

Washington State Register

MAY 17, 1995

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CITATION

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

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A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE (Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of May 1995 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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

WASHINGTON STATE REGISTER

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

Raymond W. Haman
Chairman, Statute Law Committee

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Editor

Joyce Matzen
Subscription Clerk

STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

The Register is arranged in the following six sections:

- (a) **PREPROPOSAL**-includes the Preproposal Statement of Intent that will be used to solicit public comments on a general area of proposed rule making before the agency files a formal notice.
- (b) **PROPOSED**-includes the full text of formal proposals, continuances, supplemental notices, and withdrawals.
- (c) **PERMANENT**-includes the full text of permanently adopted rules.
- (d) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (e) **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.
- (f) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (g) **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 OR DELETED MATERIAL

RCW 34.05.395 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

- (a) In amendatory sections—
 - (i) underlined material is new material;
 - (ii) ~~deleted material~~ is ((~~lined out 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].

1994 - 1995
DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
<i>For Inclusion in--</i>	<i>File no later than--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
94-16	Jul 6	Jul 20	Aug 3	Aug 17	Sep 6
94-17	Jul 27	Aug 10	Aug 24	Sep 7	Sep 27
94-18	Aug 10	Aug 24	Sep 7	Sep 21	Oct 11
94-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
94-20	Sep 7	Sep 21	Oct 5	Oct 19	Nov 8
94-21	Sep 21	Oct 5	Oct 19	Nov 2	Nov 22
94-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
94-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
94-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1995
95-01	Nov 23	Dec 7	Dec 21, 1994	Jan 4, 1995	Jan 24
95-02	Dec 7	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 7
95-03	Dec 21, 1994	Jan 4, 1995	Jan 18	Feb 1	Feb 21
95-04	Jan 4	Jan 18	Feb 1	Feb 15	Mar 7
95-05	Jan 18	Feb 1	Feb 15	Mar 1	Mar 21
95-06	Feb 1	Feb 15	Mar 1	Mar 15	Apr 4
95-07	Feb 22	Mar 8	Mar 22	Apr 5	Apr 25
95-08	Mar 8	Mar 22	Apr 5	Apr 19	May 9
95-09	Mar 22	Apr 5	Apr 19	May 3	May 23
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95-11	Apr 26	May 10	May 24	Jun 7	Jun 27
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95-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
95-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
95-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1996

¹All 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.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office; see WAC 1-21-040. Agency-typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

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

REGULATORY FAIRNESS ACT

The Regulatory Fairness Act, chapter 19.85 RCW, was enacted in 1982 to minimize the impact of state regulations on small business. Amended in 1994, the act requires a small business economic impact analysis of proposed rules that impose more than a minor cost on twenty percent of the businesses in all industries, or ten percent of the businesses in any one industry. The Regulatory Fairness Act defines industry as businesses within a four digit SIC classification, and for the purpose of this act, small business is defined by RCW 19.85.020 as "any business entity, including a sole proprietorship, corporation, partnership, or other legal entity, that is owned and operated independently from all other businesses, that has the purpose of making a profit, and that has fifty or fewer employees."

Small Business Economic Impact Statements (SBEIS)

A small business economic impact statement (SBEIS) must be prepared by state agencies when a proposed rule meets the above criteria. Chapter 19.85 RCW requires the Washington State Business Assistance Center (BAC) to develop guidelines for agencies to use in determining whether the impact of a rule is more than minor and to provide technical assistance to agencies in developing a SBEIS. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, must be reviewed to determine if the requirements of the Regulatory Fairness Act apply; if an SBEIS is required it must be completed before permanent rules are filed with the Office of the Code Reviser.

Mitigation

In addition to completing the economic impact analysis for proposed rules, state agencies must take reasonable, legal, and feasible steps to reduce or mitigate the impact of rules on small businesses when there is a disproportionate impact on small versus large business. State agencies are encouraged to reduce the economic impact of rules on small businesses when possible and when such steps are in keeping with the stated intent of the statute(s) being implemented by proposed rules. Since 1994, small business economic impact statements must contain a list of the mitigation steps taken, or reasonable justification for not taking steps to reduce the impact of rules on small businesses.

When is an SBEIS Required?

When:

The proposed rule has more than a minor (as defined by the BAC) economic impact on businesses in more than twenty percent of all industries or more than ten percent of any one industry.

When is an SBEIS Not Required?

