-P	92-09-150
16-230-861	AMD-P	92-03-134	16-231-015	REP-E	92-08-027	16-316-360	AMD	92-13-027
16-230-861	AMD-S	92-07-059	16-231-015	REP	92-13-035	16-316-370	AMD-P	92-09-150
16-230-861	AMD-E	92-07-060	16-231-020	REP-P	92-03-134	16-316-370	AMD	92-13-027
16-230-861	RESCIND	92-08-026	16-231-020	REP-S	92-07-059	16-316-470	AMD-P	92-09-150
16-230-861	AMD-E	92-08-027	16-231-020	REP-E	92-07-060	16-316-470	AMD	92-13-027
16-230-861	AMD	92-13-035	16-231-020	RESCIND	92-08-026	16-316-474	AMD-P	92-09-150
16-230-862	NEW-P	92-03-134	16-231-020	REP-E	92-08-027	16-316-474	AMD	92-13-027
16-230-862	NEW-S	92-07-059	16-231-020	REP	92-13-035	16-316-525	AMD-P	92-09-150
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16-316-622	AMD	92-13-027	16-436-166	NEW	92-11-076	16-494-064	AMD	92-12-025
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16-316-715	AMD	92-13-027	16-436-170	REP	92-11-076	16-494-100	NEW-P	92-09-075
16-316-717	AMD-P	92-09-150	16-436-185	AMD-P	92-08-106	16-494-100	NEW	92-12-025
16-316-717	AMD	92-13-027	16-436-185	AMD	92-11-076	16-494-110	NEW-E	92-06-049
16-316-719	AMD-P	92-09-150	16-436-186	NEW-P	92-08-106	16-494-110	NEW-P	92-09-075
16-316-719	AMD	92-13-027	16-436-186	NEW	92-11-076	16-494-110	NEW	92-12-025
16-316-727	AMD-P	92-09-150	16-436-187	NEW-P	92-08-106	16-494-120	NEW-E	92-06-049
16-316-727	AMD	92-13-027	16-436-187	NEW	92-11-076	16-494-120	NEW-P	92-09-075
16-316-800	AMD-P	92-09-150	16-436-190	AMD-P	92-08-106	16-494-120	NEW	92-12-025
16-316-800	AMD	92-13-027	16-436-190	AMD	92-11-076	16-494-130	NEW-E	92-06-049
16-316-810	AMD-P	92-09-150	16-436-200	AMD-P	92-08-106	16-494-130	NEW-P	92-09-075
16-316-810	AMD	92-13-027	16-436-200	AMD	92-11-076	16-494-130	NEW	92-12-025
16-316-815	AMD-P	92-09-150	16-436-210	AMD-P	92-08-106	16-494-140	NEW-E	92-06-049
16-316-815	AMD	92-13-027	16-436-210	AMD	92-11-076	16-494-140	NEW-P	92-09-075
16-316-820	AMD-P	92-09-150	16-436-220	AMD-P	92-08-106	16-494-140	NEW	92-12-025
16-316-820	AMD	92-13-027	16-436-220	AMD	92-11-076	16-494-150	NEW-E	92-06-049
16-316-830	AMD-P	92-09-150	16-436-225	NEW-P	92-08-106	16-494-150	NEW-P	92-09-075
16-316-830	AMD	92-13-027	16-436-225	NEW	92-11-076	16-494-150	NEW	92-12-025
16-316-832	AMD-P	92-09-150	16-461	AMD	92-06-085	16-494-160	NEW-E	92-06-049
16-316-832	AMD	92-13-027	16-461-006	NEW	92-06-085	16-494-160	NEW-P	92-09-075
16-316-833	AMD-P	92-09-150	16-461-006	AMD-E	92-13-064	16-494-160	NEW	92-12-025
16-316-833	AMD	92-13-027	16-461-006	AMD-P	92-15-117	16-494-170	NEW-E	92-06-049
16-316-980	AMD-P	92-09-150	16-461-006	AMD	92-18-103	16-494-170	NEW-P	92-09-075
16-316-980	AMD	92-13-027	16-461-010	AMD	92-06-085	16-494-170	NEW	92-12-025
16-316-995	AMD-P	92-09-150	16-461-010	AMD-E	92-13-064	16-495-004	AMD-P	92-09-150
16-316-995	AMD	92-13-027	16-461-010	AMD-P	92-15-117	16-495-004	AMD	92-13-027
16-316-997	AMD-P	92-09-150	16-461-010	AMD	92-18-103	16-495-010	AMD-P	92-09-150
16-316-997	AMD	92-13-027	16-469-010	REP-P	92-09-074	16-495-010	AMD	92-13-027
16-324-360	AMD-P	92-18-104	16-469-010	REP	92-13-050	16-495-050	AMD-P	92-09-150
16-324-390	AMD-P	92-18-104	16-469-020	REP-P	92-09-074	16-495-050	AMD	92-13-027
16-324-400	AMD-P	92-18-104	16-469-020	REP	92-13-050	16-495-110	AMD-P	92-09-150
16-324-410	AMD-P	92-18-104	16-469-030	REP-P	92-09-074	16-495-110	AMD	92-13-027
16-324-420	AMD-P	92-18-104	16-469-030	REP	92-13-050	16-520-040	AMD-P	92-15-107
16-324-610	AMD-P	92-18-104	16-469-040	REP-P	92-09-074	16-532-010	AMD-P	92-06-071
16-324-630	AMD-P	92-18-104	16-469-040	REP	92-13-050	16-532-010	AMD	92-09-068
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16-324-710	NEW-P	92-18-104	16-469-050	REP	92-13-050	16-532-020	AMD	92-09-068
16-324-720	NEW-P	92-18-104	16-469-060	REP-P	92-09-074	16-532-030	AMD-P	92-06-071
16-324-730	NEW-P	92-18-104	16-469-060	REP	92-13-050	16-532-030	AMD	92-09-068
16-324-740	NEW-P	92-18-104	16-470-500	REP	92-06-024	16-532-065	NEW-P	92-06-071
16-324-750	NEW-P	92-18-104	16-470-510	REP	92-06-024	16-532-065	NEW	92-09-068
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16-328-010	AMD	92-15-114	16-470-530	REP	92-06-024	16-532-110	AMD	92-09-068
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16-333-040	AMD	92-15-114	16-470-605	REP	92-06-023	16-555-020	AMD-E	92-12-004
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16-403-143	NEW	92-15-056	16-470-635	REP	92-06-023	16-561-020	AMD	92-12-003
16-403-160	AMD-P	92-11-074	16-470-900	NEW-P	92-03-104	16-570-030	AMD-P	92-08-055
16-403-160	AMD	92-15-056	16-470-900	NEW	92-07-023	16-570-030	AMD	92-11-013
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16-403-190	AMD	92-15-056	16-470-905	NEW	92-07-023	16-580-010	NEW-P	92-14-117
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16-403-200	AMD	92-15-056	16-470-910	NEW	92-07-023	16-580-030	NEW-P	92-14-117
16-403-220	AMD-P	92-11-074	16-470-915	NEW-P	92-03-104	16-580-040	NEW-P	92-14-117
16-403-220	AMD	92-15-056	16-470-915	NEW	92-07-023	16-580-041	NEW-P	92-14-117
16-403-240	AMD-P	92-11-074	16-470-920	NEW-P	92-03-104	16-580-050	NEW-P	92-14-117
16-403-240	AMD	92-15-056	16-470-920	NEW	92-07-023	16-580-060	NEW-P	92-14-117
16-436-100	AMD-P	92-08-106	16-494-010	AMD-E	92-06-050	16-580-070	NEW-P	92-14-117
16-436-100	AMD	92-11-076	16-494-010	AMD-P	92-09-075	16-580-080	NEW-P	92-14-117
16-436-110	AMD-P	92-08-106	16-494-010	AMD	92-12-025	16-604-009	AMD-P	92-18-061
16-436-110	AMD	92-11-076	16-494-013	AMD-E	92-06-050	16-604-010	AMD	92-06-013
16-436-130	REP-P	92-08-106	16-494-013	AMD-P	92-09-075	16-604-015	NEW	92-06-013
16-436-130	REP	92-11-076	16-494-013	AMD	92-12-025	16-604-020	AMD-P	92-18-061
16-436-140	AMD-P	92-08-106	16-494-046	AMD-E	92-06-050	16-604-025	AMD-P	92-18-061
16-436-140	AMD	92-11-076	16-494-046	AMD-P	92-09-075	16-622-050	AMD-P	92-03-069
16-436-150	AMD-P	92-08-106	16-494-046	AMD	92-12-025	16-622-050	AMD-E	92-03-070
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16-622-060	NEW	92-07-030	50-30-080	NEW	92-02-105	51-24-99352	NEW-W	92-05-087
16-674-002	REP-E	92-14-122	50-30-090	NEW	92-02-105	51-26-1801	AMD-P	92-16-051
16-674-002	REP-P	92-14-123	50-30-100	NEW	92-02-105	51-26-1802	AMD-P	92-16-051
16-674-010	AMD-E	92-14-122	50-30-110	NEW	92-02-105	51-26-1803	AMD-P	92-16-051
16-674-010	AMD-P	92-14-123	50-30-110	AMD-E	92-14-062	51-26-1804	AMD-P	92-16-051
16-674-020	AMD-E	92-14-122	50-30-110	AMD-P	92-14-109	51-26-1805	REP-P	92-16-051
16-674-020	AMD-P	92-14-123	50-30-110	AMD	92-17-025	51-26-1810	NEW-P	92-16-051
16-674-030	AMD-E	92-14-122	51-04-015	AMD-P	92-16-105	51-26-1820	NEW-P	92-16-051
16-674-030	AMD-P	92-14-123	51-04-018	AMD-P	92-16-105	51-26-1830	NEW-P	92-16-051
16-674-040	AMD-E	92-14-122	51-04-020	AMD-P	92-16-105	51-26-1840	NEW-P	92-16-051
16-674-040	AMD-P	92-14-123	51-04-025	AMD-P	92-16-105	51-26-1845	NEW-P	92-16-051
16-674-055	NEW-E	92-14-122	51-13-101	AMD-P	92-16-106	55-01-010	AMD-P	92-09-157
16-674-055	NEW-P	92-14-123	51-13-202	AMD-P	92-16-106	55-01-010	AMD	92-14-088
16-674-060	NEW-E	92-14-122	51-13-300	AMD-P	92-16-106	55-01-020	AMD-P	92-09-157
16-674-060	NEW-P	92-14-123	51-13-302	AMD-P	92-16-106	55-01-020	AMD-E	92-14-087
16-674-070	NEW-E	92-14-122	51-13-303	AMD-P	92-16-106	55-01-020	AMD	92-14-097
16-674-070	NEW-P	92-14-123	51-13-304	AMD-P	92-16-106	55-01-030	AMD-P	92-09-157
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16-674-080	NEW-P	92-14-123	51-13-402	AMD-P	92-16-106	55-01-050	AMD-P	92-09-157
16-752-500	NEW-P	92-03-105	51-13-502	AMD-E	92-14-002	55-01-050	AMD-E	92-14-087
16-752-500	NEW	92-07-024	51-13-502	AMD-P	92-16-106	55-01-050	AMD	92-14-097
16-752-505	NEW-P	92-03-105	51-13-503	AMD-P	92-16-106	55-01-060	AMD-P	92-09-157
16-752-505	NEW	92-07-024	51-20-0419	NEW-W	92-09-110	55-01-060	AMD-E	92-14-087
16-752-507	NEW	92-07-024	51-20-0504	NEW-W	92-09-110	55-01-060	AMD	92-14-097
16-752-510	NEW-P	92-03-105	51-20-0516	NEW-W	92-09-110	67-25-446	AMD-P	92-06-036
16-752-510	NEW	92-07-024	51-20-0554	NEW-W	92-09-110	67-25-446	AMD	92-09-090
16-752-515	NEW-P	92-03-105	51-20-0555	NEW-W	92-09-110	67-35-030	AMD-P	92-07-011
16-752-515	NEW	92-07-024	51-20-0610	NEW-W	92-09-110	67-35-030	AMD	92-10-024
16-752-520	NEW-P	92-03-105	51-20-1216	NEW-W	92-09-110	67-35-060	AMD-P	92-07-011
16-752-520	NEW	92-07-024	51-20-1251	NEW-W	92-09-110	67-35-060	AMD	92-10-024
16-752-525	NEW-P	92-03-105	51-20-3102	AMD-P	92-16-107	67-35-070	AMD-P	92-07-011
16-752-525	NEW	92-07-024	51-20-3103	AMD-P	92-16-107	67-35-070	AMD-E	92-07-012
16-752-600	NEW-P	92-03-106	51-20-3104	AMD-P	92-16-107	67-35-070	AMD	92-10-024
16-752-600	NEW	92-07-025	51-20-3105	AMD-P	92-16-107	67-35-080	REP-P	92-07-011
16-752-605	NEW	92-07-025	51-20-3106	AMD-P	92-16-107	67-35-080	REP-E	92-07-012
16-752-610	NEW-P	92-03-106	51-20-3107	AMD-P	92-16-107	67-35-080	REP	92-10-024
16-752-610	NEW	92-07-025	51-20-3108	AMD-P	92-16-107	67-75-040	AMD-P	92-06-036
16-752-620	NEW-P	92-03-106	51-20-3109	AMD-P	92-16-107	67-75-040	AMD	92-09-090
16-752-620	NEW	92-07-025	51-20-3110	AMD-P	92-16-107	67-75-042	NEW-P	92-06-036
16-752-630	NEW-P	92-03-106	51-20-3111	AMD-P	92-16-107	67-75-042	NEW	92-09-090
16-752-630	NEW	92-07-025	51-20-3112	AMD-P	92-16-107	67-75-044	NEW-P	92-06-036
16-752-640	NEW-P	92-03-106	51-20-3113	AMD-P	92-16-107	67-75-044	NEW	92-09-090
16-752-640	NEW	92-07-025	51-20-3114	AMD-P	92-16-107	67-75-070	AMD-P	92-06-036
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16-752-650	NEW	92-07-025	51-20-3207	NEW-W	92-09-110	67-75-075	AMD-P	92-06-036
16-752-660	NEW-P	92-03-106	51-20-3305	NEW-W	92-09-110	67-75-075	AMD	92-09-090
16-752-660	NEW	92-07-025	51-20-91200	NEW-W	92-09-110	82-50-021	AMD-P	92-17-062
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44-10-020	NEW-W	92-11-036	51-20-91224	NEW-W	92-09-110	131-08-005	AMD	92-13-019
44-10-060	AMD	92-11-037	51-20-91225	NEW-W	92-09-110	131-08-007	AMD-P	92-09-138
44-10-205	NEW-W	92-11-036	51-20-91226	NEW-W	92-09-110	131-08-007	AMD	92-13-019
50-12-116	AMD	92-04-027	51-20-91227	NEW-W	92-09-110	131-08-008	AMD-P	92-09-138
50-14-020	NEW	92-06-041	51-20-91228	NEW-W	92-09-110	131-08-008	AMD	92-13-019
50-14-030	NEW	92-06-041	51-20-91229	NEW-W	92-09-110	131-16-060	AMD-P	92-09-139
50-14-040	NEW	92-06-041	51-20-91230	NEW-W	92-09-110	131-16-060	AMD-W	92-12-085
50-14-050	NEW	92-06-041	51-20-91231	NEW-W	92-09-110	131-16-062	AMD-P	92-09-139
50-14-060	NEW	92-06-041	51-20-91232	NEW-W	92-09-110	131-28-025	AMD-E	92-10-033
50-14-070	NEW	92-06-041	51-20-91233	NEW-W	92-09-110	131-28-025	AMD-P	92-10-042
50-14-080	NEW	92-06-041	51-20-91234	NEW-W	92-09-110	131-28-025	AMD	92-14-033
50-14-090	NEW	92-06-041	51-20-93119	AMD-P	92-16-107	131-28-026	AMD-E	92-10-033
50-14-100	NEW	92-06-041	51-20-93120	AMD-P	92-16-107	131-28-026	AMD-P	92-10-042
50-14-110	NEW	92-06-041	51-20-93121	NEW-W	92-05-086	131-28-026	AMD	92-14-033
50-14-120	NEW	92-06-041	51-24-78000	NEW-P	92-16-052	131-28-028	NEW-E	92-10-033
50-14-130	NEW	92-06-041	51-24-78201	NEW-P	92-16-052	131-28-028	NEW-P	92-10-042
50-14-140	NEW	92-06-041	51-24-79809	NEW-P	92-09-156	131-28-028	NEW	92-14-033
50-14-150	NEW-W	92-14-110	51-24-79809	NEW-W	92-16-049	131-32-040	AMD-P	92-09-140
50-30-010	NEW	92-02-105	51-24-79809	NEW-P	92-16-050	131-32-040	AMD	92-13-020
50-30-020	NEW	92-02-105	51-24-79901	NEW-P	92-09-156	132B-104	NEW-C	92-07-064
50-30-030	NEW	92-02-105	51-24-79901	NEW-W	92-16-049	132B-104-010	NEW	92-08-043
50-30-040	NEW	92-02-105	51-24-79901	NEW-P	92-16-050	132B-108	NEW-C	92-07-063
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132B-108-040	NEW	92-09-041	132H-106-030	NEW	92-13-093	132H-116-300	AMD-P	92-09-062
132B-108-050	NEW	92-09-041	132H-106-040	NEW-E	92-07-071	132H-116-300	AMD-E	92-09-063
132B-108-060	NEW	92-09-041	132H-106-040	NEW-P	92-09-057	132H-116-300	AMD	92-13-097
132B-108-070	NEW	92-09-041	132H-106-040	NEW	92-13-093	132H-116-310	AMD-P	92-09-062
132B-108-080	NEW	92-09-041	132H-106-050	NEW-E	92-07-071	132H-116-310	AMD-E	92-09-063
132B-130	NEW-C	92-07-065	132H-106-050	NEW-P	92-09-057	132H-116-310	AMD	92-13-097
132B-130-010	NEW	92-08-044	132H-106-050	NEW	92-13-093	132H-116-315	NEW-P	92-09-062
132B-130-020	NEW	92-08-044	132H-106-060	NEW-E	92-07-071	132H-116-315	NEW-E	92-09-063
132B-131	NEW-C	92-07-065	132H-106-060	NEW-P	92-09-057	132H-116-315	NEW	92-13-097
132B-131-010	NEW	92-08-044	132H-106-060	NEW	92-13-093	132H-116-320	AMD-P	92-09-062
132B-132	NEW-C	92-07-065	132H-112-003	REP-E	92-07-074	132H-116-320	AMD-E	92-09-063
132B-132-010	NEW	92-08-044	132H-112-003	REP-P	92-09-058	132H-116-320	AMD	92-13-097
132B-133	NEW-C	92-07-064	132H-112-003	REP	92-13-094	132H-116-330	AMD-P	92-09-062
132B-133-010	NEW	92-08-043	132H-112-006	REP-E	92-07-074	132H-116-330	AMD-E	92-09-063
132B-133-020	NEW	92-08-043	132H-112-006	REP-P	92-09-058	132H-116-330	AMD	92-13-097
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132H-105-010	REP-E	92-07-071	132H-112-009	REP-P	92-09-058	132H-116-340	REP	92-13-097
132H-105-010	REP-P	92-09-057	132H-112-009	REP	92-13-094	132H-116-350	AMD-P	92-09-062
132H-105-010	REP	92-13-093	132H-112-012	REP-E	92-07-074	132H-116-350	AMD-E	92-09-063
132H-105-020	REP-E	92-07-071	132H-112-012	REP-P	92-09-058	132H-116-350	AMD	92-13-097
132H-105-020	REP-P	92-09-057	132H-112-012	REP	92-13-094	132H-116-351	NEW-P	92-09-062
132H-105-020	REP	92-13-093	132H-112-015	REP-E	92-07-074	132H-116-351	NEW-E	92-09-063
132H-105-030	REP-E	92-07-071	132H-112-015	REP-P	92-09-058	132H-116-351	NEW	92-13-097
132H-105-030	REP-P	92-09-057	132H-112-015	REP	92-13-094	132H-116-352	NEW-P	92-09-062
132H-105-030	REP	92-13-093	132H-112-018	REP-E	92-07-074	132H-116-352	NEW-E	92-09-063
132H-105-040	REP-E	92-07-071	132H-112-018	REP-P	92-09-058	132H-116-352	NEW	92-13-097
132H-105-040	REP-P	92-09-057	132H-112-018	REP	92-13-094	132H-116-353	NEW-P	92-09-062
132H-105-040	REP	92-13-093	132H-112-021	REP-E	92-07-074	132H-116-353	NEW-E	92-09-063
132H-105-050	REP-E	92-07-071	132H-112-021	REP-P	92-09-058	132H-116-353	NEW	92-13-097
132H-105-050	REP-P	92-09-057	132H-112-021	REP	92-13-094	132H-116-354	NEW-P	92-09-062
132H-105-050	REP	92-13-093	132H-112-024	REP-E	92-07-074	132H-116-354	NEW-E	92-09-063
132H-105-060	REP-E	92-07-071	132H-112-024	REP-P	92-09-058	132H-116-354	NEW	92-13-097
132H-105-060	REP-P	92-09-057	132H-112-024	REP	92-13-094	132H-116-355	NEW-P	92-09-062
132H-105-060	REP	92-13-093	132H-112-027	REP-E	92-07-074	132H-116-355	NEW-E	92-09-063
132H-105-070	REP-E	92-07-071	132H-112-027	REP-P	92-09-058	132H-116-355	NEW	92-13-097
132H-105-070	REP-P	92-09-057	132H-112-027	REP	92-13-094	132H-116-356	NEW-P	92-09-062
132H-105-070	REP	92-13-093	132H-112-030	REP-E	92-07-074	132H-116-356	NEW-E	92-09-063
132H-105-090	REP-E	92-07-071	132H-112-030	REP-P	92-09-058	132H-116-356	NEW	92-13-097
132H-105-090	REP-P	92-09-057	132H-112-030	REP	92-13-094	132H-116-357	NEW-P	92-09-062
132H-105-090	REP	92-13-093	132H-112-033	REP-E	92-07-074	132H-116-357	NEW-E	92-09-063
132H-105-100	REP-E	92-07-071	132H-112-033	REP-P	92-09-058	132H-116-357	NEW	92-13-097
132H-105-100	REP-P	92-09-057	132H-112-033	REP	92-13-094	132H-116-360	AMD-P	92-09-062
132H-105-100	REP	92-13-093	132H-112-036	REP-E	92-07-074	132H-116-360	AMD-E	92-09-063
132H-105-110	REP-E	92-07-071	132H-112-036	REP-P	92-09-058	132H-116-360	AMD	92-13-097
132H-105-110	REP-P	92-09-057	132H-112-036	REP	92-13-094	132H-116-370	REP-P	92-09-062
132H-105-110	REP	92-13-093	132H-112-039	REP-E	92-07-074	132H-116-370	REP-E	92-09-063
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132H-105-120	REP-P	92-09-057	132H-112-039	REP	92-13-094	132H-116-380	REP-P	92-09-062
132H-105-120	REP	92-13-093	132H-112-042	REP-E	92-07-074	132H-116-380	REP-E	92-09-063
132H-105-130	REP-E	92-07-071	132H-112-042	REP-P	92-09-058	132H-116-380	REP	92-13-097
132H-105-130	REP-P	92-09-057	132H-112-042	REP	92-13-094	132H-116-390	REP-P	92-09-062
132H-105-130	REP	92-13-093	132H-112-045	REP-E	92-07-074	132H-116-390	REP-E	92-09-063
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132H-105-140	REP-P	92-09-057	132H-112-045	REP	92-13-094	132H-116-400	REP-P	92-09-062
132H-105-140	REP	92-13-093	132H-112-048	REP-E	92-07-074	132H-116-400	REP-E	92-09-063
132H-105-150	REP-E	92-07-071	132H-112-048	REP-P	92-09-058	132H-116-400	REP	92-13-097
132H-105-150	REP-P	92-09-057	132H-112-048	REP	92-13-094	132H-116-405	NEW-P	92-09-062
132H-105-150	REP	92-13-093	132H-112-051	REP-E	92-07-074	132H-116-405	NEW-E	92-09-063
132H-105-160	REP-E	92-07-071	132H-112-051	REP-P	92-09-058	132H-116-405	NEW	92-13-097
132H-105-160	REP-P	92-09-057	132H-112-051	REP	92-13-094	132H-116-410	AMD-P	92-09-062
132H-105-160	REP	92-13-093	132H-112-054	REP-E	92-07-074	132H-116-410	AMD-E	92-09-063
132H-105-170	REP-E	92-07-071	132H-112-054	REP-P	92-09-058	132H-116-410	AMD	92-13-097
132H-105-170	REP-P	92-09-057	132H-112-054	REP	92-13-094	132H-116-415	NEW-P	92-09-062
132H-105-170	REP	92-13-093	132H-112-057	REP-E	92-07-074	132H-116-415	NEW-E	92-09-063
132H-106-010	NEW-E	92-07-071	132H-112-057	REP-P	92-09-058	132H-116-415	NEW	92-13-097