When:

The rule is proposed only to comply or conform with a federal law or regulation, and the state has no discretion in how the rule is implemented;

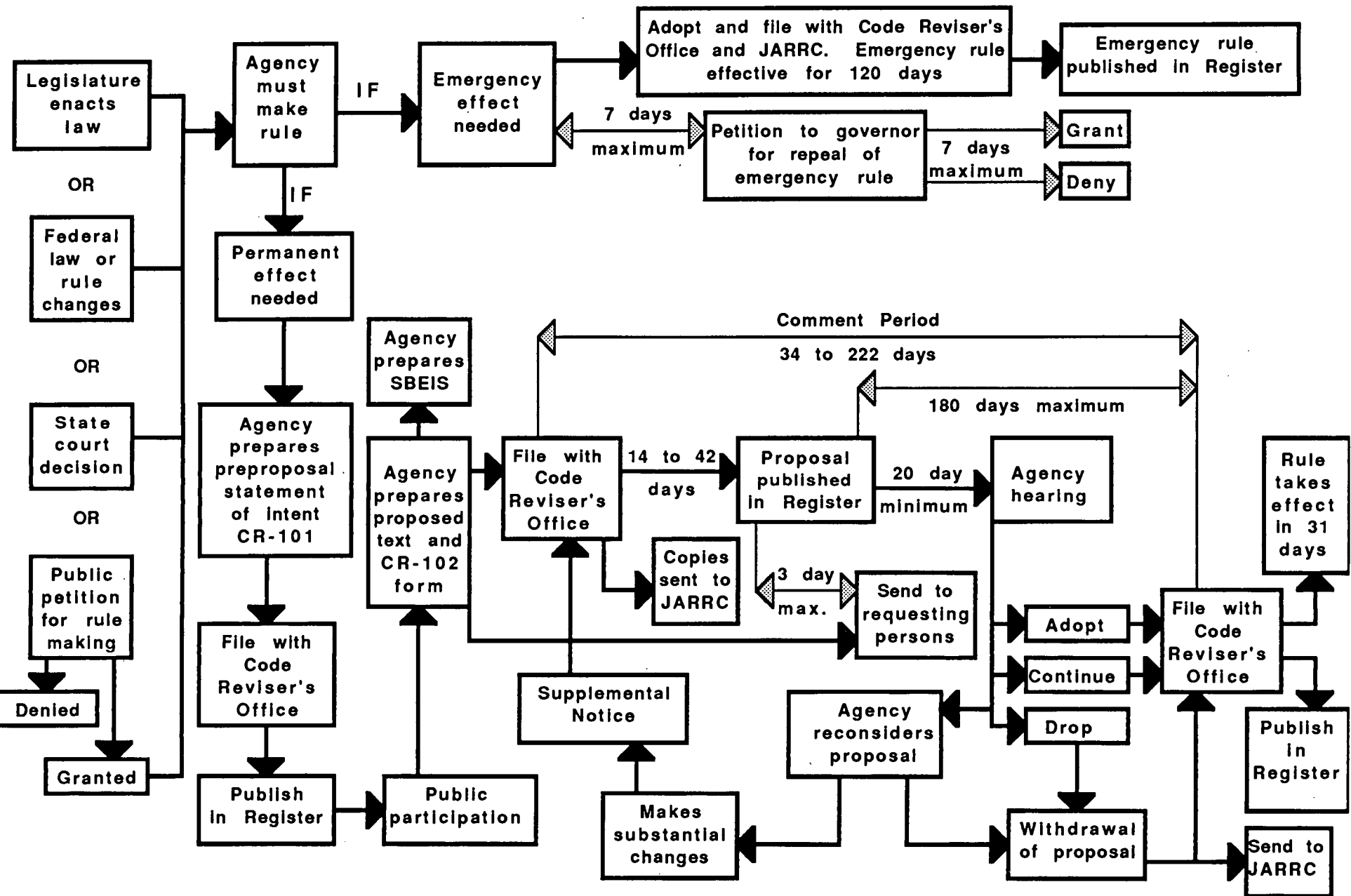
There is less than minor economic impact on business;

The rule REDUCES costs to business (although an SBEIS may be a useful tool for demonstrating this reduced impact);

The rule is adopted as an emergency rule, although an SBEIS may be required when an emergency rule is proposed for adoption as a permanent rule; or

The rule is pure restatement of state statute.

RULE-MAKING PROCESS



WSR 95-10-001A
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF TRANSPORTATION
 [Filed April 20, 1995, 9:05 a.m.]

Specific Statutory Authority for New Rule: Chapter 47.50 RCW.

Reasons Why the New Rule is Needed: Existing rule (chapter 468-51 WAC) is unnecessarily complicated in its administrative appeal process and the Attorney General's Office has suggested clarification of this WAC.

Goals of New Rule: To simplify and clarify the existing rule.

Process for Developing New Rule: Attorney General's Office review.

How Interested Parties can Participate in Formulation of the New Rule: Contact Randy Deer, Access and Hearing Engineer, Transportation Building, Design Office, 2B, P.O. Box 47329, Olympia, WA 98504-7329.

April 19, 1995
 S. A. Moon
 Deputy Secretary
 for Operations

WSR 95-10-002
PREPROPOSAL STATEMENT OF INTENT
COMMUNITY COLLEGES
OF SPOKANE
 [Filed April 20, 1995, 10:48 a.m.]

Specific Statutory Authority for New Rule: RCW 28B.10.902(3).

Reasons Why the New Rule is Needed: To develop institutional rules prohibiting hazing as mandated by the legislature.

Goals of New Rule: To clearly define hazing and other prohibited conduct as well as sanctions for engaging in hazing or other prohibited conduct.

Process for Developing New Rule: Agency study; and circulation of draft rules to student organizations and other interested parties.

How Interested Parties can Participate in Formulation of the New Rule: Geoffrey J. Eng, District Director, Affirmative Action/Administrative Services, Community Colleges of Spokane, North 2000 Greene Street, Spokane, WA 99207, SCAN 271-8667, FAX (509) 533-8052, TDD (509) 533-7483.

April 18, 1995
 Geoffrey J. Eng
 Rules Coordinator

WSR 95-10-015
PREPROPOSAL STATEMENT OF INTENT
LIQUOR CONTROL BOARD
 [Filed April 25, 1995, 2:19 p.m.]

Subject of Possible Rule Making: WAC 314-24-220 Removal of wine from a bonded wine warehouse.

Specific Statutory Authority for New Rule: RCW 66.08.030.

Reasons Why the New Rule is Needed: Changes are being requested by wineries to allow for the removal of wine from a bonded wine warehouse for direct delivery by winery personnel to retail accounts rather than have wine moved back to the winery prior to shipment to retailers.

Goals of New Rule: To review whether or not the existing WAC needs to be revised in order to meet the needs of industry and still maintain overall control of product movement.

Process for Developing New Rule: Negotiated rule making; and agency study.

How Interested Parties can Participate in Formulation of the New Rule: David Goyette, Assistant Director, Washington State Liquor Control Board, P.O. Box 43094, Olympia, WA 98504-3094, phone (360) 753-2724, FAX (360) 753-2710, by June 1, 1995.

April 25, 1995
 Joe McGavick
 Chairman

WSR 95-10-017
PREPROPOSAL STATEMENT OF INTENT
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES
 [Filed April 26, 1995, 11:17 a.m.]

Specific Statutory Authority for New Rule: Chapter 28B.50 RCW.

Reasons Why the New Rule is Needed: The colleges need a model admissions policy to address younger students' admission to community and technical colleges. Current admission policies do not fully address the issue.

Goals of New Rule: Establish a state board policy on underage admissions. The colleges need guidance in this area.

Process for Developing New Rule: Filing of CR-101, CR-102, CR-103 appropriate public hearing, etc.

How Interested Parties can Participate in Formulation of the New Rule: Contact Claire Krueger, Administrative Rules Coordinator, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, (360) 753-7413.

April 26, 1995
 Claire C. Krueger
 Administrative Rules Coordinator

AMENDATORY SECTION (Amending Order 122, Resolution Nos. 90-42 and 90-43, filed 9/20/90, effective 10/21/90)

WAC 131-12-010 Minimum standards for admission to a community or technical college. (1) Any applicant for admission to a community or technical college shall be admitted when, as determined by the chief administrative officer of the district or his or her designee, such applicant:

((1)) (a) Is competent to profit from the curricular offerings of the college; and

((2)) (b) Would not, by his or her presence or conduct, create a disruptive atmosphere within the community or technical college inconsistent with the purposes of the institution; and

((3)) (c) Is eighteen years of age or older; or

~~((4))~~ (d) Is a high school graduate; or
~~((5))~~ (e) Has applied for admission under the provisions of a student enrollment options program such as Running Start or a successor program; or other local student enrollment options program.

~~((6) If not qualified under subsections (1) through (5) of this section, has filed a written release from a public, private, or home school he or she is attending or last attended: Provided, That)~~

(2) However, an applicant transferring from another institution of higher education who meets the above criteria, but who is not in good standing at the time of his transfer may be conditionally admitted to a community or technical college on a probationary status as determined by the chief administrative officer of the community or technical college district or his or her designee.

Goals of New Rule: Adds a program certification process section and adds the description of the advisory committee to program, and specifies how to correct a noncompliance.

Process for Developing New Rule: Agency study; and internal and external review process, including interested public, Attorney General's Office, Treatment Advisory Board, etc.