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132H-116-431	NEW-E	92-09-063	132H-116-640	REP	92-13-097	132H-120-075	REP-P	92-14-061
132H-116-431	NEW	92-13-097	132H-116-650	REP-P	92-09-062	132H-120-075	REP-E	92-14-075
132H-116-432	NEW-P	92-09-062	132H-116-650	REP-E	92-09-063	132H-120-077	REP-P	92-14-061
132H-116-432	NEW-E	92-09-063	132H-116-650	REP	92-13-097	132H-120-077	REP-E	92-14-075
132H-116-432	NEW	92-13-097	132H-116-655	NEW-P	92-09-062	132H-120-078	REP-P	92-14-061
132H-116-433	NEW-P	92-09-062	132H-116-655	NEW-E	92-09-063	132H-120-078	REP-E	92-14-075
132H-116-433	NEW-E	92-09-063	132H-116-655	NEW	92-13-097	132H-120-079	REP-P	92-14-061
132H-116-433	NEW	92-13-097	132H-116-660	REP-P	92-09-062	132H-120-079	REP-E	92-14-075
132H-116-440	REP-P	92-09-062	132H-116-660	REP-E	92-09-063	132H-120-080	REP-P	92-14-061
132H-116-440	REP-E	92-09-063	132H-116-660	REP	92-13-097	132H-120-080	REP-E	92-14-075
132H-116-440	REP	92-13-097	132H-116-660	REP-P	92-09-062	132H-120-090	REP-P	92-14-061
132H-116-450	REP-P	92-09-062	132H-116-670	REP-E	92-09-063	132H-120-090	REP-E	92-14-075
132H-116-450	REP-E	92-09-063	132H-116-670	REP	92-13-097	132H-120-100	REP-P	92-14-061
132H-116-450	REP	92-13-097	132H-116-680	REP-P	92-09-062	132H-120-100	REP-E	92-14-075
132H-116-470	AMD-P	92-09-062	132H-116-680	REP-E	92-09-063	132H-120-110	REP-P	92-14-061
132H-116-470	AMD-E	92-09-063	132H-116-680	REP	92-13-097	132H-120-110	REP-E	92-14-075
132H-116-470	AMD	92-13-097	132H-116-690	REP-P	92-09-062	132H-120-120	REP-P	92-14-061
132H-116-480	REP-P	92-09-062	132H-116-690	REP-E	92-09-063	132H-120-120	REP-E	92-14-075
132H-116-480	REP-E	92-09-063	132H-116-690	REP	92-13-097	132H-120-130	REP-P	92-14-061
132H-116-480	REP	92-13-097	132H-116-700	REP-P	92-09-062	132H-120-130	REP-E	92-14-075
132H-116-490	REP-P	92-09-062	132H-116-700	REP-E	92-09-063	132H-120-200	AMD-P	92-14-061
132H-116-490	REP-E	92-09-063	132H-116-700	REP	92-13-097	132H-120-200	AMD-E	92-14-075
132H-116-490	REP	92-13-097	132H-116-710	REP-P	92-09-062	132H-120-205	REP-P	92-14-061
132H-116-500	REP-P	92-09-062	132H-116-710	REP-E	92-09-063	132H-120-205	REP-E	92-14-075
132H-116-500	REP-E	92-09-063	132H-116-710	REP	92-13-097	132H-120-220	AMD-P	92-14-061
132H-116-500	REP	92-13-097	132H-116-720	REP-P	92-09-062	132H-120-220	AMD-E	92-14-075
132H-116-510	REP-P	92-09-062	132H-116-720	REP-E	92-09-063	132H-120-225	NEW-P	92-14-061
132H-116-510	REP-E	92-09-063	132H-116-720	REP	92-13-097	132H-120-225	NEW-E	92-14-075
132H-116-510	REP	92-13-097	132H-116-730	AMD-P	92-09-062	132H-120-230	REP-P	92-14-061
132H-116-520	REP-P	92-09-062	132H-116-730	AMD-E	92-09-063	132H-120-230	REP-E	92-14-075
132H-116-520	REP-E	92-09-063	132H-116-730	AMD	92-13-097	132H-120-235	NEW-P	92-14-061
132H-116-520	REP	92-13-097	132H-116-740	REP-P	92-09-062	132H-120-235	NEW-E	92-14-075
132H-116-530	REP-P	92-09-062	132H-116-740	REP-E	92-09-063	132H-120-240	REP-P	92-14-061
132H-116-530	REP-E	92-09-063	132H-116-740	REP	92-13-097	132H-120-240	REP-E	92-14-075
132H-116-530	REP	92-13-097	132H-116-750	AMD-P	92-09-062	132H-120-245	NEW-P	92-14-061
132H-116-540	REP-P	92-09-062	132H-116-750	AMD-E	92-09-063	132H-120-245	NEW-E	92-14-075
132H-116-540	REP-E	92-09-063	132H-116-750	AMD	92-13-097	132H-120-300	AMD-P	92-14-061
132H-116-540	REP	92-13-097	132H-116-760	REP-P	92-09-062	132H-120-300	AMD-E	92-14-075
132H-116-542	REP-P	92-09-062	132H-116-760	REP-E	92-09-063	132H-120-305	NEW-P	92-14-061
132H-116-542	REP-E	92-09-063	132H-116-760	REP	92-13-097	132H-120-305	NEW-E	92-14-075
132H-116-542	REP	92-13-097	132H-116-765	NEW-P	92-09-062	132H-120-310	AMD-P	92-14-061
132H-116-550	REP-P	92-09-062	132H-116-765	NEW-E	92-09-063	132H-120-310	AMD-E	92-14-075
132H-116-550	REP-E	92-09-063	132H-116-765	NEW	92-13-097	132H-120-320	REP-P	92-14-061
132H-116-550	REP	92-13-097	132H-116-770	REP-P	92-09-062	132H-120-320	REP-E	92-14-075
132H-116-560	REP-P	92-09-062	132H-116-770	REP-E	92-09-063	132H-120-330	REP-P	92-14-061
132H-116-560	REP-E	92-09-063	132H-116-770	REP	92-13-097	132H-120-330	REP-E	92-14-075
132H-116-560	REP	92-13-097	132H-116-780	REP-P	92-09-062	132H-120-335	NEW-P	92-14-061
132H-116-570	REP-P	92-09-062	132H-116-780	REP-E	92-09-063	132H-120-335	NEW-E	92-14-075
132H-116-570	REP-E	92-09-063	132H-116-780	REP	92-13-097	132H-120-340	REP-P	92-14-061
132H-116-570	REP	92-13-097	132H-116-791	NEW-P	92-09-062	132H-120-340	REP-E	92-14-075
132H-116-580	REP-P	92-09-062	132H-116-791	NEW-E	92-09-063	132H-120-350	AMD-P	92-14-061
132H-116-580	REP-E	92-09-063	132H-116-791	NEW	92-13-097	132H-120-350	AMD-E	92-14-075
132H-116-580	REP	92-13-097	132H-116-810	REP-P	92-09-062	132H-120-360	AMD-P	92-14-061
132H-116-590	AMD-P	92-09-062	132H-116-810	REP-E	92-09-063	132H-120-360	AMD-E	92-14-075
132H-116-590	AMD-E	92-09-063	132H-116-810	REP	92-13-097	132H-120-400	REP-P	92-14-061
132H-116-590	AMD	92-13-097	132H-120-010	AMD-P	92-14-061	132H-120-400	REP-E	92-14-075
132H-116-600	REP-P	92-09-062	132H-120-010	AMD-E	92-14-075	132H-120-405	NEW-P	92-14-061
132H-116-600	REP-E	92-09-063	132H-120-020	AMD-P	92-14-061	132H-120-405	NEW-E	92-14-075
132H-116-600	REP	92-13-097	132H-120-020	AMD-E	92-14-075	132H-120-410	AMD-P	92-14-061
132H-116-610	REP-P	92-09-062	132H-120-030	AMD-P	92-14-061	132H-120-410	AMD-E	92-14-075
132H-116-610	REP-E	92-09-063	132H-120-030	AMD-E	92-14-075	132H-120-420	AMD-P	92-14-061
132H-116-610	REP	92-13-097	132H-120-040	AMD-P	92-14-061	132H-120-420	AMD-E	92-14-075
132H-116-615	NEW-P	92-09-062	132H-120-040	AMD-E	92-14-075	132H-120-430	AMD-P	92-14-061
132H-116-615	NEW-E	92-09-063	132H-120-050	AMD-P	92-14-061	132H-120-430	AMD-E	92-14-075
132H-116-615	NEW	92-13-097	132H-120-050	AMD-E	92-14-075	132H-120-440	AMD-P	92-14-061
132H-116-620	AMD-P	92-09-062	132H-120-062	REP-P	92-14-061	132H-120-440	AMD-E	92-14-075
132H-116-620	AMD-E	92-09-063	132H-120-062	REP-E	92-14-075	132H-120-450	AMD-P	92-14-061
132H-116-620	AMD	92-13-097	132H-120-070	REP-P	92-14-061	132H-120-450	AMD-E	92-14-075
132H-116-630	AMD-P	92-09-062	132H-120-070	REP-E	92-14-075	132H-120-460	AMD-P	92-14-061
132H-116-630	AMD-E	92-09-063	132H-120-072	REP-P	92-14-061	132H-120-460	AMD-E	92-14-075
132H-116-630	AMD	92-13-097	132H-120-072	REP-E	92-14-075	132H-120-470	REP-P	92-14-061

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132H-120-475	NEW-E	92-14-075	132I-108-060	NEW-P	92-09-152
132H-120-480	REP-P	92-14-061	132I-108-060	NEW	92-15-115
132H-120-480	REP-E	92-14-075	132I-108-070	NEW-P	92-09-152
132H-120-490	REP-P	92-14-061	132I-108-070	NEW	92-15-115
132H-120-490	REP-E	92-14-075	132I-108-080	NEW-P	92-09-152
132H-121-010	NEW-P	92-15-065	132I-108-080	NEW	92-15-115
132H-122-010	NEW-P	92-15-068	132I-108-090	NEW-P	92-09-152
132H-122-020	NEW-P	92-15-068	132I-108-090	NEW	92-15-115
132H-122-030	NEW-P	92-15-068	132I-108-100	NEW-P	92-09-152
132H-128-010	REP-E	92-07-072	132I-108-100	NEW	92-15-115
132H-128-010	REP-P	92-09-059	132I-108-110	NEW-P	92-09-152
132H-128-010	REP	92-13-095	132I-108-110	NEW	92-15-115
132H-128-020	REP-E	92-07-072	132I-108-120	NEW-P	92-09-152
132H-128-020	REP-P	92-09-059	132I-108-120	NEW	92-15-115
132H-128-020	REP	92-13-095	132I-112-010	REP-P	92-09-152
132H-128-030	REP-E	92-07-072	132I-112-010	REP	92-15-115
132H-128-030	REP-P	92-09-059	132I-112-020	REP-P	92-09-152
132H-128-030	REP	92-13-095	132I-112-020	REP	92-15-115
132H-128-040	REP-E	92-07-072	132I-112-030	REP-P	92-09-152
132H-128-040	REP-P	92-09-059	132I-112-030	REP	92-15-115
132H-128-040	REP	92-13-095	132I-112-040	REP-P	92-09-152
132H-131-010	NEW-P	92-15-067	132I-112-040	REP	92-15-115
132H-131-020	NEW-P	92-15-067	132I-112-050	REP-P	92-09-152
132H-132-020	AMD-P	92-15-073	132I-112-050	REP	92-15-115
132H-133-010	NEW-P	92-15-063	132I-112-060	REP-P	92-09-152
132H-133-020	NEW-P	92-15-063	132I-112-060	REP	92-15-115
132H-133-040	NEW-P	92-15-063	132I-112-070	REP-P	92-09-152
132H-133-050	NEW-P	92-15-063	132I-112-070	REP	92-15-115
132H-136-030	AMD-P	92-16-066	132I-112-080	REP-P	92-09-152
132H-136-035	NEW-P	92-16-066	132I-112-080	REP	92-15-115
132H-148-010	REP-E	92-07-073	132I-112-090	REP-P	92-09-152
132H-148-010	REP-P	92-09-060	132I-112-090	REP	92-15-115
132H-148-010	REP	92-13-096	132I-112-100	REP-P	92-09-152
132H-148-110	REP-E	92-07-073	132I-112-100	REP	92-15-115
132H-148-110	REP-P	92-09-060	132I-112-110	REP-P	92-09-152
132H-148-110	REP	92-13-096	132I-112-110	REP	92-15-115
132H-200-010	REP-P	92-15-062	132I-112-120	REP-P	92-09-152
132H-200-020	REP-P	92-15-062	132I-112-120	REP	92-15-115
132H-200-040	REP-P	92-15-062	132I-112-130	REP-P	92-09-152
132H-200-100	REP-P	92-15-062	132I-112-130	REP	92-15-115
132H-200-110	REP-P	92-15-062	132I-112-140	REP-P	92-09-152
132H-200-200	REP-P	92-15-062	132I-112-140	REP	92-15-115
132H-200-250	REP-P	92-15-062	132I-112-150	REP-P	92-09-152
132I-104-010	REP-P	92-09-152	132I-112-150	REP	92-15-115
132I-104-010	REP	92-15-115	132I-112-160	REP-P	92-09-152
132I-104-030	AMD-P	92-09-152	132I-112-160	REP	92-15-115
132I-104-030	AMD	92-15-115	132I-112-170	REP-P	92-09-152
132I-104-040	AMD-P	92-09-152	132I-112-170	REP	92-15-115
132I-104-040	AMD	92-15-115	132I-112-180	REP-P	92-09-152
132I-104-050	REP-P	92-09-152	132I-112-180	REP	92-15-115
132I-104-050	REP	92-15-115	132I-112-190	REP-P	92-09-152
132I-104-060	REP-P	92-09-152	132I-112-190	REP	92-15-115
132I-104-060	REP	92-15-115	132I-112-200	REP-P	92-09-152
132I-104-065	NEW-P	92-09-152	132I-112-200	REP	92-15-115
132I-104-065	NEW	92-15-115	132I-112-210	REP-P	92-09-152
132I-104-070	REP-P	92-09-152	132I-112-210	REP	92-15-115
132I-104-070	REP	92-15-115	132I-112-220	REP-P	92-09-152
132I-104-080	AMD-P	92-09-152	132I-112-220	REP	92-15-115
132I-104-080	AMD	92-15-115	132I-112-230	REP-P	92-09-152
132I-104-090	AMD-P	92-09-152	132I-112-230	REP	92-15-115
132I-104-090	AMD	92-15-115	132I-112-240	REP-P	92-09-152
132I-104-110	AMD-P	92-09-152	132I-112-240	REP	92-15-115
132I-104-110	AMD	92-15-115	132I-116-010	AMD-P	92-09-152
132I-108-010	NEW-P	92-09-152	132I-116-010	AMD	92-15-115
132I-108-010	NEW	92-15-115	132I-116-090	AMD-P	92-09-152
132I-108-020	NEW-P	92-09-152	132I-116-090	AMD	92-15-115
132I-108-020	NEW	92-15-115	132I-116-270	AMD-P	92-09-152
132I-108-030	NEW-P	92-09-152	132I-116-270	AMD	92-15-115
132I-108-030	NEW	92-15-115	132I-116-275	NEW-P	92-09-152
132I-108-040	NEW-P	92-09-152	132I-116-275	NEW	92-15-115
132I-108-040	NEW	92-15-115	132I-116-280	AMD-P	92-09-152





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132K-12-720	REP	92-03-031	132M-120-030	AMD	92-09-094	132Q-04-200	AMD-P	92-10-053
132K-12-725	REP	92-03-031	132M-120-040	AMD-P	92-04-059	132Q-04-200	AMD	92-14-038
132K-12-730	REP	92-03-031	132M-120-040	AMD	92-09-094	132Q-04-210	AMD-P	92-10-053
132K-12-740	REP	92-03-031	132M-120-050	REP-P	92-04-059	132Q-04-210	AMD	92-14-038
132K-12-750	REP	92-03-031	132M-120-050	REP	92-09-094	132Q-04-250	AMD-P	92-10-053
132K-12-760	REP	92-03-031	132M-120-065	NEW-P	92-04-059	132Q-04-250	AMD	92-14-038
132K-12-770	REP	92-03-031	132M-120-065	NEW	92-09-094	132Q-04-260	AMD-P	92-10-053
132K-12-780	REP	92-03-031	132M-120-070	REP-P	92-04-059	132Q-04-260	AMD	92-14-038
132K-12-790	REP	92-03-031	132M-120-070	REP	92-09-094	132Q-04-280	AMD-P	92-10-053
132K-12-800	REP	92-03-031	132M-120-080	REP-P	92-04-059	132Q-04-280	AMD	92-14-038
132K-12-810	REP	92-03-031	132M-120-080	REP	92-09-094	132Q-05-050	AMD-P	92-10-052
132K-12-820	REP	92-03-031	132M-120-080	REP	92-09-094	132Q-05-050	AMD	92-14-037
132K-12-830	REP	92-03-031	132M-120-095	NEW-P	92-04-059	132Q-05-060	AMD-P	92-10-052
132K-12-840	REP	92-03-031	132M-120-095	NEW	92-09-094	132Q-05-060	AMD	92-14-037
132M-108-010	NEW-P	92-04-058	132M-120-100	NEW-P	92-04-059	132Q-05-070	AMD-P	92-10-052
132M-108-010	NEW	92-09-005	132M-120-100	NEW	92-09-094	132Q-05-070	AMD	92-14-037
132M-108-020	NEW-P	92-04-058	132M-120-110	NEW-P	92-04-059	132Q-05-080	AMD-P	92-10-052
132M-108-020	NEW	92-09-005	132M-120-110	NEW	92-09-094	132Q-05-080	AMD	92-14-037
132M-108-030	NEW-P	92-04-058	132M-120-120	NEW-P	92-04-059	132Q-05-080	AMD	92-10-052
132M-108-030	NEW	92-09-005	132M-120-120	NEW	92-09-094	132Q-05-090	AMD-P	92-10-052
132M-108-040	NEW-P	92-04-058	132M-120-130	NEW-P	92-04-059	132Q-05-090	AMD	92-14-037
132M-108-040	NEW	92-09-005	132M-120-130	NEW	92-09-094	132Q-05-100	AMD-P	92-10-052
132M-108-050	NEW-P	92-04-058	132M-120-200	NEW-P	92-04-059	132Q-05-100	AMD	92-14-037
132M-108-050	NEW	92-09-005	132M-120-200	NEW	92-09-094	132Q-05-120	AMD-P	92-10-052
132M-108-060	NEW-P	92-04-058	132M-120-210	NEW-P	92-04-059	132Q-05-120	AMD	92-14-037
132M-108-060	NEW	92-09-005	132M-120-210	NEW	92-09-094	132Q-06-020	AMD-P	92-10-057
132M-108-070	NEW-P	92-04-058	132M-120-220	NEW-P	92-04-059	132Q-06-020	AMD	92-14-042
132M-108-070	NEW	92-09-005	132M-120-220	NEW	92-09-094	132Q-06-025	AMD-P	92-10-057
132M-108-080	NEW-P	92-04-058	132M-120-300	NEW-P	92-04-059	132Q-06-025	AMD	92-14-042
132M-108-080	NEW	92-09-005	132M-120-300	NEW	92-09-094	132Q-06-030	AMD-P	92-10-057
132M-110-130	AMD-P	92-04-057	132M-120-310	NEW-P	92-04-059	132Q-06-030	AMD	92-14-042
132M-110-130	AMD	92-09-004	132M-120-310	NEW	92-09-094	132Q-06-040	AMD-P	92-10-057
132M-112-010	REP-P	92-04-064	132M-120-320	NEW-P	92-04-059	132Q-06-040	AMD	92-14-042
132M-112-010	REP	92-09-092	132M-120-320	NEW	92-09-094	132Q-12-010	AMD-P	92-10-056
132M-112-011	REP-P	92-04-064	132M-136-020	AMD-P	92-04-063	132Q-12-010	AMD	92-14-041
132M-112-011	REP	92-09-092	132M-136-020	AMD	92-09-009	132Q-16-003	REP-P	92-10-058
132M-113-010	AMD-P	92-04-065	132M-136-060	AMD-P	92-04-063	132Q-16-003	REP	92-14-043
132M-113-010	AMD	92-09-093	132M-136-060	AMD	92-09-009	132Q-16-006	REP-P	92-10-058
132M-113-015	AMD-P	92-04-065	132M-136-100	NEW-P	92-04-063	132Q-16-006	REP	92-14-043
132M-113-015	AMD	92-09-093	132M-136-100	NEW	92-09-009	132Q-16-009	REP-P	92-10-058
132M-113-020	AMD-P	92-04-065	132M-140-010	REP-P	92-04-063	132Q-16-009	REP	92-14-043
132M-113-020	AMD	92-09-093	132M-140-010	REP	92-09-009	132Q-16-012	REP-P	92-10-058
132M-113-025	AMD-P	92-04-065	132M-160-010	AMD-P	92-04-062	132Q-16-012	REP	92-14-043
132M-113-025	AMD	92-09-093	132M-160-010	AMD	92-09-008	132Q-16-015	REP-P	92-10-058
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132M-113-030	AMD	92-09-093	132M-300-001	NEW	92-09-092	132Q-16-018	REP-P	92-10-058
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132M-113-035	REP	92-09-093	132M-300-010	NEW	92-09-092	132Q-16-018	REP	92-10-058
132M-113-045	REP-P	92-04-065	132M-400-010	NEW	92-04-060	132Q-16-021	REP-P	92-10-058
132M-113-045	REP	92-09-093	132M-400-010	NEW	92-09-006	132Q-16-021	REP	92-14-043
132M-113-050	NEW-P	92-04-065	132M-400-020	NEW-P	92-04-060	132Q-16-024	REP-P	92-10-058
132M-113-050	NEW	92-09-093	132M-400-020	NEW	92-09-006	132Q-16-024	REP	92-14-043
132M-113-055	NEW-P	92-04-065	132M-400-030	NEW-P	92-04-060	132Q-16-027	REP-P	92-10-058
132M-113-055	NEW	92-09-093	132M-400-030	NEW	92-09-006	132Q-16-027	REP	92-14-043
132M-115-001	NEW-P	92-04-061	132M-400-040	NEW-P	92-04-060	132Q-16-030	REP-P	92-10-058
132M-115-001	NEW	92-09-007	132M-400-040	NEW	92-09-006	132Q-16-030	REP	92-14-043
132M-115-010	REP-P	92-04-061	132Q-04-020	AMD-P	92-10-053	132Q-16-033	REP-P	92-10-058
132M-115-010	REP	92-09-007	132Q-04-020	AMD	92-14-038	132Q-16-033	REP	92-14-043
132M-115-020	REP-P	92-04-061	132Q-04-095	AMD-P	92-10-053	132Q-16-036	REP-P	92-10-058
132M-115-020	REP	92-09-007	132Q-04-095	AMD	92-14-038	132Q-16-036	REP	92-14-043
132M-115-030	REP-P	92-04-061	132Q-04-096	NEW-P	92-10-053	132Q-16-039	REP-P	92-10-058
132M-115-030	REP	92-09-007	132Q-04-096	NEW	92-14-038	132Q-16-039	REP	92-14-043
132M-115-040	REP-P	92-04-061	132Q-04-120	AMD-P	92-10-053	132Q-16-042	REP-P	92-10-058
132M-115-040	REP	92-09-007	132Q-04-120	AMD	92-14-038	132Q-16-042	REP	92-14-043
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132M-120-010	AMD	92-09-094	132Q-04-140	AMD-P	92-10-053	132Q-16-048	REP	92-14-043
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132M-120-020	AMD	92-09-094	132Q-04-170	AMD-P	92-10-053	132Q-16-051	REP	92-14-043
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132Q-16-060	REP	92-14-043	136-03-020	NEW	92-13-037	172-108-020	NEW-P	92-04-084
132Q-16-063	REP-P	92-10-058	136-03-030	NEW-P	92-08-069	172-108-020	NEW	92-09-100
132Q-16-063	REP	92-14-043	136-03-030	NEW	92-13-037	172-108-030	NEW-P	92-04-084
132Q-20-020	AMD-P	92-10-051	136-03-040	NEW-P	92-08-069	172-108-030	NEW	92-09-100
132Q-20-020	AMD	92-14-036	136-03-040	NEW	92-13-037	172-108-040	NEW-P	92-04-084
132Q-20-040	AMD-P	92-10-051	136-03-050	NEW-P	92-08-069	172-108-040	NEW	92-09-100
132Q-20-040	AMD	92-14-036	136-03-050	NEW	92-13-037	172-108-050	NEW-P	92-04-084
132Q-20-060	AMD-P	92-10-051	136-03-060	NEW-P	92-08-069	172-108-050	NEW	92-09-100
132Q-20-060	AMD	92-14-036	136-03-060	NEW	92-13-037	172-108-060	NEW-P	92-04-084
132Q-20-090	AMD-P	92-10-051	136-03-070	NEW-P	92-08-069	172-108-060	NEW	92-09-100
132Q-20-090	AMD	92-14-036	136-03-070	NEW	92-13-037	172-108-070	NEW-P	92-04-084
132Q-20-110	AMD-P	92-10-051	136-03-080	NEW-P	92-08-069	172-108-070	NEW	92-09-100
132Q-20-110	AMD	92-14-036	136-03-080	NEW	92-13-037	172-108-080	NEW-P	92-04-084
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132Q-20-130	AMD	92-14-036	136-03-090	NEW	92-13-037	172-108-090	NEW-P	92-04-084
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132Q-20-160	AMD	92-14-036	136-03-100	NEW	92-13-037	172-118	AMD-P	92-15-129
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132Q-20-170	AMD	92-14-036	136-03-110	NEW	92-13-037	172-118-020	AMD-P	92-15-129
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132Q-20-200	AMD	92-14-036	136-130-030	AMD	92-13-038	172-118-040	AMD-P	92-15-129
132Q-20-210	AMD-P	92-10-051	136-130-050	AMD-P	92-08-070	172-118-050	AMD-P	92-15-129
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132Q-20-220	AMD	92-14-036	136-130-060	AMD	92-13-038	172-118-080	AMD-P	92-15-129
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132Q-20-240	AMD	92-14-036	136-130-070	AMD	92-13-038	172-122-100	NEW-P	92-15-127
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132Q-20-250	AMD	92-14-036	136-160-050	AMD	92-13-039	172-122-100	NEW-P	92-16-098
132Q-20-260	AMD-P	92-10-051	136-160-060	AMD-P	92-08-071	172-122-110	NEW-P	92-15-127
132Q-20-260	AMD	92-14-036	136-160-060	AMD	92-13-039	172-122-110	NEW-W	92-16-061
132Q-108-050	AMD-P	92-10-054	136-210-020	AMD-P	92-08-072	172-122-110	NEW-P	92-16-098
132Q-108-050	AMD	92-14-039	136-210-020	AMD-W	92-12-005	172-122-120	NEW-P	92-15-127
132Q-113-010	AMD-P	92-10-055	136-210-030	AMD-P	92-08-072	172-122-120	NEW-W	92-16-061
132Q-113-010	AMD	92-14-040	136-210-030	AMD-W	92-12-005	172-122-120	NEW-P	92-16-098
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132Y-100-008	AMD	92-09-055	139-10-220	AMD-P	92-16-071	172-122-200	NEW-P	92-16-098
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132Y-100-036	REP-P	92-04-067	142-40-010	NEW	92-14-035	172-122-300	NEW-W	92-16-061
132Y-100-036	REP	92-09-055	142-40-020	NEW-P	92-10-032	172-122-300	NEW-P	92-16-098
132Y-100-040	REP-P	92-04-067	142-40-020	NEW	92-14-035	172-122-400	NEW-P	92-15-127
132Y-100-040	REP	92-09-055	142-40-030	NEW-P	92-10-032	172-122-400	NEW-W	92-16-061
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132Y-100-044	AMD	92-09-055	172-04-010	NEW-P	92-04-085	172-122-410	NEW-P	92-15-127
132Y-100-048	REP-P	92-04-067	172-04-010	NEW	92-09-101	172-122-410	NEW-W	92-16-061
132Y-100-048	REP	92-09-055	172-06-010	NEW-P	92-04-083	172-122-410	NEW-P	92-16-098
132Y-100-066	NEW-P	92-04-067	172-06-010	NEW	92-09-099	172-122-500	NEW-P	92-16-098
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132Y-100-072	AMD-P	92-04-067	172-65	AMD	92-09-103	172-124	AMD	92-09-105
132Y-100-072	AMD	92-09-055	172-65-010	AMD-P	92-05-054	172-124-010	AMD-P	92-05-056
132Y-100-100	AMD-P	92-04-067	172-65-010	AMD	92-09-103	172-124-010	AMD	92-09-105
132Y-100-100	AMD	92-09-055	172-65-020	AMD-P	92-05-054	172-124-020	AMD-P	92-05-056
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132Y-100-104	AMD	92-09-055	172-65-030	AMD-P	92-05-054	172-124-100	REP-P	92-05-056
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132Y-100-116	AMD	92-09-055	172-65-050	AMD-P	92-05-054	172-124-210	REP-P	92-05-056
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132Y-100-120	AMD	92-09-055	172-65-060	AMD-P	92-05-054	172-124-220	REP-P	92-05-056
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136-01-010	AMD	92-13-036	172-65-070	AMD-P	92-05-054	172-136-010	AMD-P	92-16-063
136-01-020	AMD-P	92-08-068	172-65-070	AMD	92-09-103	172-136-015	NEW-P	92-16-063
136-01-020	AMD	92-13-036	172-65-080	AMD-P	92-05-054	172-136-020	REP-P	92-16-063
136-01-030	AMD-P	92-08-068	172-65-080	AMD	92-09-103	172-136-030	AMD-P	92-16-063
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172-136-090	AMD-P	92-16-063	173-19-4205	AMD-P	92-03-130	173-175-520	NEW	92-12-055
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172-136-610	REP-P	92-16-063	173-19-450	AMD-P	92-15-108	173-175-610	NEW	92-12-055
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172-139-010	NEW-P	92-15-128	173-175-010	NEW	92-12-055	173-175-620	NEW	92-12-055
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172-139-030	NEW-P	92-15-128	173-175-020	NEW	92-12-055	173-175-630	NEW	92-12-055
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172-144-020	AMD-P	92-05-053	173-175-040	NEW	92-12-055	173-180C-030	NEW-P	92-17-075
172-144-020	AMD	92-09-102	173-175-050	NEW-P	92-06-091	173-180C-040	NEW-P	92-17-075
172-144-030	REP-P	92-05-053	173-175-050	NEW	92-12-055	173-180C-050	NEW-P	92-17-075
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172-168-070	AMD-P	92-14-056	173-175-120	NEW	92-12-055	173-180D-020	NEW	92-15-035
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172-168-090	AMD-P	92-14-056	173-175-130	NEW	92-12-055	173-180D-030	NEW	92-15-035
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172-168-120	AMD-P	92-14-056	173-175-150	NEW-P	92-06-091	173-180D-050	NEW-P	92-06-087
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173-03-070	AMD-E	92-13-049	173-175-200	NEW	92-12-055	173-180D-075	NEW	92-15-035
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173-19-2515	AMD-P	92-03-128	173-175-270	NEW-P	92-06-091	173-183-100	NEW	92-10-005
173-19-2515	AMD-C	92-09-131	173-175-270	NEW	92-12-055	173-183-200	NEW	92-10-005
173-19-2515	AMD	92-11-044	173-175-350	NEW-P	92-06-091	173-183-210	NEW	92-10-005
173-19-2521	AMD-P	92-07-088	173-175-350	NEW	92-12-055	173-183-220	NEW	92-10-005
173-19-2521	AMD-C	92-09-128	173-175-360	NEW-P	92-06-091	173-183-230	NEW	92-10-005
173-19-2521	AMD-C	92-13-079	173-175-360	NEW	92-12-055	173-183-240	NEW	92-10-005
173-19-2521	AMD-C	92-16-094	173-175-370	NEW-P	92-06-091	173-183-250	NEW	92-10-005
173-19-2523	AMD-P	92-09-132	173-175-370	NEW	92-12-055	173-183-260	NEW	92-10-005
173-19-2523	AMD	92-17-073	173-175-380	NEW-P	92-06-091	173-183-270	NEW	92-10-005
173-19-2601	AMD	92-04-081	173-175-380	NEW	92-12-055	173-183-300	NEW	92-10-005
173-19-2602	AMD-P	92-03-129	173-175-390	NEW-P	92-06-091	173-183-310	NEW	92-10-005
173-19-2602	AMD-C	92-09-127	173-175-390	NEW	92-12-055	173-183-320	NEW	92-10-005
173-19-2602	AMD-C	92-12-054	173-175-400	NEW-P	92-06-091	173-183-330	NEW	92-10-005
173-19-2602	AMD	92-13-084	173-175-400	NEW	92-12-055	173-183-340	NEW	92-10-005
173-19-3514	AMD-P	92-15-109	173-175-500	NEW-P	92-06-091	173-183-350	NEW-W	92-11-038
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173-183-430	NEW	92-10-005	173-303-506	NEW-P	92-18-078	173-425-040	NEW-P	92-12-026
173-183-440	NEW	92-10-005	173-305-060	REP-P	92-05-083	173-425-045	REP-P	92-12-026
173-183-450	NEW	92-10-005	173-305-060	REP	92-10-043	173-425-050	NEW-P	92-12-026
173-183-450	NEW	92-13-083	173-305-070	REP-P	92-05-083	173-425-055	REP-P	92-12-026
173-183-460	NEW	92-10-005	173-305-070	REP	92-10-043	173-425-060	NEW-P	92-12-026
173-183-470	NEW	92-10-005	173-305-080	REP-P	92-05-083	173-425-065	REP-P	92-12-026
173-183-500	NEW	92-10-005	173-305-080	REP	92-10-043	173-425-070	NEW-P	92-12-026
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173-183-610	NEW	92-10-005	173-305-090	REP	92-10-043	173-425-080	NEW-P	92-12-026
173-183-620	NEW	92-10-005	173-322-010	AMD-E	92-14-072	173-425-085	REP-P	92-12-026
173-183-700	NEW	92-10-005	173-322-020	AMD-E	92-14-072	173-425-090	NEW-P	92-12-026
173-183-710	NEW	92-10-005	173-322-050	AMD-E	92-14-072	173-425-095	REP-P	92-12-026
173-183-800	NEW	92-10-005	173-322-060	AMD-E	92-14-072	173-425-100	AMD-P	92-12-026
173-183-810	NEW	92-10-005	173-322-070	AMD-E	92-14-072	173-425-110	NEW-P	92-12-026
173-183-820	NEW	92-10-005	173-322-080	AMD-E	92-14-072	173-425-115	REP-P	92-12-026
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173-183-840	NEW	92-10-005	173-322-100	AMD-E	92-14-072	173-425-130	REP-P	92-12-026
173-183-850	NEW	92-10-005	173-322-105	NEW-E	92-14-072	173-425-140	REP-P	92-12-026
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173-183-865	NEW	92-10-005	173-326-020	AMD-P	92-16-087	173-433-100	AMD-C	92-15-111
173-183-870	NEW	92-10-005	173-326-030	AMD-P	92-16-087	173-433-100	AMD-C	92-18-095
173-183-880	NEW	92-10-005	173-326-040	AMD-P	92-16-087	173-433-110	AMD-P	92-09-035
173-183-890	NEW	92-10-005	173-326-050	NEW-P	92-16-087	173-433-110	AMD-C	92-15-111
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173-183-910	NEW	92-10-005	173-400-030	AMD-P	92-18-096	173-433-170	AMD-P	92-09-035
173-183-920	NEW	92-10-005	173-400-040	AMD-P	92-18-096	173-433-170	AMD-E	92-10-022
173-201-010	REP-P	92-11-041	173-400-070	AMD-P	92-18-096	173-433-170	AMD-C	92-15-111
173-201-025	REP-P	92-11-041	173-400-075	AMD-P	92-18-096	173-433-170	AMD-E	92-18-028
173-201-035	REP-P	92-11-041	173-400-080	NEW-P	92-18-096	173-433-170	AMD-C	92-18-095
173-201-045	REP-P	92-11-041	173-400-100	AMD-P	92-18-096	173-492-010	NEW-P	92-06-088
173-201-047	REP-P	92-11-041	173-400-105	AMD-P	92-18-096	173-492-010	NEW-S	92-11-043
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173-201-080	REP-P	92-11-041	173-400-110	AMD-P	92-18-096	173-492-020	NEW-S	92-11-043
173-201-085	REP-P	92-11-041	173-400-112	NEW-P	92-18-096	173-492-030	NEW-P	92-06-088
173-201-090	REP-P	92-11-041	173-400-113	NEW-P	92-18-096	173-492-030	NEW-S	92-11-043
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173-201-110	REP-P	92-11-041	173-400-115	AMD-P	92-18-096	173-492-040	NEW-S	92-11-043
173-201-120	REP-P	92-11-041	173-400-116	NEW-P	92-18-096	173-492-050	NEW-P	92-06-088
173-201A-010	NEW-P	92-11-041	173-400-120	AMD-P	92-18-096	173-492-050	NEW-S	92-11-043
173-201A-020	NEW-P	92-11-041	173-400-131	AMD-P	92-18-096	173-492-060	NEW-P	92-06-088
173-201A-030	NEW-P	92-11-041	173-400-136	AMD-P	92-18-096	173-492-060	NEW-S	92-11-043
173-201A-040	NEW-P	92-11-041	173-400-141	AMD-P	92-18-096	173-492-070	NEW-P	92-06-088
173-201A-050	NEW-P	92-11-041	173-400-171	AMD-P	92-18-096	173-492-070	NEW-S	92-11-043
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173-201A-100	NEW-P	92-11-041	173-422	AMD-C	92-18-077	173-492-090	NEW-S	92-11-043
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173-201A-120	NEW-P	92-11-041	173-422-020	AMD-P	92-09-133	173-492-100	NEW-S	92-11-043
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173-202-020	AMD-S	92-11-068	173-422-080	REP-P	92-09-133	173-564-020	NEW-E	92-07-054
173-202-020	AMD	92-14-098	173-422-090	AMD-P	92-09-133	173-564-020	NEW-P	92-14-009
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173-224-020	AMD	92-03-131	173-422-100	AMD-P	92-09-133	173-564-030	NEW-E	92-07-054
173-224-030	AMD	92-03-131	173-422-110	REP-P	92-09-133	173-564-030	NEW-P	92-14-009
173-224-040	AMD	92-03-131	173-422-120	AMD-P	92-09-133	173-564-030	NEW-E	92-14-011
173-224-050	AMD	92-03-131	173-422-130	AMD-P	92-09-133	173-564-040	NEW-E	92-07-054
173-224-090	AMD	92-03-131	173-422-140	AMD-P	92-09-133	173-564-040	NEW-P	92-14-009
173-224-100	AMD	92-03-131	173-422-150	REP-P	92-09-133	173-564-040	NEW-E	92-14-011
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173-303-120	AMD-P	92-18-078	173-422-180	REP-P	92-09-133	178-01-010	NEW	92-09-002
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180-16-205	AMD-P	92-13-075	180-29-085	AMD-E	92-13-047	180-85-045	AMD	92-04-044
180-16-205	AMD	92-17-053	180-29-085	AMD-P	92-13-059	180-85-077	NEW	92-04-044
180-16-222	AMD	92-04-044	180-29-085	AMD	92-16-058	180-85-115	AMD	92-04-044
180-16-223	AMD	92-04-044	180-51-085	AMD-P	92-05-067	180-86-150	AMD-P	92-08-077
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180-20-030	NEW-P	92-13-098	180-53-065	REP-P	92-13-075	180-86-155	AMD-P	92-08-077
180-20-031	NEW-P	92-13-098	180-53-065	REP	92-17-053	180-86-155	AMD	92-15-037
180-20-034	NEW-P	92-13-098	180-53-070	NEW-P	92-13-075	180-110-035	AMD-P	92-13-058
180-20-035	NEW-P	92-13-098	180-53-070	NEW	92-17-053	180-110-035	AMD	92-16-057
180-20-036	NEW-P	92-13-098	180-75-016	NEW	92-04-044	182-12-111	AMD	92-03-040
180-20-040	NEW-P	92-13-098	180-75-055	AMD	92-04-044	182-12-115	AMD-P	92-04-001
180-20-045	NEW-P	92-13-098	180-75-065	AMD	92-04-044	182-12-115	AMD-C	92-07-046
180-20-050	NEW-P	92-13-098	180-75-080	REP	92-04-044	182-12-115	AMD	92-08-003
180-20-055	NEW-P	92-13-098	180-75-085	AMD	92-04-044	192-12-017	REP-P	92-07-104
180-20-060	NEW-P	92-13-098	180-75-085	AMD-E	92-13-021	192-12-017	REP	92-14-047
180-20-065	NEW-P	92-13-098	180-75-085	AMD-E	92-15-038	192-12-019	REP-P	92-07-104
180-20-070	NEW-P	92-13-098	180-75-085	AMD-P	92-15-098	192-12-019	REP	92-14-047
180-20-075	NEW-P	92-13-098	180-75-087	AMD	92-04-044	192-12-072	AMD-P	92-07-104
180-20-080	NEW-P	92-13-098	180-75-089	NEW	92-04-044	192-12-072	AMD	92-14-047
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180-20-095	NEW-P	92-13-098	180-75-110	NEW	92-04-044	192-12-300	AMD-W	92-16-078
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180-20-130	NEW-P	92-13-098	180-77-105	NEW	92-05-039	192-12-320	AMD-W	92-16-078
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180-20-160	NEW-P	92-13-098	180-79-045	AMD-P	92-15-098	192-12-405	NEW	92-14-047
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180-25-030	AMD-P	92-13-059	180-79-049	AMD	92-04-044	192-32-125	NEW	92-05-051
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180-25-032	NEW-P	92-13-059	180-79-065	AMD-E	92-13-021	196-24-105	AMD	92-15-139
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180-27-052	NEW	92-16-058	180-79-115	AMD	92-04-044	204-38-030	AMD	92-11-032
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180-27-058	AMD-P	92-13-059	180-79-117	AMD-E	92-15-038	204-70	PREP	92-13-012A
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180-27-500	NEW	92-16-058	180-79-122	AMD-E	92-15-038	212-80-015	AMD-P	92-14-073
180-27-505	NEW-E	92-13-047	180-79-122	AMD-P	92-15-098	212-80-015	AMD-E	92-14-074
180-27-505	NEW-P	92-13-059	180-79-123	NEW	92-04-044	212-80-030	AMD-P	92-14-073
180-27-505	NEW	92-16-058	180-79-123	AMD-E	92-13-021	212-80-030	AMD-E	92-14-074
180-27-510	NEW-E	92-13-047	180-79-123	AMD-E	92-15-038	212-80-035	AMD-P	92-14-073
180-27-510	NEW-P	92-13-059	180-79-123	AMD-P	92-15-098	212-80-035	AMD-E	92-14-074
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180-27-515	NEW-P	92-13-059	180-79-127	AMD-P	92-15-098	212-80-065	AMD-P	92-14-073
180-27-515	NEW	92-16-058	180-79-129	REP	92-04-044	212-80-065	AMD-E	92-14-074
180-27-525	NEW-E	92-13-047	180-79-131	AMD	92-04-044	212-80-115	AMD-P	92-14-073
180-27-525	NEW-P	92-13-059	180-79-136	AMD	92-04-044	212-80-115	AMD-E	92-14-074
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220-57-205	AMD-W	92-04-011	220-110-100	AMD-W	92-15-095	222-16-030	AMD-S	92-11-069
220-57-205	AMD	92-11-012	220-110-110	REP-P	92-11-082	222-16-030	AMD	92-15-011
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220-57-210	AMD	92-11-012	220-110-120	AMD-W	92-15-095	222-16-035	NEW	92-15-011
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220-57-435	AMD	92-11-012	220-110-220	AMD-P	92-11-082	222-22-020	NEW-P	92-07-093
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220-57-46000Y	NEW-E	92-07-035	220-110-270	AMD-P	92-11-082	222-22-060	NEW-P	92-07-093
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220-57-465	AMD	92-11-012	220-110-280	AMD-P	92-11-082	222-22-060	NEW	92-15-011
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220-57-490	AMD-P	92-03-151	220-110-285	NEW-P	92-11-082	222-22-070	NEW-S	92-11-069
220-57-490	AMD-W	92-04-011	220-110-285	NEW-W	92-15-095	222-22-070	NEW	92-15-011
220-57-490	AMD	92-11-012	220-110-290	AMD-P	92-11-082	222-22-080	NEW-P	92-07-093
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220-57A-180	AMD-P	92-03-151	220-110-300	AMD-W	92-15-095	222-22-090	NEW-P	92-07-093
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220-88-040	NEW-P	92-09-129	220-110-350	AMD-P	92-11-082	222-24-010	AMD-S	92-11-069
220-88-050	NEW-P	92-09-129	220-110-350	AMD-W	92-15-095	222-24-010	AMD	92-15-011
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220-110-010	AMD-P	92-11-082	220-110-360	NEW-W	92-15-095	222-24-020	AMD-S	92-11-069
220-110-010	AMD-W	92-15-095	222-12-040	AMD-S	92-11-069	222-24-020	AMD	92-15-011
220-110-020	AMD-P	92-11-082	222-12-040	AMD	92-15-011	222-24-025	AMD-P	92-07-093
220-110-020	AMD-W	92-15-095	222-12-046	NEW-P	92-07-093	222-24-025	AMD-S	92-11-069
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222-24-035	AMD-S	92-11-069	230-50-012	AMD-E	92-14-019	232-28-416	NEW	92-18-085
222-24-035	AMD	92-15-011	230-50-015	NEW-P	92-14-018	232-28-512	REP-P	92-14-108
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222-24-040	AMD	92-15-011	230-50-018	NEW-E	92-14-019	232-28-513	NEW	92-18-084
222-24-050	AMD-P	92-07-093	230-50-150	AMD-P	92-14-018	232-28-61825	NEW-E	92-03-013
222-24-050	AMD-S	92-11-069	230-50-150	AMD-E	92-14-019	232-28-61826	NEW-E	92-05-022
222-24-050	AMD	92-15-011	230-50-235	NEW-P	92-14-018	232-28-61827	NEW-E	92-05-021
222-24-060	AMD-P	92-07-093	230-50-235	NEW-E	92-14-019	232-28-61828	NEW-E	92-05-019
222-24-060	AMD-S	92-11-069	230-50-580	AMD-E	92-06-033	232-28-61829	NEW-E	92-05-024
222-24-060	AMD	92-15-011	230-50-580	AMD-P	92-14-018	232-28-61830	NEW-E	92-08-067
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222-30-010	AMD-S	92-11-069	232-12-017	AMD-E	92-14-015	232-28-61901	NEW-P	92-02-088
222-30-010	AMD	92-15-011	232-12-019	AMD-P	92-17-069	232-28-61901	NEW	92-07-038
222-30-020	AMD-P	92-07-093	232-12-021	AMD-P	92-02-086	232-28-61902	NEW-P	92-02-089
222-30-020	AMD-S	92-11-069	232-12-021	AMD-C	92-05-018	232-28-61902	NEW	92-07-039
222-30-020	AMD	92-15-011	232-12-021	AMD-W	92-12-057	232-28-61903	NEW-P	92-02-090
222-30-020	AMD-E	92-18-055	232-12-021	AMD-E	92-14-014	232-28-61903	NEW-W	92-07-037
222-30-020	AMD-E	92-18-086	232-12-064	AMD-E	92-14-014	232-28-61904	NEW-P	92-02-091
222-30-025	NEW-P	92-07-093	232-12-074	AMD-P	92-02-086	232-28-61904	NEW	92-07-040
222-30-025	NEW-S	92-11-069	232-12-074	AMD-C	92-05-018	232-28-61905	NEW-P	92-02-092
222-30-025	NEW	92-15-011	232-12-074	AMD-W	92-12-057	232-28-61905	NEW	92-07-041
222-30-040	AMD-P	92-07-093	232-12-077	AMD-P	92-02-086	232-28-61906	NEW-P	92-02-093
222-30-040	AMD-S	92-11-069	232-12-077	AMD-C	92-05-018	232-28-61906	NEW	92-07-042
222-30-040	AMD	92-15-011	232-12-077	AMD-W	92-12-057	232-28-61907	NEW-E	92-05-020
222-30-040	AMD-E	92-18-056	232-12-141	AMD-P	92-14-105	232-28-61907	NEW-P	92-06-073
222-30-050	AMD-P	92-07-093	232-12-141	AMD	92-18-083	232-28-61907	NEW	92-11-079
222-30-050	AMD-S	92-11-069	232-12-147	AMD-P	92-06-072	232-28-61908	NEW-P	92-06-074
222-30-050	AMD	92-15-011	232-12-147	AMD-E	92-08-066	232-28-61908	NEW	92-11-080
222-30-060	AMD-P	92-07-093	232-12-147	AMD	92-11-078	232-28-61909	NEW-P	92-09-136
222-30-060	AMD-S	92-11-069	232-12-160	NEW	92-09-076	232-28-61909	NEW-E	92-12-020
222-30-060	AMD	92-15-011	232-12-168	AMD-P	92-17-068	232-28-61909	NEW	92-16-064
222-30-070	AMD-P	92-07-093	232-12-170	NEW	92-09-076	232-28-61910	NEW-P	92-14-100
222-30-070	AMD-S	92-11-069	232-12-171	NEW	92-09-076	232-28-61911	NEW-P	92-14-101
222-30-070	AMD	92-15-011	232-12-175	NEW	92-09-076	232-28-61912	NEW-P	92-14-104
222-30-090	AMD-P	92-07-093	232-12-180	NEW	92-09-076	232-28-61913	NEW-P	92-14-102
222-30-090	AMD-S	92-11-069	232-12-242	NEW-P	92-17-070	232-28-61914	NEW-P	92-14-103
222-30-090	AMD	92-15-011	232-12-267	AMD-P	92-02-086	232-28-61915	NEW-E	92-14-013
222-30-100	AMD-P	92-07-093	232-12-267	AMD-C	92-05-018	232-28-61916	NEW-P	92-17-067
222-30-100	AMD-S	92-11-069	232-12-267	AMD	92-12-064	232-28-61917	NEW-P	92-17-066
222-30-100	AMD	92-15-011	232-12-277	AMD-P	92-02-086	232-28-61918	NEW-P	92-17-065
222-30-110	NEW-P	92-07-093	232-12-277	AMD-C	92-05-018	232-28-61919	NEW-P	92-17-064
222-30-110	NEW-S	92-11-069	232-12-277	AMD	92-12-064	232-28-61920	NEW-P	92-17-063
222-30-110	NEW	92-15-011	232-28-022	AMD-P	92-02-085	232-28-61921	NEW-E	92-17-072
222-30-120	NEW	92-08-025	232-28-022	AMD	92-06-017	232-28-714	REP-P	92-02-094
222-34-040	AMD-P	92-07-093	232-28-022	AMD-P	92-09-042	232-28-714	REP	92-06-019
222-38-010	AMD-P	92-07-093	232-28-022	AMD	92-12-065	236-12-001	AMD	92-04-036
222-38-010	AMD-S	92-11-069	232-28-226	AMD-P	92-06-075	236-12-010	REP	92-04-036
222-38-010	AMD	92-15-011	232-28-226	AMD	92-12-058	236-12-011	REP	92-04-036
222-38-020	AMD-P	92-07-093	232-28-227	AMD-P	92-06-076	236-12-011	AMD-W	92-11-039
222-38-020	AMD-S	92-11-069	232-28-227	AMD	92-12-059	236-12-012	REP	92-04-036
222-38-020	AMD	92-15-011	232-28-227	AMD-P	92-14-106	236-12-013	REP	92-04-036
222-38-030	NEW-P	92-07-093	232-28-227	AMD	92-18-014	236-12-014	REP	92-04-036
222-38-030	NEW-S	92-11-069	232-28-22701	NEW-E	92-12-019	236-12-015	NEW	92-04-036
222-38-030	NEW	92-15-011	232-28-228	AMD-P	92-02-087	236-12-040	REP	92-04-036
222-38-040	NEW-P	92-07-093	232-28-228	AMD	92-06-018	236-12-050	REP	92-04-036
222-38-040	NEW-S	92-11-069	232-28-228	AMD-P	92-06-077	236-12-060	REP	92-04-036
222-38-040	NEW	92-15-011	232-28-228	AMD	92-12-060	236-12-061	REP	92-04-036
230-04-201	AMD-P	92-15-055	232-28-229	REP-P	92-06-078	236-12-120	REP	92-04-036
230-08-010	AMD-P	92-14-018	232-28-229	REP	92-12-061	236-12-130	REP	92-04-036
230-08-025	AMD-P	92-14-018	232-28-230	REP-P	92-06-079	236-12-131	REP	92-04-036
230-08-180	AMD-P	92-14-018	232-28-230	REP	92-12-062	236-12-132	REP	92-04-036
230-08-180	AMD-W	92-14-057	232-28-231	REP-P	92-06-080	236-12-133	REP	92-04-036
230-08-180	AMD-P	92-15-055	232-28-231	REP	92-12-063	236-12-160	NEW	92-09-076
230-08-240	REP-P	92-14-018	232-28-233	NEW-P	92-06-078	236-12-170	NEW	92-09-076
230-08-240	REP-W	92-14-057	232-28-233	NEW	92-12-061	236-12-171	NEW	92-09-076
230-08-240	REP-P	92-15-055	232-28-234	NEW-P	92-06-079	236-12-175	NEW	92-09-076
230-20-670	AMD-P	92-15-055	232-28-234	NEW	92-12-062	236-12-180	NEW	92-09-076
230-20-685	NEW-C	92-08-057	232-28-235	NEW-P	92-06-080	236-12-185	NEW	92-04-036
230-30-200	AMD-P	92-16-039	232-28-235	NEW	92-12-063	236-12-186	NEW	92-04-036
230-50-010	AMD-P	92-14-018	232-28-415	REP-P	92-14-107	236-12-187	NEW	92-04-036

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
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236-12-189	NEW	92-04-036	242-02-070	NEW-P	92-15-134	242-02-554	NEW-P	92-15-134
236-12-190	NEW	92-04-036	242-02-072	NEW-P	92-15-134	242-02-556	NEW-E	92-14-001
236-12-191	NEW	92-04-036	242-02-074	NEW-E	92-14-001	242-02-556	NEW-P	92-15-134
236-12-200	AMD	92-04-036	242-02-074	NEW-P	92-15-134	242-02-558	NEW-E	92-14-001
236-12-220	AMD	92-04-036	242-02-075	NEW-E	92-14-001	242-02-558	NEW-P	92-15-134
236-12-225	REP	92-04-036	242-02-080	NEW-E	92-14-001	242-02-560	NEW-E	92-14-001
236-12-290	AMD	92-04-037	242-02-080	NEW-P	92-15-134	242-02-560	NEW-P	92-15-134
236-12-300	AMD	92-04-037	242-02-090	NEW-E	92-14-001	242-02-562	NEW-P	92-15-134
236-12-320	AMD	92-04-036	242-02-090	NEW-P	92-15-134	242-02-565	NEW-E	92-14-001
236-12-340	REP	92-04-036	242-02-110	NEW-E	92-14-001	242-02-570	NEW-E	92-14-001
236-12-350	NEW	92-04-036	242-02-110	NEW-P	92-15-134	242-02-570	NEW-P	92-15-134
236-12-351	NEW	92-04-036	242-02-120	NEW-E	92-14-001	242-02-580	NEW-E	92-14-001
236-12-360	NEW	92-04-036	242-02-120	NEW-P	92-15-134	242-02-580	NEW-P	92-15-134
236-12-361	NEW	92-04-036	242-02-130	NEW-E	92-14-001	242-02-582	NEW-P	92-15-134
236-12-362	NEW	92-04-036	242-02-130	NEW-P	92-15-134	242-02-585	NEW-E	92-14-001
236-12-365	NEW	92-04-036	242-02-140	NEW-E	92-14-001	242-02-610	NEW-E	92-14-001
236-12-370	NEW	92-04-036	242-02-140	NEW-P	92-15-134	242-02-610	NEW-P	92-15-134
236-12-371	NEW	92-04-036	242-02-150	NEW-P	92-15-134	242-02-612	NEW-P	92-15-134
236-12-372	NEW	92-04-036	242-02-210	NEW-E	92-14-001	242-02-620	NEW-E	92-14-001
236-14-010	NEW-P	92-10-082	242-02-210	NEW-P	92-15-134	242-02-620	NEW-P	92-15-134
236-14-010	NEW-W	92-16-091	242-02-220	NEW-E	92-14-001	242-02-630	NEW-E	92-14-001
236-14-010	NEW-P	92-16-102	242-02-220	NEW-P	92-15-134	242-02-630	NEW-P	92-15-134
236-14-015	NEW-P	92-10-082	242-02-230	NEW-E	92-14-001	242-02-632	NEW-P	92-15-134
236-14-015	NEW-W	92-16-091	242-02-230	NEW-P	92-15-134	242-02-634	NEW-P	92-15-134
236-14-015	NEW-P	92-16-102	242-02-240	NEW-E	92-14-001	242-02-640	NEW-E	92-14-001
236-14-050	NEW-P	92-16-102	242-02-240	NEW-P	92-15-134	242-02-640	NEW-P	92-15-134
236-14-100	NEW-P	92-10-082	242-02-250	NEW-E	92-14-001	242-02-650	NEW-E	92-14-001
236-14-100	NEW-W	92-16-091	242-02-250	NEW-P	92-15-134	242-02-650	NEW-P	92-15-134
236-14-100	NEW-P	92-16-102	242-02-260	NEW-E	92-14-001	242-02-660	NEW-E	92-14-001
236-14-200	NEW-P	92-16-102	242-02-260	NEW-P	92-15-134	242-02-660	NEW-P	92-15-134
236-14-300	NEW-P	92-16-102	242-02-270	NEW-E	92-14-001	242-02-670	NEW-E	92-14-001
236-14-900	NEW-P	92-10-082	242-02-270	NEW-P	92-15-134	242-02-670	NEW-P	92-15-134
236-14-900	NEW-W	92-16-091	242-02-280	NEW-E	92-14-001	242-02-680	NEW-E	92-14-001
236-14-900	NEW-P	92-16-102	242-02-280	NEW-P	92-15-134	242-02-680	NEW-P	92-15-134
236-22-010	NEW-P	92-09-155	242-02-310	NEW-E	92-14-001	242-02-710	NEW-E	92-14-001
236-22-010	NEW	92-12-092	242-02-310	NEW-P	92-15-134	242-02-710	NEW-P	92-15-134
236-22-100	NEW-P	92-09-155	242-02-320	NEW-E	92-14-001	242-02-720	NEW-E	92-14-001
236-22-100	NEW	92-12-092	242-02-320	NEW-P	92-15-134	242-02-720	NEW-P	92-15-134
236-48-190	AMD-P	92-05-042	242-02-330	NEW-E	92-14-001	242-02-810	NEW-E	92-14-001
236-48-190	AMD	92-09-016	242-02-330	NEW-P	92-15-134	242-02-810	NEW-P	92-15-134
240-10-040	AMD-E	92-09-096	242-02-340	NEW-E	92-14-001	242-02-820	NEW-E	92-14-001
240-10-040	AMD-P	92-16-046	242-02-340	NEW-P	92-15-134	242-02-820	NEW-P	92-15-134
240-15-005	AMD-P	92-08-060	242-02-410	NEW-E	92-14-001	242-02-830	NEW-E	92-14-001
240-15-005	AMD	92-11-017	242-02-410	NEW-P	92-15-134	242-02-830	NEW-P	92-15-134
240-15-010	AMD-P	92-08-060	242-02-420	NEW-E	92-14-001	242-02-840	NEW-E	92-14-001
240-15-010	AMD	92-11-017	242-02-420	NEW-P	92-15-134	242-02-840	NEW-P	92-15-134
240-15-015	AMD-P	92-08-060	242-02-430	NEW-E	92-14-001	242-02-850	NEW-E	92-14-001
240-15-015	AMD	92-11-017	242-02-430	NEW-P	92-15-134	242-02-850	NEW-P	92-15-134
240-15-020	AMD-P	92-08-060	242-02-440	NEW-E	92-14-001	242-02-860	NEW-E	92-14-001
240-15-020	AMD	92-11-017	242-02-440	NEW-P	92-15-134	242-02-860	NEW-P	92-15-134
240-15-025	AMD-P	92-08-060	242-02-450	NEW-E	92-14-001	242-02-870	NEW-E	92-14-001
240-15-025	AMD	92-11-017	242-02-450	NEW-P	92-15-134	242-02-870	NEW-P	92-15-134
240-15-030	AMD-P	92-08-060	242-02-460	NEW-E	92-14-001	242-02-880	NEW-E	92-14-001
240-15-030	AMD	92-11-017	242-02-460	NEW-P	92-15-134	242-02-880	NEW-P	92-15-134
240-15-035	AMD-P	92-08-060	242-02-470	NEW-E	92-14-001	242-02-890	NEW-E	92-14-001
240-15-035	AMD	92-11-017	242-02-470	NEW-P	92-15-134	242-02-890	NEW-P	92-15-134
242-02-010	NEW-E	92-14-001	242-02-510	NEW-E	92-14-001	242-02-892	NEW-P	92-15-134
242-02-010	NEW-P	92-15-134	242-02-510	NEW-P	92-15-134	242-02-910	NEW-E	92-14-001
242-02-020	NEW-E	92-14-001	242-02-520	NEW-E	92-14-001	242-02-910	NEW-P	92-15-134
242-02-020	NEW-P	92-15-134	242-02-520	NEW-P	92-15-134	242-02-920	NEW-E	92-14-001
242-02-030	NEW-E	92-14-001	242-02-530	NEW-E	92-14-001	242-02-920	NEW-P	92-15-134
242-02-030	NEW-P	92-15-134	242-02-530	NEW-P	92-15-134	242-02-930	NEW-E	92-14-001
242-02-040	NEW-E	92-14-001	242-02-532	NEW-E	92-14-001	242-02-930	NEW-P	92-15-134
242-02-040	NEW-P	92-15-134	242-02-532	NEW-P	92-15-134	242-04-010	NEW-E	92-14-001
242-02-050	NEW-E	92-14-001	242-02-534	NEW-E	92-14-001	242-04-010	NEW-P	92-15-134
242-02-050	NEW-P	92-15-134	242-02-534	NEW-P	92-15-134	242-04-020	NEW-E	92-14-001
242-02-052	NEW-E	92-14-001	242-02-540	NEW-E	92-14-001	242-04-020	NEW-P	92-15-134
242-02-052	NEW-P	92-15-134	242-02-540	NEW-P	92-15-134	242-04-030	NEW-E	92-14-001
242-02-054	NEW-E	92-14-001	242-02-550	NEW-E	92-14-001	242-04-030	NEW-P	92-15-134
242-02-054	NEW-P	92-15-134	242-02-550	NEW-P	92-15-134	242-04-040	NEW-E	92-14-001
242-02-060	NEW-E	92-14-001	242-02-552	NEW-E	92-14-001	242-04-040	NEW-P	92-15-134
242-02-060	NEW-P	92-15-134	242-02-552	NEW-P	92-15-134	242-04-050	NEW-E	92-14-001

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-325-990	AMD	92-15-048	246-802-030	AMD-P	92-14-128	246-816-720	NEW-W	92-06-063
246-326-990	AMD-P	92-07-097	246-802-030	AMD	92-17-035	246-816-720	NEW-P	92-06-064
246-326-990	AMD	92-12-028	246-802-090	AMD-P	92-14-128	246-816-720	NEW	92-09-069
246-327-090	NEW-P	92-15-085	246-802-090	AMD	92-17-035	246-816-730	NEW-W	92-06-063
246-327-990	AMD-P	92-10-013	246-802-130	AMD-P	92-14-128	246-816-730	NEW-P	92-06-064
246-327-990	AMD	92-15-084	246-802-130	AMD	92-17-035	246-816-730	NEW	92-09-069
246-329-035	NEW-P	92-15-085	246-802-150	REP-P	92-14-128	246-816-740	NEW-W	92-06-063
246-331-100	AMD-P	92-15-085	246-802-150	REP	92-17-035	246-816-740	NEW-P	92-06-064
246-331-990	AMD-P	92-10-013	246-802-160	AMD-P	92-14-128	246-816-740	NEW	92-09-069
246-331-990	AMD	92-15-084	246-802-160	AMD	92-17-035	246-818-990	AMD-P	92-13-009
246-336-100	AMD-P	92-15-085	246-802-240	AMD-P	92-14-128	246-818-990	AMD-E	92-13-010
246-336-990	AMD-P	92-10-013	246-802-240	AMD	92-17-035	246-818-990	AMD	92-17-059
246-336-990	AMD	92-15-084	246-802-250	AMD-P	92-14-128	246-828-005	NEW-W	92-09-109
246-340-085	NEW-P	92-15-085	246-802-250	AMD	92-17-035	246-830-401	AMD-P	92-03-139
246-358-001	AMD	92-04-082	246-802-990	AMD-P	92-14-128	246-830-401	AMD	92-15-153
246-358-010	AMD	92-04-082	246-802-990	AMD	92-17-035	246-830-410	AMD-P	92-03-139
246-358-025	AMD	92-04-082	246-806-050	REP-P	92-12-090	246-830-410	AMD	92-15-153
246-358-035	AMD	92-04-082	246-806-050	REP	92-17-026	246-830-420	AMD-P	92-03-139
246-358-045	AMD	92-04-082	246-806-060	AMD-P	92-12-090	246-830-420	AMD	92-15-153
246-358-055	AMD	92-04-082	246-806-060	AMD	92-17-026	246-830-420	AMD	92-15-153
246-358-075	AMD	92-04-082	246-806-070	AMD-P	92-12-090	246-830-430	AMD-P	92-03-139
246-358-095	AMD	92-04-082	246-806-070	AMD	92-17-026	246-830-430	AMD	92-15-153
246-358-105	AMD	92-04-082	246-806-085	NEW-P	92-12-090	246-830-440	AMD-P	92-03-139
246-358-115	AMD	92-04-082	246-806-085	NEW	92-17-026	246-830-440	AMD	92-15-153
246-358-125	AMD	92-04-082	246-806-090	AMD-P	92-12-090	246-830-450	AMD-P	92-03-139
246-358-135	AMD	92-04-082	246-806-090	AMD	92-17-026	246-830-450	AMD	92-15-153
246-358-145	AMD	92-04-082	246-806-180	AMD-P	92-12-090	246-836-210	NEW-P	92-02-097
246-358-155	AMD	92-04-082	246-806-180	AMD	92-17-026	246-836-210	NEW	92-06-020
246-358-175	AMD	92-04-082	246-806-990	AMD-P	92-03-140	246-838-010	AMD-P	92-12-088
246-360-990	AMD-P	92-17-034	246-806-990	AMD	92-07-017	246-838-010	AMD	92-17-023
246-388-070	AMD-P	92-15-085	246-807-300	AMD-E	92-09-080	246-838-030	AMD	92-17-023
246-388-072	NEW-P	92-15-085	246-807-300	RESCIND	92-12-007	246-838-050	AMD-P	92-12-088
246-390-001	NEW-P	92-07-078	246-807-300	AMD-E	92-18-031	246-838-050	AMD	92-17-023
246-390-001	NEW	92-15-152	246-807-300	AMD-E	92-12-031	246-838-240	AMD-P	92-12-088
246-390-010	NEW-P	92-07-078	246-807-300	AMD-P	92-18-032	246-838-240	AMD	92-17-023
246-390-010	NEW	92-15-152	246-807-480	NEW-P	92-06-065	246-838-320	NEW-P	92-12-088
246-390-020	NEW-P	92-07-078	246-807-480	NEW-E	92-06-066	246-838-320	NEW	92-17-023
246-390-020	NEW	92-15-152	246-807-480	NEW	92-11-009	246-839-300	AMD-P	92-14-126
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246-390-030	NEW	92-15-152	246-815-090	AMD-P	92-11-014	246-839-320	AMD-P	92-14-126
246-390-040	NEW-P	92-07-078	246-815-090	AMD	92-15-033	246-839-330	AMD-P	92-14-126
246-390-040	NEW	92-15-152	246-815-115	NEW	92-03-126	246-847-010	AMD-P	92-09-153
246-390-050	NEW-P	92-07-078	246-816-050	AMD	92-05-012	246-847-010	AMD	92-18-015
246-390-050	NEW	92-15-152	246-816-160	NEW-P	92-02-098	246-847-055	NEW-P	92-09-153
246-390-060	NEW-P	92-07-078	246-816-160	NEW-W	92-06-078	246-847-065	AMD-P	92-09-153
246-390-060	NEW	92-15-152	246-816-201	AMD	92-05-012	246-847-065	AMD	92-18-015
246-390-070	NEW-P	92-07-078	246-816-210	AMD	92-05-012	246-847-068	NEW-P	92-09-153
246-390-070	NEW	92-15-152	246-816-230	AMD	92-05-012	246-847-070	AMD-P	92-09-153
246-390-100	NEW-P	92-07-078	246-816-240	AMD-P	92-17-019	246-847-080	AMD-P	92-09-153
246-390-100	NEW	92-15-152	246-816-250	AMD	92-05-012	246-847-080	AMD	92-18-015
246-390-990	NEW-P	92-15-149	246-816-250	AMD-P	92-17-019	246-847-110	AMD-P	92-09-153
246-390-990	NEW-C	92-17-057	246-816-260	AMD	92-05-012	246-847-110	AMD	92-18-015
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246-510-400	NEW	92-14-055	246-816-310	AMD	92-05-012	246-847-117	NEW	92-18-015
246-762-010	AMD-P	92-02-096	246-816-360	AMD	92-05-012	246-847-125	NEW-P	92-09-153
246-762-010	AMD	92-06-067	246-816-370	AMD	92-05-012	246-847-340	NEW-P	92-09-153
246-762-020	AMD-P	92-02-096	246-816-390	AMD	92-05-012	246-847-340	NEW	92-18-015
246-762-020	AMD	92-06-067	246-816-410	AMD	92-05-012	246-847-350	NEW-P	92-09-153
246-762-040	AMD-P	92-02-096	246-816-510	AMD	92-05-012	246-847-350	NEW	92-18-015
246-762-040	AMD	92-06-067	246-816-610	NEW-W	92-05-085	246-847-360	NEW-P	92-09-153
246-790-010	AMD-P	92-17-077	246-816-620	NEW-W	92-05-085	246-847-360	NEW	92-18-015
246-790-020	REP-P	92-17-077	246-816-630	NEW-W	92-05-085	246-847-370	NEW-P	92-09-153
246-790-050	AMD-P	92-17-077	246-816-640	NEW-W	92-05-085	246-847-370	NEW	92-18-015
246-790-060	AMD-P	92-17-077	246-816-650	NEW-W	92-05-085	246-851-030	REP-P	92-02-095
246-790-070	AMD-P	92-17-077	246-816-660	NEW-W	92-05-085	246-851-030	REP	92-06-030
246-790-080	AMD-P	92-17-077	246-816-670	NEW-W	92-05-085	246-851-050	REP-P	92-02-095
246-790-090	AMD-P	92-17-077	246-816-680	NEW-W	92-05-085	246-851-050	REP	92-06-030
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246-790-120	AMD-P	92-17-077	246-816-701	NEW	92-09-069	246-851-270	PREP	92-03-032
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246-851-440	NEW	92-06-030	246-865-030	AMD	92-12-035	246-879-060	AMD-P	92-10-070
246-851-450	NEW-P	92-02-095	246-865-060	AMD-P	92-07-098	246-879-060	AMD	92-15-069
246-851-450	NEW	92-06-030	246-865-060	AMD	92-12-035	246-879-070	AMD-P	92-07-098
246-851-460	NEW-P	92-02-095	246-865-070	AMD-P	92-07-098	246-879-070	AMD-W	92-10-026
246-851-460	NEW	92-06-030	246-865-070	AMD	92-12-035	246-879-070	AMD-P	92-10-070
246-851-470	NEW-P	92-02-095	246-867-010	AMD-P	92-07-098	246-879-070	AMD	92-15-069
246-851-470	NEW	92-06-030	246-867-010	AMD	92-12-035	246-879-080	AMD-P	92-07-098
246-851-480	NEW-P	92-02-095	246-867-060	AMD-P	92-07-098	246-879-080	AMD-W	92-10-026
246-851-480	NEW	92-06-030	246-867-060	AMD	92-12-035	246-879-080	AMD-P	92-10-070
246-851-490	NEW-P	92-02-095	246-869-020	AMD-P	92-07-098	246-879-080	AMD	92-15-069
246-851-490	NEW	92-06-030	246-869-020	AMD	92-12-035	246-879-100	NEW-P	92-10-070
246-851-490	AMD-P	92-16-080	246-869-050	AMD-P	92-07-098	246-879-100	NEW	92-15-069
246-851-500	NEW-P	92-16-080	246-869-050	AMD	92-12-035	246-879-110	NEW-P	92-10-070
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246-853-025	NEW-P	92-13-065	246-869-120	AMD-P	92-07-098	246-883-030	AMD-P	92-03-096
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246-857-020	AMD	92-12-035	246-869-220	AMD	92-12-035	246-886-020	AMD-P	92-07-098
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246-857-330	AMD	92-12-035	246-871-040	AMD-P	92-07-098	246-887-020	AMD	92-04-029
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246-857-340	AMD	92-12-035	246-873-060	AMD-P	92-07-098	246-887-050	AMD-P	92-07-098
246-858-020	AMD-P	92-07-098	246-873-060	AMD	92-12-035	246-887-050	AMD	92-12-035
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246-858-030	AMD-P	92-07-098	246-873-080	AMD	92-12-035	246-887-060	AMD	92-12-035
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246-858-040	AMD-P	92-07-098	246-875-010	AMD-P	92-18-044	246-887-070	AMD	92-12-035
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246-861-090	AMD	92-03-029	246-875-080	AMD	92-12-035	246-889-040	AMD-P	92-07-098
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246-863-080	AMD-P	92-07-098	246-879-030	AMD-W	92-10-026	246-893-120	AMD	92-12-035
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246-863-090	AMD-P	92-07-098	246-879-040	AMD-P	92-07-098	246-893-998	AMD-P	92-07-098
246-863-090	AMD	92-12-035	246-879-040	AMD-W	92-10-026	246-893-998	AMD	92-12-035
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246-895-160	AMD	92-12-035	246-918-180	AMD	92-12-089	246-930-010	AMD-P	92-07-079
246-895-170	AMD-P	92-07-098	246-918-190	REP-P	92-08-063	246-930-010	AMD	92-12-027
246-895-170	AMD	92-12-035	246-918-190	REP	92-12-089	246-930-020	AMD-P	92-07-079
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246-915-150	AMD	92-08-039	246-918-360	REP-P	92-08-063	246-930-340	AMD	92-12-027
246-915-180	AMD	92-08-039	246-918-360	REP	92-12-089	246-930-400	AMD-P	92-07-079
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246-918-020	REP	92-12-089	246-924-992	NEW-E	92-03-107	246-933-250	AMD-P	92-14-127
246-918-030	AMD-P	92-08-063	246-924-992	NEW-P	92-03-141	246-933-250	AMD	92-17-076
246-918-030	AMD	92-12-089	246-924-992	NEW-W	92-07-016	246-933-270	AMD-P	92-14-127
246-918-035	AMD-P	92-08-063	246-926-020	AMD	92-05-010	246-933-270	AMD	92-17-076
246-918-035	AMD	92-12-089	246-926-030	AMD	92-05-010	246-933-280	AMD	92-03-074
246-918-040	REP-P	92-08-063	246-926-040	AMD	92-05-010	246-933-300	NEW	92-03-074
246-918-040	REP	92-12-089	246-926-060	AMD	92-05-010	246-933-300	AMD-P	92-14-127
246-918-060	REP-P	92-08-063	246-926-070	AMD	92-05-010	246-933-300	AMD	92-17-076
246-918-060	REP	92-12-089	246-926-080	AMD	92-05-010	246-933-305	NEW	92-03-074
246-918-090	AMD-P	92-08-063	246-926-090	AMD	92-05-010	246-933-320	AMD-P	92-14-127
246-918-090	AMD	92-12-089	246-926-110	AMD	92-05-010	246-933-320	AMD	92-17-076
246-918-100	REP-P	92-08-063	246-926-120	AMD	92-05-010	246-933-980	AMD-P	92-03-125
246-918-100	REP	92-12-089	246-926-130	AMD	92-05-010	246-933-980	AMD	92-07-036

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246-933-990	AMD	92-07-036	246-976-260	NEW-P	92-15-034	250-25-010	NEW	92-03-002
246-935-125	NEW-P	92-03-125	246-976-270	NEW-P	92-15-034	250-25-020	NEW	92-03-002
246-935-125	NEW	92-07-036	246-976-280	NEW-P	92-15-034	250-25-030	NEW	92-03-002
246-935-990	AMD-P	92-03-125	246-976-290	NEW-P	92-15-034	250-25-040	NEW	92-03-002
246-935-990	AMD	92-07-036	246-976-300	NEW-P	92-15-034	250-25-045	NEW	92-03-002
246-975-001	REP-P	92-15-034	246-976-310	NEW-P	92-15-034	250-25-050	NEW	92-03-002
246-975-010	REP-P	92-15-034	246-976-320	NEW-P	92-15-034	250-25-060	NEW	92-03-002
246-975-020	REP-P	92-15-034	246-976-330	NEW-P	92-15-034	250-25-070	NEW	92-03-002
246-975-030	REP-P	92-15-034	246-976-340	NEW-P	92-15-034	250-25-080	NEW	92-03-002
246-975-040	REP-P	92-15-034	246-976-350	NEW-P	92-15-034	250-25-090	NEW	92-03-002
246-975-050	REP-P	92-15-034	246-976-370	NEW-P	92-15-034	250-66-020	AMD-P	92-13-076
246-975-060	REP-P	92-15-034	246-976-390	NEW-P	92-15-034	250-66-020	AMD-C	92-15-135
246-975-070	REP-P	92-15-034	246-976-400	NEW-P	92-15-034	250-66-020	AMD	92-16-038
246-975-080	REP-P	92-15-034	246-976-420	NEW-P	92-15-034	250-66-030	AMD-P	92-13-076
246-975-090	REP-P	92-15-034	246-976-430	NEW-P	92-15-034	250-66-030	AMD-C	92-15-135
246-975-100	REP-P	92-15-034	246-976-440	NEW-P	92-15-034	250-66-030	AMD	92-16-038
246-975-110	REP-P	92-15-034	246-976-450	NEW-P	92-15-034	250-66-040	AMD-P	92-13-076
246-975-120	REP-P	92-15-034	246-976-470	NEW-P	92-15-034	250-66-040	AMD-C	92-15-135
246-975-130	REP-P	92-15-034	246-976-475	NEW-P	92-15-034	250-66-040	AMD	92-16-038
246-975-140	REP-P	92-15-034	246-976-480	NEW-P	92-15-034	250-66-040	AMD-P	92-13-076
246-975-150	REP-P	92-15-034	246-976-500	NEW-P	92-15-034	250-66-060	AMD-C	92-15-135
246-975-160	REP-P	92-15-034	246-976-510	NEW-P	92-15-034	250-66-060	AMD	92-16-038
246-975-170	REP-P	92-15-034	246-976-520	NEW-P	92-15-034	250-67-010	REP	92-03-002
246-975-180	REP-P	92-15-034	246-976-550	NEW-P	92-15-034	250-67-020	REP	92-03-002
246-975-190	REP-P	92-15-034	246-976-560	NEW-P	92-15-034	250-67-030	REP	92-03-002
246-975-200	REP-P	92-15-034	246-976-570	NEW-P	92-15-034	250-67-040	REP	92-03-002
246-975-210	REP-P	92-15-034	246-976-600	NEW-P	92-15-034	250-67-050	REP	92-03-002
246-975-220	REP-P	92-15-034	246-976-610	NEW-P	92-15-034	250-67-060	REP	92-03-002
246-975-230	REP-P	92-15-034	246-976-640	NEW-P	92-15-034	250-68-001	REP	92-03-002
246-975-240	REP-P	92-15-034	246-976-650	NEW-P	92-15-034	250-68-010	REP	92-03-002
246-975-250	REP-P	92-15-034	246-976-680	NEW-P	92-15-034	250-68-020	REP	92-03-002
246-975-260	REP-P	92-15-034	246-976-690	NEW-P	92-15-034	250-68-030	REP	92-03-002
246-975-270	REP-P	92-15-034	246-976-720	NEW-P	92-15-034	250-68-035	REP	92-03-002
246-975-280	REP-P	92-15-034	246-976-730	NEW-P	92-15-034	250-68-040	REP	92-03-002
246-975-290	REP-P	92-15-034	246-976-740	NEW-P	92-15-034	250-68-050	REP	92-03-002
246-975-300	REP-P	92-15-034	246-976-770	NEW-P	92-15-034	250-68-060	REP	92-03-002
246-975-310	REP-P	92-15-034	246-976-780	NEW-P	92-15-034	250-68-070	REP	92-03-002
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246-975-350	REP-P	92-15-034	246-976-880	NEW-P	92-15-034	250-75-040	REP	92-03-002
246-975-360	REP-P	92-15-034	246-976-885	NEW-P	92-15-034	250-75-050	REP	92-03-002
246-975-990	REP-P	92-15-034	246-976-890	NEW-P	92-15-034	250-75-060	REP	92-03-002
246-976-001	NEW-P	92-15-034	246-976-910	NEW-P	92-15-034	250-75-070	REP	92-03-002
246-976-010	NEW-P	92-15-034	246-976-920	NEW-P	92-15-034	250-75-080	REP	92-03-002
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246-976-080	NEW-P	92-15-034	246-977-050	REP-P	92-15-034	250-78-020	AMD-C	92-15-136
246-976-085	NEW-P	92-15-034	246-977-060	REP-P	92-15-034	250-78-020	AMD	92-16-037
246-976-090	NEW-P	92-15-034	246-977-070	REP-P	92-15-034	250-78-030	AMD-P	92-13-077
246-976-110	NEW-P	92-15-034	246-977-080	REP-P	92-15-034	250-78-030	AMD-C	92-15-136
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246-976-120	NEW-P	92-15-034	246-977-100	REP-P	92-15-034	250-78-050	AMD-P	92-13-077
246-976-140	NEW-P	92-15-034	246-977-110	REP-P	92-15-034	250-78-050	AMD-C	92-15-136
246-976-150	NEW-P	92-15-034	248-14-120	AMD-P	92-03-015	250-78-050	AMD	92-16-037
246-976-160	NEW-P	92-15-034	248-14-120	AMD	92-08-074	250-78-060	AMD-P	92-13-077
246-976-170	NEW-P	92-15-034	248-14-250	AMD-P	92-03-015	250-78-060	AMD-C	92-15-136
246-976-180	NEW-P	92-15-034	248-14-250	AMD	92-08-074	250-78-060	AMD	92-16-037
246-976-190	NEW-P	92-15-034	248-14-285	AMD-P	92-03-015	251-01-010	REP	92-05-034
246-976-200	NEW-P	92-15-034	248-14-285	AMD	92-08-074	251-01-075	AMD-C	92-05-026
246-976-210	NEW-P	92-15-034	250-20-021	AMD-C	92-08-076	251-01-075	AMD-W	92-07-018
246-976-220	NEW-P	92-15-034	250-20-021	AMD-C	92-09-141	251-01-075	AMD-P	92-09-120
246-976-230	NEW-P	92-15-034	250-20-021	AMD	92-11-022	251-01-075	AMD-W	92-13-008

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251-01-120	AMD-W	92-07-018	251-17-170	AMD-P	92-09-122	284-07-100	NEW-P	92-15-104
251-01-120	AMD-P	92-09-120	251-17-170	AMD-W	92-13-008	284-07-110	NEW-P	92-15-104
251-01-120	AMD-W	92-13-008	251-17-190	AMD-W	92-07-018	284-07-120	NEW-P	92-15-104
251-01-145	AMD-C	92-05-026	251-17-200	AMD-W	92-07-018	284-07-130	NEW-P	92-15-104
251-01-145	AMD-W	92-07-018	251-17-200	AMD-P	92-09-122	284-07-140	NEW-P	92-15-104
251-01-147	NEW-C	92-05-026	251-17-200	AMD-W	92-13-008	284-07-150	NEW-P	92-15-104
251-01-147	NEW-W	92-07-018	251-18-180	AMD	92-05-034	284-07-160	NEW-P	92-15-104
251-01-147	NEW-P	92-09-120	251-22-215	REP-W	92-05-025	284-07-170	NEW-P	92-15-104
251-01-147	NEW-W	92-13-008	260-13-100	AMD-P	92-12-067	284-07-180	NEW-P	92-15-104
251-01-150	AMD-C	92-05-026	260-13-100	AMD-C	92-13-088	284-07-190	NEW-P	92-15-104
251-01-150	AMD-W	92-07-018	260-13-100	AMD	92-17-002	284-07-200	NEW-P	92-15-104
251-01-155	REP	92-05-034	260-13-175	NEW-P	92-12-066	284-07-210	NEW-P	92-15-104
251-01-210	AMD-C	92-05-026	260-13-175	NEW-C	92-13-087	284-07-220	NEW-P	92-15-104
251-01-210	AMD-W	92-07-018	260-13-175	NEW	92-17-002	284-07-230	NEW-P	92-15-104
251-01-255	AMD-W	92-03-079	260-13-370	AMD-P	92-12-067	284-16-050	REP-P	92-15-101
251-01-255	AMD-P	92-05-072	260-13-370	AMD-C	92-13-088	284-16-060	REP-P	92-15-103
251-01-255	AMD-W	92-07-019	260-13-370	AMD	92-17-002	284-16-300	NEW-P	92-15-102
251-01-320	REP	92-05-034	260-13-390	AMD-P	92-12-067	284-16-310	NEW-P	92-15-102
251-01-350	AMD-C	92-05-026	260-13-390	AMD-C	92-13-088	284-16-320	NEW-P	92-15-102
251-01-350	AMD-W	92-07-018	260-13-390	AMD	92-17-002	284-16-400	NEW-P	92-15-103
251-01-350	AMD-P	92-09-120	260-13-400	AMD-P	92-12-067	284-16-410	NEW-P	92-15-103
251-01-350	AMD-W	92-13-008	260-13-400	AMD-C	92-13-088	284-16-420	NEW-P	92-15-103
251-01-385	REP-C	92-05-026	260-13-400	AMD	92-17-002	284-16-430	NEW-P	92-15-103
251-01-385	REP-W	92-07-018	260-24-280	AMD-P	92-12-068	284-16-440	NEW-P	92-15-103
251-01-390	AMD-C	92-05-026	260-24-280	AMD-C	92-13-089	284-16-450	NEW-P	92-15-103
251-01-390	AMD-W	92-07-018	260-32-400	AMD-P	92-15-097	284-16-460	NEW-P	92-15-103
251-01-395	AMD-W	92-03-079	260-32-400	AMD-C	92-18-026	284-16-470	NEW-P	92-15-103
251-01-395	AMD-P	92-05-073	260-56-065	NEW-P	92-12-066	284-16-480	NEW-P	92-15-103
251-01-395	AMD-W	92-07-019	260-56-065	NEW-C	92-13-087	284-16-490	NEW-P	92-15-103
251-01-410	AMD-C	92-05-026	260-56-065	NEW-W	92-17-001	284-16-500	NEW-P	92-15-103
251-01-410	AMD-W	92-07-018	260-88-010	AMD-P	92-12-068	284-16-510	NEW-P	92-15-103
251-04-060	AMD-P	92-09-123	260-88-010	AMD-C	92-13-089	284-16-520	NEW-P	92-15-103
251-04-060	AMD-W	92-13-055	260-88-010	AMD	92-17-002	284-16-530	NEW-P	92-15-103
251-04-060	AMD-P	92-13-061	275-16-030	AMD-P	92-06-043	284-16-540	NEW-P	92-15-103
251-04-060	AMD-C	92-14-113	275-16-030	AMD-E	92-06-044	284-22-010	NEW-E	92-14-085
251-09-025	AMD	92-05-034	275-16-030	AMD	92-09-118	284-22-010	NEW-P	92-16-092
251-09-030	AMD	92-05-034	275-16-030	AMD-P	92-14-077	284-22-020	NEW-E	92-14-085
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251-09-071	NEW-W	92-07-019	275-16-030	AMD	92-17-007	284-22-030	NEW-E	92-14-085
251-10-030	AMD-C	92-05-027	275-25-020	AMD-P	92-06-059	284-22-030	NEW-P	92-16-092
251-10-030	AMD-W	92-07-018	275-25-020	AMD	92-09-115	284-22-040	NEW-E	92-14-085
251-10-030	AMD-P	92-09-121	275-25-530	AMD-P	92-09-045	284-22-040	NEW-P	92-16-092
251-10-030	AMD-W	92-13-008	275-25-530	AMD-E	92-09-046	284-22-050	NEW-E	92-14-085
251-12-072	AMD-C	92-05-028	275-25-530	RESCIND	92-09-051	284-22-050	NEW-P	92-16-092
251-12-072	AMD-W	92-07-018	275-25-530	AMD	92-13-032	284-22-060	NEW-E	92-14-085
251-12-072	AMD-P	92-09-126	275-27-020	AMD-P	92-06-059	284-22-060	NEW-P	92-16-092
251-12-072	AMD-W	92-13-008	275-27-020	AMD	92-09-115	284-22-070	NEW-E	92-14-085
251-12-090	REP-P	92-09-124	275-27-026	AMD	92-04-004	284-22-070	NEW-P	92-16-092
251-12-090	REP	92-13-063	275-27-219	NEW-P	92-09-113	284-22-080	NEW-E	92-14-085
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251-12-290	AMD-C	92-13-062	275-27-219	NEW	92-13-024	284-22-090	NEW-E	92-14-085
251-12-290	AMD-C	92-14-114	275-27-220	AMD-P	92-05-076	284-22-090	NEW-P	92-16-092
251-17	AMD-C	92-05-029	275-27-220	AMD-E	92-05-077	284-44	PREP	92-14-129
251-17-010	AMD-W	92-07-018	275-27-220	AMD	92-09-114	284-44-043	NEW-P	92-17-080
251-17-040	AMD-W	92-07-018	275-27-223	AMD-P	92-05-076	284-44-046	NEW-P	92-13-013
251-17-040	AMD-P	92-09-122	275-27-223	AMD-E	92-05-077	284-44-046	NEW	92-16-009
251-17-040	AMD-W	92-13-008	275-27-223	AMD	92-09-114	284-44-240	NEW-P	92-06-056
251-17-060	AMD-W	92-07-018	275-56-005	AMD-P	92-07-033	284-44-240	NEW	92-09-044
251-17-060	AMD-P	92-09-122	275-56-005	AMD-E	92-07-034	284-46	PREP	92-14-129
251-17-060	AMD-W	92-13-008	275-56-005	AMD	92-11-055	284-46-507	NEW-P	92-17-079
251-17-070	AMD-W	92-07-018	275-56-015	AMD-P	92-07-033	284-46-575	NEW-P	92-06-055
251-17-070	AMD-P	92-09-122	275-56-015	AMD-E	92-07-034	284-46-575	NEW	92-09-044A
251-17-070	AMD-W	92-13-008	275-56-015	AMD	92-11-055	284-50	PREP	92-14-129
251-17-090	AMD-W	92-07-018	275-56-088	AMD-P	92-07-033	284-50-270	NEW-P	92-13-014
251-17-110	AMD-W	92-07-018	275-56-088	AMD-E	92-07-034	284-50-270	NEW-W	92-13-086
251-17-120	AMD-W	92-07-018	275-56-088	AMD	92-11-055	284-50-270	NEW-P	92-16-093
251-17-160	AMD-W	92-07-018	275-56-447	NEW-E	92-07-034	284-50-377	NEW-P	92-17-082
251-17-160	AMD-P	92-09-122	275-56-447	NEW	92-11-055	284-52	PREP	92-14-129
251-17-160	AMD-W	92-13-008	275-156-010	AMD-P	92-15-008	284-58	PREP	92-14-129
251-17-165	NEW-W	92-07-018	275-156-010	AMD	92-18-037	284-60	PREP	92-14-129
251-17-165	NEW-P	92-09-122	275-156-020	AMD-P	92-15-008	284-66-010	AMD	92-06-021
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284-66-050	AMD	92-06-021	296-24-11011	AMD-P	92-15-147	296-56-60079	AMD-P	92-15-147
284-66-060	AMD	92-06-021	296-24-11013	AMD-P	92-15-147	296-56-60083	AMD-P	92-15-147
284-66-063	NEW	92-06-021	296-24-11015	AMD-P	92-15-147	296-56-60085	AMD-P	92-15-147
284-66-066	NEW	92-06-021	296-24-11017	AMD-P	92-15-147	296-56-60091	AMD-P	92-15-147
284-66-066	AMD-P	92-14-130	296-24-119	AMD-P	92-15-147	296-56-60103	AMD-P	92-15-147
284-66-066	AMD	92-17-078	296-24-19517	AMD-P	92-12-087	296-56-60107	AMD-P	92-15-147
284-66-070	REP	92-06-021	296-24-19517	AMD	92-17-022	296-56-60109	AMD-P	92-15-147
284-66-073	NEW	92-06-021	296-24-20700	AMD-P	92-12-087	296-56-60115	AMD-P	92-15-147
284-66-077	NEW	92-06-021	296-24-20700	AMD	92-17-022	296-56-60123	AMD-P	92-15-147
284-66-080	AMD	92-06-021	296-24-20730	AMD-P	92-12-087	296-56-60131	AMD-P	92-15-147
284-66-090	REP	92-06-021	296-24-20730	AMD	92-17-022	296-56-60209	AMD-P	92-15-147
284-66-092	NEW	92-06-021	296-24-58513	AMD-P	92-18-098	296-56-60215	AMD-P	92-15-147
284-66-092	AMD-P	92-14-130	296-24-59211	AMD-P	92-18-098	296-56-60223	AMD-P	92-15-147
284-66-092	AMD	92-17-078	296-24-63399	AMD-P	92-18-098	296-56-60229	AMD-P	92-15-147
284-66-100	REP	92-06-021	296-24-63599	AMD-P	92-18-098	296-56-60235	AMD-P	92-15-147
284-66-110	AMD	92-06-021	296-24-76555	AMD-P	92-12-087	296-56-60237	AMD-P	92-15-147
284-66-120	AMD	92-06-021	296-24-76555	AMD	92-17-022	296-56-60239	AMD-P	92-15-147
284-66-130	AMD	92-06-021	296-30-081	AMD-E	92-09-149	296-62	PREP	92-03-135
284-66-140	REP	92-06-021	296-30-081	AMD-P	92-11-071	296-62-07540	AMD-P	92-18-098
284-66-142	NEW	92-06-021	296-30-081	AMD	92-16-033	296-62-07542	AMD-P	92-18-098
284-66-150	REP	92-06-021	296-30-081	AMD-E	92-17-041	296-62-07721	AMD-P	92-18-098
284-66-160	AMD	92-06-021	296-30-081	RESCIND	92-17-049	296-62-08001	NEW-P	92-03-137
284-66-170	AMD	92-06-021	296-30-081	AMD-E	92-17-050	296-62-08001	NEW	92-08-100
284-66-180	REP	92-06-021	296-31-010	NEW-E	92-17-040	296-62-08050	NEW-P	92-03-137
284-66-190	REP	92-06-021	296-31-020	NEW-E	92-17-040	296-62-08050	NEW	92-08-100
284-66-200	AMD	92-06-021	296-31-030	NEW-E	92-17-040	296-62-09005	AMD-P	92-15-147
284-66-203	NEW	92-06-021	296-31-040	NEW-E	92-17-040	296-67-001	NEW-P	92-12-087
284-66-210	AMD	92-06-021	296-31-050	NEW-E	92-17-040	296-67-001	NEW	92-17-022
284-66-220	AMD	92-06-021	296-31-060	NEW-E	92-17-040	296-67-005	NEW-P	92-12-087
284-66-220	AMD-P	92-14-130	296-31-065	NEW-E	92-17-040	296-67-005	NEW	92-17-022
284-66-220	AMD	92-17-078	296-31-069	NEW-E	92-17-040	296-67-009	NEW-P	92-12-087
284-66-230	REP	92-06-021	296-31-070	NEW-E	92-17-040	296-67-009	NEW	92-17-022
284-66-232	NEW	92-06-021	296-31-071	NEW-E	92-17-040	296-67-013	NEW-P	92-12-087
284-66-240	AMD	92-06-021	296-31-072	NEW-E	92-17-040	296-67-013	NEW	92-17-022
284-66-243	NEW	92-06-021	296-31-073	NEW-E	92-17-040	296-67-017	NEW-P	92-12-087
284-66-250	AMD	92-06-021	296-31-074	NEW-E	92-17-040	296-67-017	NEW	92-17-022
284-66-260	AMD	92-06-021	296-31-075	NEW-E	92-17-040	296-67-021	NEW-P	92-12-087
284-66-270	AMD	92-06-021	296-31-080	NEW-E	92-17-040	296-67-021	NEW	92-17-022
284-66-300	AMD	92-06-021	296-31-090	NEW-E	92-17-040	296-67-025	NEW-P	92-12-087
284-66-310	AMD	92-06-021	296-31-095	NEW-E	92-17-040	296-67-025	NEW	92-17-022
284-66-320	AMD	92-06-021	296-31-100	NEW-E	92-17-040	296-67-029	NEW-P	92-12-087
284-66-323	NEW	92-06-021	296-37-510	AMD-P	92-15-147	296-67-029	NEW	92-17-022
284-66-330	AMD	92-06-021	296-37-515	AMD-P	92-15-147	296-67-033	NEW-P	92-12-087
284-66-340	AMD	92-06-021	296-37-550	AMD-P	92-15-147	296-67-033	NEW	92-17-022
284-66-350	AMD	92-06-021	296-37-560	AMD-P	92-15-147	296-67-037	NEW-P	92-12-087
284-66-400	AMD	92-06-021	296-37-565	AMD-P	92-15-147	296-67-037	NEW	92-17-022
284-96-010	NEW-P	92-17-081	296-37-570	AMD-P	92-15-147	296-67-041	NEW-P	92-12-087
284-96-015	NEW-P	92-17-081	296-37-575	AMD-P	92-15-147	296-67-041	NEW	92-17-022
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296-17-45004	NEW	92-18-065	296-37-590	NEW-P	92-15-147	296-67-049	NEW-P	92-12-087
296-17-66002	REP-W	92-06-034	296-46-910	AMD-P	92-03-136	296-67-049	NEW	92-17-022
296-17-66002	AMD-P	92-13-091	296-46-910	AMD	92-08-102	296-67-053	NEW-P	92-12-087
296-17-66002	AMD	92-18-065	296-46-910	AMD-E	92-08-103	296-67-053	NEW	92-17-022
296-17-66003	NEW-W	92-06-034	296-46-915	AMD-P	92-03-136	296-67-057	NEW-P	92-12-087
296-17-885	AMD-W	92-06-034	296-46-915	AMD	92-08-102	296-67-057	NEW	92-17-022
296-17-895	AMD-W	92-06-034	296-46-915	AMD-E	92-08-103	296-67-061	NEW-P	92-12-087
296-18A-460	AMD-P	92-14-116	296-52-401	AMD-P	92-12-087	296-67-061	NEW	92-17-022
296-18A-465	REP-P	92-14-116	296-52-401	AMD	92-17-022	296-67-285	NEW-P	92-12-087
296-20-01002	AMD	92-05-041	296-52-461	AMD-P	92-12-087	296-67-285	NEW	92-17-022
296-20-030	AMD-E	92-07-100	296-52-461	AMD	92-17-022	296-67-289	NEW-P	92-12-087
296-20-030	RESCIND	92-08-097	296-52-489	AMD-P	92-12-087	296-67-289	NEW	92-17-022
296-20-03001	AMD-E	92-07-100	296-52-489	AMD	92-17-022	296-67-291	NEW-P	92-12-087
296-20-03001	RESCIND	92-08-097	296-52-493	AMD-P	92-12-087	296-67-291	NEW	92-17-022
296-20-091	AMD	92-05-041	296-52-493	AMD	92-17-022	296-67-293	NEW-P	92-12-087
296-23-50001	AMD	92-05-041	296-56-60001	AMD-P	92-15-147	296-67-293	NEW	92-17-022
296-23-610	AMD-E	92-07-100	296-56-60005	AMD-P	92-15-147	296-104-010	AMD-P	92-08-087
296-23-610	RESCIND	92-08-097	296-56-60007	AMD-P	92-15-147	296-104-010	AMD	92-11-070
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296-24-11003	AMD-P	92-15-147	296-56-60043	AMD-P	92-15-147	296-104-018	NEW	92-11-070
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296-104-500	AMD-P	92-08-087	296-125-145	REP-P	92-12-093	296-306-06415	NEW-P	92-18-099
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296-116-080	AMD	92-14-070	296-125-175	REP-C	92-15-100	296-306-06805	NEW-P	92-18-099
296-116-082	AMD-P	92-04-075	296-127-018	NEW	92-08-101	296-306-070	AMD-P	92-18-099
296-116-082	AMD	92-08-051	296-131-006	NEW-P	92-10-078	296-306-081	NEW-P	92-18-099
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296-125	AMD-C	92-15-100	296-155-48529	AMD	92-17-022	296-306-105	AMD-P	92-18-099
296-125-010	AMD-P	92-12-093	296-155-48531	AMD-P	92-12-087	296-306-115	AMD-P	92-18-099
296-125-010	AMD-C	92-15-100	296-155-48531	AMD	92-17-022	296-306-145	AMD-P	92-18-099
296-125-011	NEW-P	92-12-093	296-155-48536	AMD-P	92-15-147	296-306-14501	NEW-P	92-18-099
296-125-011	NEW-C	92-15-100	296-155-650	AMD-P	92-15-147	296-306-14503	NEW-P	92-18-099
296-125-012	NEW-P	92-12-093	296-155-655	AMD-P	92-15-147	296-306-14505	NEW-P	92-18-099
296-125-012	NEW-C	92-15-100	296-155-657	AMD-P	92-15-147	296-306-14507	NEW-P	92-18-099
296-125-015	AMD-P	92-12-093	296-155-66103	AMD-P	92-15-147	296-306-14509	NEW-P	92-18-099
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296-125-020	AMD-C	92-15-100	296-155-664	AMD-P	92-15-147	296-306-148	NEW-P	92-18-099
296-125-023	REP-P	92-12-093	296-155-66401	NEW-P	92-15-147	296-306-165	AMD-P	92-18-099
296-125-023	REP-C	92-15-100	296-155-66403	NEW-P	92-15-147	296-306-26001	AMD-P	92-18-099
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296-125-024	NEW-C	92-15-100	296-155-66407	NEW-P	92-15-147	296-306-270	AMD-P	92-18-099
296-125-026	NEW-P	92-12-093	296-155-66409	NEW-P	92-15-147	296-306-27095	AMD-P	92-18-099
296-125-026	NEW-C	92-15-100	296-155-66411	NEW-P	92-15-147	296-306-330	NEW-P	92-18-099
296-125-027	AMD-P	92-12-093	296-155-694	AMD-P	92-15-147	296-306-400	AMD-P	92-18-099
296-125-027	AMD-C	92-15-100	296-306	PREP	92-08-098	296-306-40003	AMD-P	92-18-099
296-125-028	NEW-P	92-12-093	296-306	PREP	92-11-072	296-306-40007	NEW-P	92-18-099
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296-125-030	AMD-P	92-12-093	296-306-012	AMD-P	92-18-099	296-306-40011	NEW-P	92-18-099
296-125-030	AMD-C	92-15-100	296-306-035	AMD-P	92-18-099	296-401-175	AMD-P	92-03-136
296-125-033	AMD-P	92-12-093	296-306-060	AMD-P	92-18-099	296-401-175	AMD	92-09-010
296-125-033	AMD-C	92-15-100	296-306-061	NEW-P	92-18-099	296-401-175	AMD-E	92-09-011
296-125-050	AMD-P	92-12-093	296-306-06101	NEW-P	92-18-099	304-12-030	AMD-P	92-04-076
296-125-050	AMD-C	92-15-100	296-306-06103	NEW-P	92-18-099	304-12-030	AMD	92-08-023
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296-125-055	REP-C	92-15-100	296-306-06107	NEW-P	92-18-099	306-01-010	NEW	92-15-018
296-125-060	AMD-P	92-12-093	296-306-06109	NEW-P	92-18-099	306-01-020	NEW-P	92-11-064
296-125-060	AMD-C	92-15-100	296-306-06111	NEW-P	92-18-099	306-01-020	NEW	92-15-018
296-125-110	REP-P	92-12-093	296-306-06113	NEW-P	92-18-099	306-01-030	NEW-P	92-11-064
296-125-110	REP-C	92-15-100	296-306-06115	NEW-P	92-18-099	306-01-030	NEW	92-15-018
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296-125-120	REP-C	92-15-100	296-306-063	NEW-P	92-18-099	306-01-050	NEW	92-15-018
296-125-125	REP-P	92-12-093	296-306-064	NEW-P	92-18-099	306-01-060	NEW-P	92-11-064
296-125-125	REP-C	92-15-100	296-306-06401	NEW-P	92-18-099	306-01-060	NEW	92-15-018
296-125-130	REP-P	92-12-093	296-306-06403	NEW-P	92-18-099	306-01-070	NEW-P	92-11-064
296-125-130	REP-C	92-15-100	296-306-06405	NEW-P	92-18-099	306-01-070	NEW	92-15-018
296-125-135	REP-P	92-12-093	296-306-06407	NEW-P	92-18-099	306-01-080	NEW-P	92-11-064
296-125-135	REP-C	92-15-100	296-306-06409	NEW-P	92-18-099	306-01-080	NEW	92-15-018
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308-10-010	AMD	92-09-107	308-20-510	NEW	92-15-087	308-89-060	NEW	92-12-036
308-10-015	AMD-P	92-05-088	308-20-520	NEW-P	92-10-079	308-90-150	AMD	92-06-009
308-10-015	AMD	92-09-107	308-20-520	NEW	92-15-087	308-93-050	AMD	92-03-075
308-10-020	AMD-P	92-05-088	308-20-530	NEW-P	92-10-079	308-93-070	AMD	92-03-075
308-10-020	AMD	92-09-107	308-20-530	NEW	92-15-087	308-93-241	NEW-P	92-11-046
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308-10-030	AMD-P	92-05-088	308-20-545	NEW-P	92-10-079	308-93-242	NEW	92-15-023
308-10-030	AMD	92-09-107	308-20-545	NEW	92-15-087	308-93-243	NEW-P	92-11-046
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308-10-045	AMD	92-09-107	308-20-560	NEW	92-15-087	308-93-245	NEW-P	92-11-046
308-10-050	AMD-P	92-05-088	308-20-570	NEW-P	92-10-079	308-93-245	NEW	92-15-023
308-10-050	AMD	92-09-107	308-20-570	NEW	92-15-087	308-93-290	AMD	92-03-075
308-10-055	AMD-P	92-05-088	308-20-590	NEW-P	92-10-079	308-93-295	AMD	92-06-009
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308-10-060	AMD-P	92-05-088	308-20-600	NEW-P	92-10-079	308-94-030	AMD	92-15-021
308-10-060	AMD	92-09-107	308-20-600	NEW	92-15-087	308-94-080	AMD-P	92-11-049
308-10-070	AMD-P	92-05-088	308-20-610	NEW-P	92-10-079	308-94-080	AMD	92-15-021
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308-11-100	AMD-P	92-09-097	308-20-630	NEW-P	92-10-079	308-94-200	AMD	92-15-021
308-11-100	AMD	92-13-045	308-20-630	NEW	92-15-087	308-96A-005	AMD	92-02-100
308-11-130	NEW-P	92-09-097	308-20-640	NEW-P	92-10-079	308-96A-005	AMD-P	92-11-050
308-11-130	NEW	92-13-045	308-20-640	NEW	92-15-087	308-96A-005	AMD	92-15-025
308-13-032	AMD-P	92-05-013	308-20-670	NEW-P	92-10-079	308-96A-026	AMD-P	92-11-050
308-13-032	AMD	92-10-030	308-20-670	NEW	92-15-087	308-96A-026	AMD	92-15-025
308-13-040	AMD-P	92-05-013	308-20-680	NEW-P	92-10-079	308-96A-035	AMD-P	92-11-050
308-13-040	AMD	92-10-030	308-20-680	NEW	92-15-087	308-96A-035	AMD	92-15-025
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308-13-041	REP	92-10-030	308-20-690	NEW	92-15-087	308-96A-046	AMD	92-02-100
308-13-042	REP-P	92-05-013	308-20-700	NEW-P	92-10-079	308-96A-100	AMD	92-03-076
308-13-042	REP	92-10-030	308-20-700	NEW	92-15-087	308-96A-136	AMD	92-02-100
308-20	AMD	92-04-006	308-21-010	NEW-P	92-17-087	308-96A-161	AMD-P	92-11-050
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308-20-005	NEW	92-15-087	308-21-400	NEW-P	92-17-087	308-96A-201	NEW	92-02-100
308-20-010	AMD	92-04-006	308-21-500	NEW-P	92-17-087	308-96A-205	AMD	92-02-100
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308-20-040	AMD	92-04-006	308-56A-010	AMD	92-15-024	308-96A-208	NEW	92-02-100
308-20-045	NEW-P	92-10-079	308-56A-040	AMD-P	92-11-048	308-96A-210	AMD	92-02-100
308-20-045	NEW	92-15-087	308-56A-040	AMD	92-15-024	308-96A-220	AMD	92-02-100
308-20-050	AMD	92-04-006	308-56A-140	AMD	92-03-077	308-96A-260	AMD	92-02-100
308-20-060	AMD	92-04-006	308-56A-250	AMD-P	92-11-048	308-96A-275	AMD	92-02-100
308-20-070	AMD	92-04-006	308-56A-250	AMD	92-15-024	308-96A-275	AMD-P	92-11-050
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308-20-105	AMD	92-04-006	308-56A-450	AMD	92-15-024	308-96A-310	AMD	92-03-076
308-20-107	AMD	92-04-006	308-56A-455	AMD-P	92-11-048	308-96A-315	AMD	92-03-076
308-20-109	AMD	92-04-006	308-56A-455	AMD	92-15-024	308-96A-320	AMD	92-03-076
308-20-110	AMD	92-04-006	308-56A-460	AMD-P	92-11-048	308-96A-325	AMD	92-03-076
308-20-120	AMD	92-04-006	308-56A-460	AMD	92-15-024	308-96A-330	AMD	92-03-076
308-20-130	AMD	92-04-006	308-56A-465	AMD-P	92-11-048	308-96A-335	AMD	92-03-076
308-20-140	AMD	92-04-006	308-56A-465	AMD	92-15-024	308-96A-340	NEW	92-03-076
308-20-150	AMD	92-04-006	308-56A-470	NEW	92-03-077	308-100-21100A	NEW-E	92-17-024
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308-20-171	AMD	92-04-006	308-57-230	AMD	92-15-024	308-102-002	NEW	92-08-045
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308-20-210	AMD	92-15-087	308-89-020	AMD	92-12-036	308-102-010	AMD	92-08-045
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308-102-040	REP	92-08-045	308-300-220	AMD	92-10-010	315-11-781	NEW	92-11-033
308-102-100	AMD-P	92-05-061	308-300-230	AMD-P	92-07-095	315-11-782	NEW-P	92-08-093
308-102-100	AMD	92-08-045	308-300-230	AMD	92-10-010	315-11-782	NEW	92-11-033
308-102-110	REP-P	92-05-061	308-300-240	AMD-P	92-07-095	315-11-790	NEW-P	92-08-093
308-102-110	REP	92-08-045	308-300-240	AMD	92-10-010	315-11-790	NEW	92-11-033
308-102-120	REP-P	92-05-061	308-300-250	AMD-P	92-07-095	315-11-791	NEW-P	92-08-093
308-102-120	REP	92-08-045	308-300-250	AMD	92-10-010	315-11-791	NEW	92-11-033
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308-102-125	REP	92-08-045	308-300-270	AMD	92-10-010	315-11-792	NEW	92-11-033
308-102-130	AMD-P	92-05-061	308-300-280	AMD-P	92-07-095	315-11-800	NEW-P	92-08-093
308-102-130	AMD	92-08-045	308-300-280	AMD	92-10-010	315-11-800	NEW	92-11-033
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308-102-140	AMD	92-08-045	314-12-015	NEW	92-14-024	315-11-801	NEW	92-11-033
308-102-150	REP-P	92-05-061	314-12-080	AMD-P	92-18-088	315-11-802	NEW-P	92-08-093
308-102-150	REP	92-08-045	314-12-090	REP-P	92-08-084	315-11-802	NEW	92-11-033
308-102-160	REP-P	92-05-061	314-12-090	REP	92-14-023	315-11-810	NEW-P	92-12-091
308-102-160	REP	92-08-045	314-12-115	NEW-P	92-18-072	315-11-810	NEW	92-15-082
308-102-170	REP-P	92-05-061	314-12-130	REP-P	92-18-074	315-11-811	NEW-P	92-12-091
308-102-170	REP	92-08-045	314-12-180	NEW-P	92-18-070	315-11-811	NEW	92-15-082
308-102-180	REP-P	92-05-061	314-16-055	NEW-P	92-18-073	315-11-812	NEW-P	92-12-091
308-102-180	REP	92-08-045	314-16-170	REP-P	92-18-071	315-11-812	NEW	92-15-082
308-102-190	AMD-P	92-05-061	314-16-190	AMD-P	92-08-086	315-11-820	NEW-P	92-12-091
308-102-190	AMD	92-08-045	314-16-190	AMD-W	92-14-022	315-11-820	NEW	92-15-082
308-102-200	AMD-P	92-05-061	314-16-196	AMD-P	92-08-088	315-11-821	NEW-P	92-12-091
308-102-200	AMD	92-08-045	314-16-196	AMD	92-14-025	315-11-821	NEW	92-15-082
308-102-210	REP-P	92-05-061	314-16-197	AMD-P	92-08-089	315-11-822	NEW-P	92-12-091
308-102-210	REP	92-08-045	314-16-197	AMD	92-14-026	315-11-822	NEW	92-15-082
308-102-220	REP-P	92-05-061	314-20-015	AMD-P	92-18-090	315-11-830	NEW-P	92-12-091
308-102-220	REP	92-08-045	314-20-020	AMD	92-03-109	315-11-830	NEW	92-15-082
308-102-230	REP-P	92-05-061	314-20-070	AMD-P	92-09-143	315-11-831	NEW-P	92-12-091
308-102-230	REP	92-08-045	314-20-070	AMD	92-14-028	315-11-831	NEW	92-15-082
308-102-240	REP-P	92-05-061	314-24-040	AMD	92-03-110	315-11-832	NEW-P	92-12-091
308-102-240	REP	92-08-045	314-24-160	AMD-P	92-18-089	315-11-832	NEW	92-15-082
308-102-250	AMD-P	92-05-061	314-60-040	AMD-P	92-09-142	315-11-840	NEW-P	92-12-091
308-102-250	AMD	92-08-045	314-60-040	AMD	92-14-027	315-11-840	NEW	92-15-082
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308-102-255	NEW	92-08-045	315-11-691	AMD	92-03-048	315-11-841	NEW	92-15-082
308-102-260	AMD-P	92-05-061	315-11-710	NEW	92-03-048	315-11-842	NEW-P	92-12-091
308-102-260	AMD	92-08-045	315-11-711	NEW	92-03-048	315-11-842	NEW	92-15-082
308-102-265	AMD-P	92-05-061	315-11-712	NEW	92-03-048	315-11-850	NEW-P	92-12-091
308-102-265	AMD	92-08-045	315-11-730	NEW	92-03-048	315-11-850	NEW	92-15-082
308-102-270	REP-P	92-05-061	315-11-731	NEW	92-03-048	315-11-851	NEW-P	92-12-091
308-102-270	REP	92-08-045	315-11-732	NEW	92-03-048	315-11-851	NEW	92-15-082
308-102-280	REP-P	92-05-061	315-11-740	NEW	92-03-048	315-11-852	NEW-P	92-12-091
308-102-280	REP	92-08-045	315-11-741	NEW	92-03-048	315-11-852	NEW	92-15-082
308-102-290	AMD-P	92-05-061	315-11-742	NEW	92-03-048	315-11-860	NEW-P	92-16-101
308-102-290	AMD	92-08-045	315-11-750	NEW-P	92-03-146	315-11-861	NEW-P	92-16-101
308-102-295	REP-P	92-05-061	315-11-750	NEW-W	92-05-069	315-11-862	NEW-P	92-16-101
308-102-295	REP	92-08-045	315-11-751	NEW-P	92-03-146	315-11-870	NEW-P	92-16-101
308-104-160	AMD-P	92-05-061	315-11-751	NEW-W	92-05-069	315-11-871	NEW-P	92-16-101
308-104-160	AMD	92-08-045	315-11-752	NEW-P	92-03-146	315-11-872	NEW-P	92-16-101
308-104-340	NEW-P	92-05-061	315-11-752	NEW-W	92-05-069	315-11-880	NEW-P	92-16-101
308-104-340	NEW	92-08-045	315-11-753	NEW	92-08-002	315-11-881	NEW-P	92-16-101
308-124D-040	AMD-P	92-17-071	315-11-754	NEW	92-08-002	315-11-882	NEW-P	92-16-101
308-124F-020	AMD-P	92-17-071	315-11-755	NEW	92-08-002	315-30-020	AMD-P	92-08-093
308-125-010	AMD-P	92-14-084	315-11-760	NEW-P	92-03-146	315-30-020	AMD	92-11-033
308-125-010	AMD	92-18-018	315-11-760	NEW	92-08-002	315-30-030	AMD-P	92-08-093
308-125-020	AMD-P	92-14-084	315-11-761	NEW-P	92-03-146	315-30-030	AMD	92-11-033
308-125-020	AMD	92-18-018	315-11-761	NEW	92-08-002	315-30-040	AMD-P	92-08-093
308-125-030	AMD-P	92-14-084	315-11-762	NEW-P	92-03-146	315-30-040	AMD	92-11-033
308-125-030	AMD	92-18-018	315-11-762	NEW	92-08-002	315-31-060	AMD-P	92-08-093
308-125-070	AMD-P	92-14-084	315-11-770	NEW-P	92-03-146	315-31-060	AMD-W	92-11-010
308-125-070	AMD	92-18-018	315-11-770	NEW-P	92-08-093	315-31-060	AMD-P	92-12-091
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308-125-080	AMD	92-18-018	315-11-771	NEW-P	92-03-146	315-33A-010	AMD-P	92-08-093
308-125-085	NEW-P	92-14-084	315-11-771	NEW-P	92-08-093	315-33A-010	AMD	92-11-033
308-125-085	NEW	92-18-018	315-11-771	NEW	92-11-033	315-33A-020	AMD-P	92-08-093
308-125-100	AMD-P	92-14-084	315-11-772	NEW-P	92-03-146	315-33A-020	AMD	92-11-033
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308-125-120	AMD	92-18-018	315-11-772	NEW	92-11-033	315-33A-060	AMD-W	92-15-083
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315-33B-030	NEW-P	92-03-146	326-02-010	AMD-E	92-07-102	326-08-040	AMD-P	92-11-018
315-33B-030	NEW	92-08-002	326-02-010	AMD-P	92-07-103	326-08-040	AMD-E	92-11-019
315-33B-040	NEW-P	92-03-146	326-02-010	AMD	92-11-007	326-08-040	AMD	92-15-077
315-33B-040	NEW	92-08-002	326-02-020	AMD-E	92-07-001	326-08-050	AMD-E	92-07-001
315-33B-050	NEW-P	92-03-146	326-02-020	RESCIND	92-07-102	326-08-050	AMD-P	92-11-018
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315-33B-060	NEW-P	92-03-146	326-02-020	AMD-P	92-07-103	326-08-050	AMD	92-15-077
315-33B-060	NEW	92-08-002	326-02-020	AMD	92-11-007	326-08-051	NEW-E	92-07-001
315-33B-060	AMD-P	92-12-091	326-02-030	AMD-E	92-07-001	326-08-051	NEW-P	92-11-018
315-33B-060	AMD-W	92-15-083	326-02-030	RESCIND	92-07-102	326-08-051	NEW-E	92-11-019
315-33B-070	NEW-P	92-03-146	326-02-030	AMD-E	92-07-102	326-08-051	NEW	92-15-077
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315-34-010	AMD	92-11-033	326-02-040	AMD-E	92-07-001	326-08-060	REP-E	92-11-019
315-34-020	AMD-P	92-08-093	326-02-040	RESCIND	92-07-102	326-08-060	REP	92-15-077
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315-34-040	AMD-P	92-08-093	326-02-045	NEW-E	92-07-001	326-08-070	AMD	92-15-077
315-34-040	AMD	92-11-033	326-02-045	RESCIND	92-07-102	326-08-080	AMD-E	92-07-001
315-35	NEW-P	92-16-101	326-02-045	NEW-E	92-07-102	326-08-080	AMD-P	92-11-018
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315-35-020	NEW-P	92-16-101	326-02-045	NEW	92-11-007	326-08-080	AMD	92-15-077
315-35-030	NEW-P	92-16-101	326-02-050	AMD-E	92-07-001	326-08-090	AMD-E	92-07-001
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315-40-030	NEW	92-03-048	326-02-060	RESCIND	92-07-102	326-08-095	AMD-E	92-11-019
315-40-040	NEW	92-03-048	326-02-060	AMD-E	92-07-102	326-08-095	AMD	92-15-077
315-40-050	NEW	92-03-048	326-02-060	AMD-P	92-07-103	326-08-100	AMD-E	92-07-001
315-40-060	NEW	92-03-048	326-02-060	AMD	92-11-007	326-08-100	AMD-P	92-11-018
315-40-070	NEW	92-03-048	326-02-070	AMD-E	92-07-001	326-08-100	AMD-E	92-11-019
315-40-080	NEW	92-03-048	326-02-070	RESCIND	92-07-102	326-08-100	AMD	92-15-077
315-41-50100	NEW	92-03-048	326-02-070	AMD-E	92-07-102	326-08-105	NEW-E	92-07-001
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315-41-50300	NEW	92-03-048	326-02-080	AMD-P	92-07-103	326-08-110	AMD-E	92-11-019
315-41-50310	NEW	92-03-048	326-02-080	AMD	92-11-007	326-08-110	AMD	92-15-077
315-41-50320	NEW	92-03-048	326-02-090	AMD-E	92-07-001	326-08-120	AMD-E	92-07-001
315-41-50400	NEW-P	92-03-146	326-02-090	RESCIND	92-07-102	326-08-120	AMD-P	92-11-018
315-41-50400	NEW	92-08-094	326-02-090	AMD-E	92-07-102	326-08-120	AMD-E	92-11-019
315-41-50410	NEW-P	92-03-146	326-02-090	AMD-P	92-07-103	326-08-120	AMD	92-15-077
315-41-50410	NEW	92-08-094	326-02-090	AMD	92-11-007	326-08-130	AMD-E	92-07-001
315-41-50420	NEW-P	92-03-146	326-08-010	AMD-E	92-07-001	326-08-130	AMD-P	92-11-018
315-41-50420	NEW	92-08-094	326-08-010	AMD-P	92-11-018	326-08-130	AMD-E	92-11-019
315-41-50500	NEW-P	92-03-146	326-08-010	AMD-E	92-11-019	326-08-130	AMD	92-15-077
315-41-50500	NEW	92-08-094	326-08-010	AMD	92-15-077	326-08-140	NEW-E	92-07-001
315-41-50510	NEW-P	92-03-146	326-08-015	AMD-E	92-07-001	326-08-140	NEW-P	92-11-018
315-41-50510	NEW	92-08-094	326-08-015	AMD-P	92-11-018	326-08-140	NEW-E	92-11-019
315-41-50520	NEW-P	92-03-146	326-08-015	AMD-E	92-11-019	326-08-140	NEW	92-15-077
315-41-50520	NEW	92-08-094	326-08-015	AMD	92-15-077	326-20-010	AMD-E	92-07-001
315-41-50600	NEW-P	92-03-146	326-08-016	NEW-E	92-07-001	326-20-010	RESCIND	92-07-102
315-41-50600	NEW	92-08-094	326-08-016	NEW-P	92-11-018	326-20-010	AMD-E	92-07-102
315-41-50610	NEW-P	92-03-146	326-08-016	NEW-E	92-11-019	326-20-010	AMD-P	92-07-103
315-41-50610	NEW	92-08-094	326-08-016	NEW	92-15-077	326-20-010	AMD	92-11-007
315-41-50620	NEW-P	92-03-146	326-08-018	NEW-E	92-07-001	326-20-020	REP-E	92-07-001
315-41-50620	NEW	92-08-094	326-08-018	NEW-P	92-11-018	326-20-020	RESCIND	92-07-102
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316-02-820	AMD-P	92-18-006	326-08-018	NEW	92-15-077	326-20-020	REP-P	92-07-103
316-45-003	AMD-P	92-18-006	326-08-020	AMD-E	92-07-001	326-20-020	REP	92-11-007
316-45-020	NEW-P	92-18-006	326-08-020	AMD-P	92-11-018	326-20-030	AMD-E	92-07-001
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326-20-040	AMD-E	92-07-102	326-20-115	AMD-E	92-07-001	326-20-220	AMD-P	92-07-103
326-20-040	AMD-P	92-07-103	326-20-115	RESCIND	92-07-102	326-20-220	AMD	92-11-007
326-20-040	AMD	92-11-007	326-20-115	AMD-E	92-07-102	326-30	AMD-P	92-09-151
326-20-050	AMD-E	92-07-001	326-20-115	AMD-P	92-07-103	326-30-010	AMD-P	92-09-151
326-20-050	RESCIND	92-07-102	326-20-115	AMD	92-11-007	326-30-020	AMD-P	92-09-151
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326-20-050	AMD	92-11-007	326-20-120	AMD-E	92-07-102	326-30-036	REP-P	92-09-151
326-20-060	AMD-E	92-07-001	326-20-120	AMD-P	92-07-103	326-30-037	REP-P	92-09-151
326-20-060	RESCIND	92-07-102	326-20-120	AMD	92-11-007	326-30-038	REP-P	92-09-151
326-20-060	AMD-E	92-07-102	326-20-130	AMD-E	92-07-001	326-30-039	REP-P	92-09-151
326-20-060	AMD-P	92-07-103	326-20-130	RESCIND	92-07-102	326-30-03901	REP-P	92-09-151
326-20-060	AMD	92-11-007	326-20-130	AMD-E	92-07-102	326-30-03902	REP-P	92-09-151
326-20-070	AMD-E	92-07-001	326-20-130	AMD-P	92-07-103	326-30-03903	REP-P	92-09-151
326-20-070	RESCIND	92-07-102	326-20-130	AMD	92-11-007	326-30-040	REP-P	92-09-151
326-20-070	AMD-E	92-07-102	326-20-140	AMD-E	92-07-001	326-30-041	NEW-P	92-09-151
326-20-070	AMD-P	92-07-103	326-20-140	RESCIND	92-07-102	326-30-041	NEW-E	92-14-121
326-20-070	AMD	92-11-007	326-20-140	AMD-E	92-07-102	326-30-046	NEW-P	92-09-151
326-20-080	AMD-E	92-07-001	326-20-140	AMD-P	92-07-103	326-30-050	REP-P	92-09-151
326-20-080	RESCIND	92-07-102	326-20-140	AMD	92-11-007	326-30-051	NEW-P	92-09-151
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326-20-080	AMD-P	92-07-103	326-20-150	RESCIND	92-07-102	326-30-070	REP-P	92-09-151
326-20-080	AMD	92-11-007	326-20-150	AMD-E	92-07-102	326-30-080	REP-P	92-09-151
326-20-081	AMD-E	92-07-001	326-20-150	AMD-P	92-07-103	326-30-090	REP-P	92-09-151
326-20-081	RESCIND	92-07-102	326-20-150	AMD	92-11-007	326-30-100	REP-P	92-09-151
326-20-081	AMD-E	92-07-102	326-20-160	AMD-E	92-07-001	326-30-110	AMD-P	92-09-151
326-20-081	AMD-P	92-07-103	326-20-160	RESCIND	92-07-102	326-40-010	AMD-P	92-09-151
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326-20-091	RESCIND	92-07-102	326-20-160	AMD	92-11-007	326-40-040	NEW-P	92-09-151
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326-20-091	REP	92-11-007	326-20-170	AMD-E	92-07-102	326-40-070	NEW-P	92-09-151
326-20-092	AMD-E	92-07-001	326-20-170	AMD-P	92-07-103	326-40-075	NEW-P	92-09-151
326-20-092	RESCIND	92-07-102	326-20-170	AMD	92-11-007	326-40-080	NEW-P	92-09-151
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326-20-093	RESCIND	92-07-102	326-20-171	AMD	92-11-007	332-08-405	AMD-P	92-15-137
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326-20-094	AMD-E	92-07-102	326-20-173	AMD-E	92-07-001	332-18-010	AMD-W	92-10-068
326-20-094	AMD-P	92-07-103	326-20-173	RESCIND	92-07-102	332-18-120	AMD-P	92-15-138
326-20-094	AMD	92-11-007	326-20-173	AMD-E	92-07-102	332-18-130	NEW-W	92-10-068
326-20-095	AMD-E	92-07-001	326-20-173	AMD-P	92-07-103	332-18-130	NEW-P	92-15-138
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326-20-095	AMD-P	92-07-103	326-20-180	RESCIND	92-07-102	332-22-070	NEW-W	92-12-075
326-20-095	AMD	92-11-007	326-20-180	AMD-E	92-07-102	332-22-100	AMD-W	92-12-075
326-20-096	AMD-E	92-07-001	326-20-180	AMD-P	92-07-103	332-22-105	AMD-W	92-12-075
326-20-096	RESCIND	92-07-102	326-20-180	AMD	92-11-007	332-22-160	NEW	92-06-003
326-20-096	AMD-E	92-07-102	326-20-185	AMD-E	92-07-001	332-22-170	NEW	92-06-003
326-20-096	AMD-P	92-07-103	326-20-185	RESCIND	92-07-102	332-22-180	NEW	92-06-003
326-20-096	AMD	92-11-007	326-20-185	AMD-E	92-07-102	332-22-190	NEW	92-06-003
326-20-097	REP-E	92-07-001	326-20-185	AMD-P	92-07-103	332-22-200	NEW	92-06-003
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326-20-097	REP-P	92-07-103	326-20-190	RESCIND	92-07-102	332-22-230	NEW	92-06-003
326-20-097	REP	92-11-007	326-20-190	AMD-E	92-07-102	332-22-240	NEW	92-06-003
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326-20-098	RESCIND	92-07-102	326-20-190	AMD	92-11-007	332-24-201	AMD	92-14-096
326-20-098	AMD-E	92-07-102	326-20-200	REP-E	92-07-001	332-24-205	AMD-P	92-11-075
326-20-098	AMD-P	92-07-103	326-20-200	RESCIND	92-07-102	332-24-205	AMD	92-14-096
326-20-098	AMD	92-11-007	326-20-200	REP-E	92-07-102	332-24-211	AMD-P	92-11-075
326-20-110	AMD-E	92-07-001	326-20-200	REP-P	92-07-103	332-24-211	AMD	92-14-096
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332-24-221	AMD	92-14-096	352-32-265	AMD-P	92-16-097	365-80-010	REP-E	92-09-147
332-24-231	REP-P	92-11-075	352-32-270	AMD-P	92-09-159	365-80-010	REP	92-15-047
332-24-231	REP	92-14-096	352-32-270	AMD-W	92-12-052	365-80-020	REP-P	92-09-146
332-24-232	REP-P	92-11-075	352-32-270	AMD-P	92-12-081	365-80-020	REP-E	92-09-147
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332-24-234	REP-P	92-11-075	352-32-295	AMD-P	92-09-158	365-80-030	REP-P	92-09-146
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332-24-236	REP	92-14-096	352-32-295	AMD	92-15-121	365-80-040	REP-P	92-09-146
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332-24-238	REP	92-14-096	352-37-030	AMD-P	92-16-097	365-80-040	REP	92-15-047
332-24-240	REP-P	92-11-075	352-37-080	AMD-P	92-16-097	365-80-050	REP-P	92-09-146
332-24-240	REP	92-14-096	352-37-090	AMD-P	92-16-097	365-80-050	REP-E	92-09-147
332-24-242	REP-P	92-11-075	352-37-100	AMD-P	92-16-097	365-80-050	REP	92-15-047
332-24-242	REP	92-14-096	352-37-110	AMD-P	92-16-097	365-80-060	REP-P	92-09-146
332-24-244	REP-P	92-11-075	352-37-130	AMD-P	92-16-097	365-80-060	REP-E	92-09-147
332-24-244	REP	92-14-096	352-37-180	REP-P	92-16-097	365-80-060	REP	92-15-047
332-24-271	NEW-P	92-11-075	352-37-220	NEW-P	92-16-097	365-80-070	REP-P	92-09-146
332-24-271	NEW	92-14-096	352-40-090	AMD-P	92-07-062	365-80-070	REP-E	92-09-147
332-24-656	REP-P	92-11-075	352-40-090	AMD	92-10-019	365-80-070	REP	92-15-047
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332-26-050	NEW-E	92-14-131	356-05-275	REP-P	92-16-073	365-80-090	REP-P	92-09-146
332-26-060	NEW-E	92-14-131	356-05-355	AMD-P	92-04-034	365-80-090	REP-E	92-09-147
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392-140-168	REP	92-03-023	392-141-135	NEW	92-08-024	392-163-220	AMD-P	92-10-062
392-140-169	REP	92-03-023	392-141-140	AMD-P	92-04-009	392-163-225	AMD-P	92-10-062
392-140-170	REP	92-03-023	392-141-140	AMD	92-08-024	392-163-230	AMD-P	92-10-062
392-140-171	REP	92-03-023	392-141-145	AMD-P	92-04-009	392-163-235	AMD-P	92-10-062
392-140-172	REP	92-03-023	392-141-145	AMD	92-08-024	392-163-240	AMD-P	92-10-062
392-140-173	REP	92-03-023	392-141-146	NEW-P	92-04-009	392-163-245	AMD-P	92-10-062
392-140-174	REP	92-03-023	392-141-146	NEW	92-08-024	392-163-250	AMD-P	92-10-062
392-140-197	AMD	92-03-023	392-141-147	NEW-P	92-04-009	392-163-255	AMD-P	92-10-062
392-140-198	AMD	92-03-023	392-141-147	NEW	92-08-024	392-163-260	AMD-P	92-10-062
392-140-199	AMD	92-03-023	392-141-148	NEW-P	92-04-009	392-163-265	AMD-P	92-10-062
392-140-201	AMD	92-03-023	392-141-148	NEW	92-08-024	392-163-270	AMD-P	92-10-062
392-140-431	NEW	92-03-023	392-141-148	NEW-P	92-15-146	392-163-275	AMD-P	92-10-062
392-140-432	NEW	92-03-023	392-141-150	AMD-P	92-04-009	392-163-280	AMD-P	92-10-062
392-140-433	NEW	92-03-023	392-141-150	AMD	92-08-024	392-163-285	NEW-P	92-10-062
392-140-434	NEW	92-03-023	392-141-155	AMD-P	92-04-009	392-163-290	NEW-P	92-10-062
392-140-435	NEW	92-03-023	392-141-155	AMD	92-08-024	392-163-295	NEW-P	92-10-062
392-140-436	NEW	92-03-023	392-141-156	NEW-P	92-04-009	392-163-300	AMD-P	92-10-062
392-140-437	NEW	92-03-023	392-141-156	NEW	92-08-024	392-163-305	AMD-P	92-10-062
392-140-438	NEW	92-03-023	392-141-157	NEW-P	92-04-009	392-163-310	AMD-P	92-10-062
392-140-439	NEW	92-03-023	392-141-157	NEW	92-08-024	392-163-315	AMD-P	92-10-062
392-140-441	NEW	92-03-023	392-141-158	NEW-P	92-04-009	392-163-320	AMD-P	92-10-062
392-140-442	NEW	92-03-023	392-141-158	NEW	92-08-024	392-163-325	AMD-P	92-10-062
392-140-443	NEW	92-03-023	392-141-159	NEW-P	92-15-146	392-163-400	AMD-P	92-10-062
392-140-444	NEW	92-03-023	392-141-160	AMD-P	92-04-009	392-163-405	AMD-P	92-10-062
392-140-445	NEW	92-03-023	392-141-160	AMD	92-08-024	392-163-410	AMD-P	92-10-062
392-140-446	NEW	92-03-023	392-141-165	AMD-P	92-04-009	392-163-415	AMD-P	92-10-062
392-140-447	NEW	92-03-023	392-141-165	AMD	92-08-024	392-163-420	AMD-P	92-10-062



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392-163-445	AMD-P	92-10-062	392-165-342	REP-P	92-11-028	434-28-050	NEW	92-12-083
392-163-450	AMD-P	92-10-062	392-165-342	REP	92-18-067	434-28-060	NEW-S	92-09-112
392-163-455	AMD-P	92-10-062	392-165-345	AMD-P	92-11-028	434-28-060	NEW	92-12-083
392-163-460	AMD-P	92-10-062	392-165-345	AMD	92-18-067	434-30-010	NEW	92-10-038
392-163-465	AMD-P	92-10-062	392-165-347	NEW-P	92-11-028	434-30-020	NEW	92-10-038
392-163-470	NEW-P	92-10-062	392-165-347	NEW	92-18-067	434-30-030	NEW	92-10-038
392-163-475	NEW-P	92-10-062	392-165-360	AMD-P	92-11-028	434-30-040	NEW	92-10-038
392-163-480	NEW-P	92-10-062	392-165-360	AMD	92-18-067	434-30-050	NEW	92-10-038
392-163-485	NEW-P	92-10-062	392-165-362	NEW-P	92-11-028	434-30-060	NEW	92-10-038
392-163-490	NEW-P	92-10-062	392-165-362	NEW	92-18-067	434-30-070	NEW	92-10-038
392-163-495	NEW-P	92-10-062	392-165-415	NEW-P	92-11-028	434-30-080	NEW	92-10-038
392-163-500	AMD-P	92-10-062	392-165-415	NEW	92-18-067	434-30-090	NEW	92-10-038
392-163-505	NEW-P	92-10-062	392-165-420	NEW-P	92-11-028	434-30-100	NEW	92-10-038
392-163-510	NEW-P	92-10-062	392-165-420	NEW	92-18-067	434-30-110	NEW	92-10-038
392-163-515	NEW-P	92-10-062	392-165-425	AMD-P	92-11-028	434-30-120	NEW	92-10-038
392-163-520	NEW-P	92-10-062	392-165-425	AMD	92-18-067	434-30-130	NEW	92-10-038
392-163-525	NEW-P	92-10-062	392-165-430	AMD-P	92-11-028	434-30-140	NEW	92-10-038
392-163-530	NEW-P	92-10-062	392-165-430	AMD	92-18-067	434-30-150	NEW	92-10-038
392-163-535	NEW-P	92-10-062	392-165-460	AMD-P	92-11-028	434-30-160	NEW	92-10-038
392-163-540	NEW-P	92-10-062	392-165-460	AMD	92-18-067	434-30-170	NEW	92-10-038
392-163-545	NEW-P	92-10-062	392-165-500	AMD-P	92-11-028	434-30-180	NEW	92-10-038
392-163-550	NEW-P	92-10-062	392-165-500	AMD	92-18-067	434-30-190	NEW	92-10-038
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392-163-560	NEW-P	92-10-062	392-165-510	NEW	92-18-067	434-30-210	NEW	92-10-038
392-163-565	NEW-P	92-10-062	392-175-001	NEW-P	92-06-053	434-30-220	NEW	92-10-038
392-163-570	NEW-P	92-10-062	392-175-001	NEW	92-15-071	434-34-010	NEW-S	92-09-112
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392-163-615	NEW-P	92-10-062	392-175-025	NEW	92-15-071	434-34-030	NEW	92-12-083
392-163-620	NEW-P	92-10-062	392-196-005	AMD	92-05-068	434-34-035	NEW-S	92-09-112
392-163-625	NEW-P	92-10-062	392-196-045	AMD	92-05-068	434-34-035	NEW	92-12-083
392-163-630	NEW-P	92-10-062	392-196-080	AMD	92-05-068	434-34-040	NEW-S	92-09-112
392-163-635	NEW-P	92-10-062	392-196-085	AMD	92-05-068	434-34-040	NEW	92-12-083
392-163-640	NEW-P	92-10-062	392-196-090	REP	92-05-068	434-34-045	NEW-S	92-09-112
392-163-645	NEW-P	92-10-062	392-196-100	AMD	92-05-068	434-34-045	NEW	92-12-083
392-165-105	AMD-P	92-11-028	392-202-110	AMD-W	92-03-063	434-34-050	NEW-S	92-09-112
392-165-105	AMD	92-18-067	392-202-115	AMD-W	92-03-063	434-34-050	NEW	92-12-083
392-165-115	AMD-P	92-11-028	392-202-120	AMD-W	92-03-063	434-34-055	NEW-S	92-09-112
392-165-115	AMD	92-18-067	399-30-030	AMD	92-03-052	434-34-055	NEW	92-12-083
392-165-120	AMD-P	92-11-028	399-30-040	AMD	92-03-052	434-34-060	NEW-S	92-09-112
392-165-120	AMD	92-18-067	399-30-042	AMD	92-03-052	434-34-060	NEW	92-12-083
392-165-130	AMD-P	92-11-028	399-30-045	AMD	92-03-052	434-34-065	NEW-S	92-09-112
392-165-130	AMD	92-18-067	399-30-050	AMD	92-03-052	434-34-065	NEW	92-12-083
392-165-170	AMD-P	92-11-028	399-30-060	AMD	92-03-052	434-34-070	NEW-S	92-09-112
392-165-170	AMD	92-18-067	399-30-065	AMD	92-03-052	434-34-070	NEW	92-12-083
392-165-240	REP-P	92-11-028	399-40-020	AMD	92-03-051	434-34-075	NEW-S	92-09-112
392-165-240	REP	92-18-067	415-108-670	NEW-E	92-11-027	434-34-075	NEW	92-12-083
392-165-260	AMD-P	92-11-028	415-112-560	NEW-E	92-11-027	434-34-080	NEW-S	92-09-112
392-165-260	AMD	92-18-067	415-115-080	AMD-E	92-11-027	434-34-080	NEW	92-12-083
392-165-304	AMD-P	92-11-028	415-115-080	AMD-P	92-12-048	434-34-085	NEW-S	92-09-112
392-165-304	AMD	92-18-067	415-115-080	AMD	92-16-032	434-34-085	NEW	92-12-083
392-165-310	AMD-P	92-11-028	415-115-110	REP-E	92-11-027	434-34-090	NEW-S	92-09-112
392-165-310	AMD	92-18-067	415-115-110	REP-P	92-12-048	434-34-090	NEW	92-12-083
392-165-320	AMD-P	92-11-028	415-115-110	REP	92-16-032	434-34-095	NEW-S	92-09-112
392-165-320	AMD	92-18-067	434-08-060	NEW-P	92-15-141	434-34-095	NEW	92-12-083
392-165-322	AMD-P	92-11-028	434-08-060	NEW	92-18-087	434-34-100	NEW-S	92-09-112
392-165-322	AMD	92-18-067	434-08-070	NEW-P	92-15-141	434-34-100	NEW	92-12-083
392-165-325	AMD-P	92-11-028	434-08-070	NEW	92-18-087	434-34-105	NEW-S	92-09-112
392-165-325	AMD	92-18-067	434-08-080	NEW-P	92-15-141	434-34-105	NEW	92-12-083
392-165-327	REP-P	92-11-028	434-08-080	NEW	92-18-087	434-34-110	NEW-S	92-09-112
392-165-327	REP	92-18-067	434-08-090	NEW-P	92-15-141	434-34-110	NEW	92-12-083
392-165-330	AMD-P	92-11-028	434-08-090	NEW	92-18-087	434-34-115	NEW-S	92-09-112
392-165-330	AMD	92-18-067	434-28-012	AMD-S	92-09-112	434-34-115	NEW	92-12-083
392-165-332	REP-P	92-11-028	434-28-012	AMD	92-12-083	434-40-025	NEW-P	92-15-140
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434-640-030	NEW	92-05-060	458-20-18601	NEW-P	92-03-065	463-26-030	REP-P	92-02-099
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434-677-010	NEW	92-08-020	458-20-18801	AMD	92-05-065	463-36-100	NEW-P	92-17-055
434-677-020	NEW-P	92-04-026	458-20-199	AMD	92-03-026	463-39-005	NEW-P	92-02-099
434-677-020	NEW	92-08-020	458-20-228	AMD	92-03-025	463-39-005	NEW	92-09-013
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434-677-030	NEW	92-08-020	458-20-229	AMD-C	92-17-029	463-39-010	AMD	92-09-013
434-677-040	NEW-P	92-04-026	458-20-230	PREP	92-15-045	463-39-030	AMD-P	92-02-099
434-677-040	NEW	92-08-020	458-20-260	NEW-E	92-04-015	463-39-030	AMD	92-09-013
434-677-050	NEW-P	92-04-026	458-20-260	PREP	92-05-052	463-39-040	REP-P	92-02-099
434-677-050	NEW	92-08-020	458-20-260	NEW-P	92-07-092	463-39-040	REP	92-09-013
434-677-060	NEW-P	92-04-026	458-20-260	NEW	92-10-006	463-39-050	REP-P	92-02-099
434-677-060	NEW	92-08-020	458-30-262	AMD	92-03-068	463-39-050	REP	92-09-013
434-677-070	NEW-P	92-04-026	458-30-590	AMD-P	92-18-076	463-39-060	REP-P	92-02-099
434-677-070	NEW	92-08-020	458-40-615	NEW-E	92-08-018	463-39-060	REP	92-09-013
434-677-080	NEW-P	92-04-026	458-40-615	PREP	92-10-060	463-39-080	REP-P	92-02-099
434-677-080	NEW	92-08-020	458-40-615	NEW-E	92-14-111	463-39-080	REP	92-09-013
446-16	PREP	92-13-012A	458-40-615	NEW-P	92-14-112	463-39-110	REP-P	92-02-099
446-16-025	AMD-P	92-11-051	458-40-615	NEW	92-18-030	463-39-110	REP	92-09-013
446-16-025	AMD	92-15-014	458-40-650	AMD-E	92-06-040	463-39-115	AMD-P	92-02-099
446-16-030	AMD-P	92-11-051	458-40-650	AMD-E	92-06-057	463-39-115	AMD	92-09-013
446-16-030	AMD	92-15-014	458-40-650	AMD-P	92-10-061	463-39-120	AMD-P	92-02-099
446-16-080	AMD-P	92-11-051	458-40-650	AMD	92-14-083	463-39-120	AMD	92-09-013
446-16-080	AMD	92-15-014	458-40-660	PREP	92-06-037	463-39-150	REP-P	92-02-099
446-16-090	AMD-P	92-11-051	458-40-660	AMD-E	92-06-040	463-39-150	REP	92-09-013
446-16-090	AMD	92-15-014	458-40-660	AMD-E	92-06-057	463-42-010	AMD-P	92-17-055
446-20-285	AMD-P	92-11-052	458-40-660	AMD-P	92-10-061	463-42-012	AMD-P	92-17-055
446-20-285	AMD	92-15-015	458-40-660	AMD	92-14-083	463-42-055	AMD-P	92-02-099
446-20-290	AMD-P	92-11-052	458-40-670	PREP	92-06-037	463-42-055	AMD	92-09-013
446-20-290	AMD	92-15-015	458-40-670	AMD-E	92-06-040	463-42-165	AMD-P	92-02-099
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446-20-300	AMD	92-15-015	458-40-670	AMD-P	92-10-061	463-42-195	AMD-P	92-02-099
446-20-420	AMD-P	92-11-052	458-40-670	AMD	92-14-083	463-42-195	AMD	92-09-013
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458-12-342	PREP	92-18-075	460-33A-025	AMD-P	92-14-089	463-42-322	NEW-P	92-17-055
458-14-015	PREP	92-18-075	460-33A-025	AMD	92-18-009	463-42-325	REP-P	92-17-055
458-14-025	PREP	92-18-075	460-33A-030	AMD-P	92-14-089	463-42-332	NEW-P	92-17-055
458-14-026	PREP	92-18-075	460-33A-030	AMD	92-18-009	463-42-335	REP-P	92-17-055
458-14-127	PREP	92-18-075	460-33A-035	AMD-P	92-14-089	463-42-342	NEW-P	92-17-055
458-14-170	PREP	92-18-075	460-33A-035	AMD	92-18-009	463-42-345	AMD-P	92-02-099
458-14-171	PREP	92-18-075	460-33A-040	AMD-P	92-14-089	463-42-345	AMD	92-09-013
458-16-013	PREP	92-04-069	460-33A-040	AMD	92-18-009	463-42-345	REP-P	92-17-055
458-16-013	AMD-P	92-04-079	460-33A-050	REP-P	92-14-089	463-42-352	NEW-P	92-17-055
458-16-013	AMD-E	92-06-039	460-33A-050	REP	92-18-009	463-42-355	REP-P	92-17-055
458-16-013	AMD	92-15-058	460-33A-055	AMD-P	92-14-089	463-42-362	NEW-P	92-17-055
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458-16-020	AMD-P	92-04-079	460-33A-105	AMD-P	92-14-089	463-42-372	NEW-P	92-17-055
458-16-020	AMD-E	92-06-039	460-33A-105	AMD	92-18-009	463-42-375	REP-P	92-17-055
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458-18-010	AMD-P	92-04-078	460-33A-125	AMD-P	92-14-089	463-42-405	REP-P	92-17-055
458-18-010	AMD-E	92-06-038	460-33A-125	AMD	92-18-009	463-42-415	REP-P	92-17-055
458-18-010	AMD	92-15-057	460-44A-075	AMD-P	92-14-090	463-42-425	REP-P	92-17-055
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458-18-020	AMD-E	92-06-038	463-06-020	AMD	92-09-013	463-42-445	AMD	92-09-013
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458-20-105	AMD-P	92-03-066	463-06-040	AMD	92-09-013	463-42-455	REP-P	92-17-055
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458-20-132	AMD	92-05-066	463-06-050	AMD	92-09-013	463-42-465	AMD	92-09-013
458-20-164	AMD-P	92-03-067	463-06-070	AMD-P	92-02-099	463-42-465	REP-P	92-17-055

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463-42-485	REP-P	92-17-055	468-300-040	AMD-P	92-14-003	478-160-216	REP	92-12-011
463-42-495	REP-P	92-17-055	468-300-040	AMD-E	92-14-004	478-160-220	REP-P	92-08-065
463-42-505	REP-P	92-17-055	468-300-040	AMD	92-18-005	478-160-220	REP	92-12-011
463-42-515	REP-P	92-17-055	468-300-070	REP-P	92-14-003	478-160-225	REP-P	92-08-065
463-42-525	AMD-P	92-17-055	468-300-070	REP-E	92-14-004	478-160-225	REP	92-12-011
463-42-535	AMD-P	92-17-055	468-300-070	REP	92-18-005	478-160-230	AMD-P	92-08-065
463-42-545	REP-P	92-17-055	468-300-410	REP-P	92-14-003	478-160-230	AMD	92-12-011
463-42-555	REP-P	92-17-055	468-300-410	REP-E	92-14-004	478-160-231	AMD-P	92-08-065
463-42-565	REP-P	92-17-055	468-300-410	REP	92-18-005	478-160-231	AMD	92-12-011
463-42-575	REP-P	92-17-055	468-300-510	REP-P	92-14-003	478-160-232	REP-P	92-08-065
463-42-585	REP-P	92-17-055	468-300-510	REP-E	92-14-004	478-160-232	REP	92-12-011
463-42-595	AMD-P	92-02-099	468-300-510	REP	92-18-005	478-160-240	AMD-P	92-08-065
463-42-595	AMD	92-09-013	478-138-010	AMD-P	92-09-154	478-160-240	AMD	92-12-011
463-42-595	REP-P	92-17-055	478-138-010	AMD	92-14-060	478-160-246	AMD-P	92-08-065
463-42-605	REP-P	92-17-055	478-138-020	AMD-P	92-09-154	478-160-246	AMD	92-12-011
463-42-615	REP-P	92-17-055	478-138-020	AMD	92-14-060	478-160-256	AMD-P	92-08-065
463-42-625	AMD-P	92-02-099	478-138-030	AMD-P	92-09-154	478-160-256	AMD	92-12-011
463-42-625	AMD	92-09-013	478-138-030	AMD	92-14-060	478-160-260	AMD-P	92-08-065
463-42-625	AMD-P	92-17-055	478-138-040	AMD-P	92-09-154	478-160-260	AMD	92-12-011
463-42-635	REP-P	92-17-055	478-138-040	AMD	92-14-060	478-160-265	AMD-P	92-08-065
463-42-655	AMD-P	92-17-055	478-138-050	REP-P	92-09-154	478-160-265	AMD	92-12-011
463-42-685	NEW-P	92-02-099	478-138-050	REP	92-14-060	478-160-270	AMD-P	92-08-065
463-42-685	NEW-P	92-06-070	478-138-060	NEW-P	92-09-154	478-160-270	AMD	92-12-011
463-42-685	NEW-W	92-07-002	478-138-060	NEW	92-14-060	478-160-271	NEW-P	92-08-065
463-42-685	NEW	92-10-001	478-160-020	AMD-P	92-08-065	478-160-271	NEW	92-12-011
463-42-690	NEW-P	92-02-099	478-160-020	AMD	92-12-011	478-160-275	AMD-P	92-08-065
463-42-690	NEW	92-09-013	478-160-025	AMD-P	92-08-065	478-160-275	AMD	92-12-011
463-47-051	AMD-P	92-02-099	478-160-025	AMD	92-12-011	478-160-280	AMD-P	92-08-065
463-47-051	AMD	92-09-013	478-160-030	AMD-P	92-08-065	478-160-280	AMD	92-12-011
463-47-090	AMD-P	92-02-099	478-160-030	AMD	92-12-011	478-160-285	AMD-P	92-08-065
463-47-090	AMD	92-09-013	478-160-035	AMD-P	92-08-065	478-160-285	AMD	92-12-011
468-51-010	NEW-P	92-10-041	478-160-035	AMD	92-12-011	478-160-290	AMD-P	92-08-065
468-51-010	NEW	92-14-044	478-160-040	AMD-P	92-08-065	478-160-290	AMD	92-12-011
468-51-020	NEW-P	92-10-041	478-160-040	AMD	92-12-011	478-160-295	AMD-P	92-08-065
468-51-020	NEW	92-14-044	478-160-045	AMD-P	92-08-065	478-160-295	AMD	92-12-011
468-51-030	NEW-P	92-10-041	478-160-045	AMD	92-12-011	478-160-305	AMD-P	92-08-065
468-51-030	NEW	92-14-044	478-160-050	AMD-P	92-08-065	478-160-305	AMD	92-12-011
468-51-040	NEW-P	92-10-041	478-160-050	AMD	92-12-011	478-160-310	AMD-P	92-08-065
468-51-040	NEW	92-14-044	478-160-055	AMD-P	92-08-065	478-160-310	AMD	92-12-011
468-51-050	NEW-P	92-10-041	478-160-055	AMD	92-12-011	478-160-320	AMD-P	92-08-065
468-51-050	NEW	92-14-044	478-160-060	AMD-P	92-08-065	478-160-320	AMD	92-12-011
468-51-060	NEW-P	92-10-041	478-160-060	AMD	92-12-011	479-01-020	AMD-P	92-08-095
468-51-060	NEW	92-14-044	478-160-065	AMD-P	92-08-065	479-01-020	AMD	92-12-014
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468-51-070	NEW	92-14-044	478-160-085	AMD-P	92-08-065	480-04-020	AMD	92-07-006
468-51-080	NEW-P	92-10-041	478-160-085	AMD	92-12-011	480-04-030	AMD	92-07-006
468-51-080	NEW	92-14-044	478-160-090	REP-P	92-08-065	480-04-040	REP	92-07-006
468-51-090	NEW-P	92-10-041	478-160-090	REP	92-12-011	480-04-050	AMD	92-07-006
468-51-090	NEW	92-14-044	478-160-105	AMD-P	92-08-065	480-04-060	AMD	92-07-006
468-51-100	NEW-P	92-10-041	478-160-105	AMD	92-12-011	480-04-065	NEW	92-07-006
468-51-100	NEW	92-14-044	478-160-115	AMD-P	92-08-065	480-04-070	AMD	92-07-006
468-51-110	NEW-P	92-10-041	478-160-115	AMD	92-12-011	480-04-080	REP	92-07-006
468-51-110	NEW	92-14-044	478-160-120	AMD-P	92-08-065	480-04-090	AMD	92-07-006
468-51-120	NEW-P	92-10-041	478-160-120	AMD	92-12-011	480-04-095	NEW	92-07-006
468-51-120	NEW	92-14-044	478-160-130	AMD-P	92-08-065	480-04-110	AMD	92-07-006
468-51-130	NEW-P	92-10-041	478-160-130	AMD	92-12-011	480-04-120	AMD	92-07-006
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468-51-140	NEW-P	92-10-041	478-160-140	AMD	92-12-011	480-09-100	AMD	92-07-006
468-51-140	NEW	92-14-044	478-160-150	AMD-P	92-08-065	480-09-140	AMD-P	92-13-101
468-51-150	NEW-P	92-10-041	478-160-150	AMD	92-12-011	480-09-140	AMD	92-18-081
468-51-150	NEW	92-14-044	478-160-155	REP-P	92-08-065	480-09-210	AMD	92-07-006
468-66-010	AMD-P	92-06-010	478-160-155	REP	92-12-011	480-09-210	AMD-P	92-13-101
468-66-010	AMD	92-09-043	478-160-160	AMD-P	92-08-065	480-09-210	AMD	92-18-081
468-66-090	AMD-P	92-06-010	478-160-160	AMD	92-12-011	480-09-400	AMD-P	92-13-101
468-66-090	AMD	92-09-043	478-160-200	REP-P	92-08-065	480-09-400	AMD	92-18-081
468-66-140	AMD-P	92-06-010	478-160-200	REP	92-12-011	480-09-420	AMD-P	92-13-101
468-66-140	AMD	92-09-043	478-160-205	REP-P	92-08-065	480-09-420	AMD	92-18-081
468-300-010	AMD-P	92-14-003	478-160-205	REP	92-12-011	480-09-425	AMD-P	92-13-101
468-300-010	AMD-E	92-14-004	478-160-210	AMD-P	92-08-065	480-09-425	AMD	92-18-081
468-300-010	AMD	92-18-005	478-160-210	AMD	92-12-011	480-09-460	AMD-P	92-13-101
468-300-020	AMD-P	92-14-003	478-160-215	REP-P	92-08-065	480-09-460	AMD	92-18-081
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480-09-500	AMD	92-18-081	480-93-187	AMD-P	92-06-086	484-20-089	NEW	92-17-046
480-09-700	AMD-P	92-13-101	480-93-187	AMD	92-16-100	484-20-090	AMD-P	92-13-023
480-09-700	AMD	92-18-081	480-93-188	AMD-P	92-06-086	484-20-090	AMD	92-17-046
480-09-735	AMD-P	92-13-101	480-93-188	AMD	92-16-100	484-20-095	AMD-P	92-13-023
480-09-735	AMD	92-18-081	480-93-190	AMD-P	92-06-086	484-20-095	AMD	92-17-046
480-09-780	AMD-P	92-13-101	480-93-190	AMD	92-16-100	484-20-100	AMD-P	92-13-023
480-09-780	AMD	92-18-081	480-93-200	AMD-P	92-06-086	484-20-100	AMD	92-17-046
480-09-800	AMD-P	92-13-101	480-93-200	AMD	92-16-100	484-20-105	AMD-P	92-13-023
480-09-800	AMD	92-18-081	480-93-210	AMD-P	92-06-086	484-20-105	AMD	92-17-046
480-09-810	AMD-P	92-13-101	480-93-210	AMD	92-16-100	484-20-110	AMD-P	92-13-023
480-09-810	AMD	92-18-081	480-93-230	AMD-P	92-06-086	484-20-110	AMD	92-17-046
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480-80-049	NEW	92-08-075	480-110-066	AMD	92-13-056	484-20-140	AMD-P	92-13-023
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480-92-021	NEW	92-03-050	480-120-086	AMD-P	92-16-019	484-20-145	AMD-P	92-13-023
480-92-031	NEW	92-03-050	480-120-087	AMD-P	92-13-101	484-20-145	AMD	92-17-046
480-92-050	NEW	92-03-050	480-120-087	AMD	92-18-081	484-20-150	AMD-P	92-13-023
480-92-060	NEW	92-03-050	480-120-340	NEW	92-03-049	484-20-150	AMD	92-17-046
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480-92-080	NEW	92-03-050	480-120-505	NEW-P	92-16-019	495A-104-010	NEW-E	92-08-004
480-92-090	NEW	92-03-050	480-120-510	NEW-P	92-16-019	495A-104-010	NEW	92-12-017
480-92-100	NEW	92-03-050	480-120-515	NEW-P	92-16-019	495A-104-020	NEW-P	92-07-101
480-92-110	NEW	92-03-050	480-120-520	NEW-P	92-16-019	495A-104-020	NEW-E	92-08-004
480-93-002	AMD-P	92-06-086	480-120-525	NEW-P	92-16-019	495A-104-020	NEW	92-12-017
480-93-002	AMD	92-16-100	480-120-530	NEW-P	92-16-019	495A-104-030	NEW-P	92-07-101
480-93-005	AMD-P	92-06-086	480-120-535	NEW-P	92-16-019	495A-104-030	NEW-E	92-08-004
480-93-005	AMD	92-16-100	480-122-060	AMD-P	92-16-099	495A-104-030	NEW	92-12-017
480-93-010	AMD-P	92-06-086	480-146-091	NEW-C	92-05-001	495A-108-010	NEW-P	92-07-101
480-93-010	AMD	92-16-100	480-146-091	NEW	92-07-009	495A-108-010	NEW-E	92-08-004
480-93-015	NEW-P	92-06-086	484-10-035	AMD-P	92-13-022	495A-108-010	NEW	92-12-017
480-93-015	NEW	92-16-100	484-10-035	AMD	92-17-045	495A-108-020	NEW-P	92-07-101
480-93-017	NEW-P	92-06-086	484-20-010	AMD-P	92-13-023	495A-108-020	NEW-E	92-08-004
480-93-017	NEW	92-16-100	484-20-010	AMD	92-17-046	495A-108-020	NEW	92-12-017
480-93-018	NEW-P	92-06-086	484-20-015	AMD-P	92-13-023	495A-108-030	NEW-P	92-07-101
480-93-018	NEW	92-16-100	484-20-015	AMD	92-17-046	495A-108-030	NEW-E	92-08-004
480-93-020	AMD-P	92-06-086	484-20-020	AMD-P	92-13-023	495A-108-030	NEW	92-12-017
480-93-020	AMD	92-16-100	484-20-020	AMD	92-17-046	495A-108-040	NEW-P	92-07-101
480-93-030	AMD-P	92-06-086	484-20-023	NEW-P	92-13-023	495A-108-040	NEW-E	92-08-004
480-93-030	AMD	92-16-100	484-20-023	NEW	92-17-046	495A-108-040	NEW	92-12-017
480-93-082	NEW-P	92-06-086	484-20-025	AMD-P	92-13-023	495A-108-050	NEW-P	92-07-101
480-93-082	NEW	92-16-100	484-20-025	AMD	92-17-046	495A-108-050	NEW-E	92-08-004
480-93-110	AMD-P	92-06-086	484-20-030	AMD-P	92-13-023	495A-108-050	NEW	92-12-017
480-93-110	AMD	92-16-100	484-20-030	AMD	92-17-046	495A-108-060	NEW-P	92-07-101
480-93-111	NEW-P	92-06-086	484-20-035	AMD-P	92-13-023	495A-108-060	NEW-E	92-08-004
480-93-111	NEW	92-16-100	484-20-035	AMD	92-17-046	495A-108-060	NEW	92-12-017
480-93-112	NEW-P	92-06-086	484-20-040	AMD-P	92-13-023	495A-108-070	NEW-P	92-07-101
480-93-112	NEW	92-16-100	484-20-040	AMD	92-17-046	495A-108-070	NEW-E	92-08-004
480-93-115	NEW-P	92-06-086	484-20-045	AMD-P	92-13-023	495A-108-070	NEW	92-12-017
480-93-115	NEW	92-16-100	484-20-045	AMD	92-17-046	495A-108-080	NEW-P	92-07-101
480-93-120	AMD-P	92-06-086	484-20-050	AMD-P	92-13-023	495A-108-080	NEW-E	92-08-004
480-93-120	AMD	92-16-100	484-20-050	AMD	92-17-046	495A-108-080	NEW	92-12-017
480-93-124	NEW-P	92-06-086	484-20-055	AMD-P	92-13-023	495A-120-010	NEW-P	92-07-101
480-93-124	NEW	92-16-100	484-20-055	AMD	92-17-046	495A-120-010	NEW-E	92-08-004
480-93-140	AMD-P	92-06-086	484-20-060	AMD-P	92-13-023	495A-120-010	NEW	92-12-017
480-93-140	AMD	92-16-100	484-20-060	AMD	92-17-046	495A-120-020	NEW-P	92-07-101
480-93-155	NEW-P	92-06-086	484-20-065	AMD-P	92-13-023	495A-120-020	NEW	92-12-017
480-93-155	NEW	92-16-100	484-20-065	AMD	92-17-046	495A-120-030	NEW-P	92-07-101
480-93-161	NEW-P	92-06-086	484-20-068	AMD-P	92-13-023	495A-120-030	NEW-E	92-08-004
480-93-175	NEW-P	92-06-086	484-20-068	AMD	92-17-046	495A-120-030	NEW	92-12-017
480-93-175	NEW	92-16-100	484-20-070	AMD-P	92-13-023	495A-120-040	NEW-P	92-07-101
480-93-180	AMD-P	92-06-086	484-20-070	AMD	92-17-046	495A-120-040	NEW-E	92-08-004
480-93-180	AMD	92-16-100	484-20-075	AMD-P	92-13-023	495A-120-040	NEW	92-12-017
480-93-183	NEW-P	92-06-086	484-20-075	AMD	92-17-046	495A-120-045	NEW-P	92-07-101
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495D-120-140	NEW	92-15-081	495D-276-040	NEW-P	92-12-049	508-12-340	REP	92-12-055
495D-120-150	NEW-P	92-12-049	495D-276-040	NEW	92-15-081	508-12-350	REP-P	92-06-091
495D-120-150	NEW	92-15-081	495D-276-050	NEW-P	92-12-049	508-12-350	REP	92-12-055
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495D-122-020	NEW-P	92-12-049	495D-276-110	NEW	92-15-081			
495D-122-020	NEW	92-15-081	495D-276-120	NEW-P	92-12-049			
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