How Interested Parties can Participate in Formulation of the New Rule: By contacting Bernie Gerhardt, P.O. Box 45710, Olympia, WA 98501, phone (360) 664-0591, FAX (360) 586-1040.

April 26, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

WSR 95-10-021

PREPROPOSAL STATEMENT OF INTENT HIGHLINE COMMUNITY COLLEGE

[Filed April 26, 1995, 3:26 p.m.]

Subject of Possible Rule Making: Amending chapter 132I-160 WAC, Admissions and registration procedures.

Specific Statutory Authority for New Rule: RCW 28B.50.140(13).

Reasons Why the New Rule is Needed: Passage of SSB 6002 by the 1995 legislature and amendment of RCW 28B.15.600(2) requires community colleges to adopt new rules.

Goals of New Rule: Establish rules for the refund of tuition and fees when a student withdraws from a college course or program after the start of instruction.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Phone or write Dr. Laura Saunders, Vice-President for Administration, Highline Community College, P.O. Box 98000, Des Moines, WA 98198-9800, phone (206) 878-3710 ext. 3203, FAX (206) 870-3754.

April 24, 1995

Dr. Laura Saunders

Vice-President

for Administration

WSR 95-10-024

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed April 26, 1995, 4:25 p.m.]

Subject of Possible Rule Making: Domestic violence perpetrator treatment program certification process, chapter 388-60 WAC.

Specific Statutory Authority for New Rule: RCW 26.50.150.

Reasons Why the New Rule is Needed: This chapter is amended to clarify specific process of certification and purpose of advisory committee.

WSR 95-10-032

PREPROPOSAL STATEMENT OF INTENT SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed April 27, 1995, 3:39 p.m.]

Subject of Possible Rule Making: Chapter 392-121 WAC, Basic education apportionment.

Specific Statutory Authority for New Rule: RCW 28A.150.290.

Reasons Why the New Rule is Needed: (1) Current method of claiming alternative education experiences for basic education funding does not include sufficient requirements and does not provide sufficient options for school districts; and (2) rules contain incorrect reference.

Goals of New Rule: (1) Clarification of claiming alternative education experiences for basic education funding in WAC 392-121-182; (2) correct reference for WAC 392-121-107 (1)(j); and (3) make other changes as necessary.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-4201, FAX (360) 753-4201, TDD (360) 664-3631.

April 26, 1995

Judith A. Billings

Superintendent of

Public Instruction

WSR 95-10-033

PREPROPOSAL STATEMENT OF INTENT DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed April 27, 1995, 4:24 p.m.]

Subject of Possible Rule Making: Assisted living services, chapter 388-15 WAC.

Specific Statutory Authority for New Rule: SHB 2098, chapter 508, Laws of 1993; chapter 74.39A RCW, effective May 18, 1993.

Reasons Why the New Rule is Needed: The Department of Social and Health Services is directed by RCW 74.39A.010, to develop contract rules for the assisted living program.

Goals of New Rule: To ensure that assisted living services provided in licensed boarding homes and purchased under contract with the Department of Social and Health Services meet the service requirements set forth in chapter 508, Laws of 1993. Further, to provide assisted living services as an option to persons most likely in the absence of assisted living services to need hospital, nursing facility, or other out-of-home placement.

Process for Developing New Rule: Negotiated rule making (partial); and the rules were developed by the agency based upon experience developing and monitoring assisted living contracts, with external distribution to assisted living providers, and other interested persons. Three state-wide public meetings, and three community meetings were held to obtain input regarding drafts of the rules with revisions resulting. Providers, advocates, legal services, Department of Health, AAGs, department staff, and other interested persons have been an ongoing part of the rule-making process which began in September 1994.

How Interested Parties can Participate in Formulation of the New Rule: Judy Johnson, P.O. Box 45600, Olympia, WA 98504-5600, (360) 493-2626, FAX (360) 438-7903, TDD 407-0212 or 1-800-733-7931.

April 27, 1995
Jeanette Sevedge-App
Acting Chief
Office of Vendor Services

WSR 95-10-042
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF HEALTH

[Filed May 1, 1995, 9:13 a.m.]

Subject of Possible Rule Making: Renewal fee, WAC 246-928-990, and new section for scope of practice.

Specific Statutory Authority for New Rule: RCW 18.89.050, 43.70.250.

Reasons Why the New Rule is Needed: To clarify the allowed procedures which are authorized under the scope of practice and to lower the renewal fee.

Goals of New Rule: Clarify scope of practice issues, lower renewal fee.

Process for Developing New Rule: Mass mailing to all current certified respiratory care practitioners.

How Interested Parties can Participate in Formulation of the New Rule: Vicki Brown, Program Manager, Health Professions Section One, Respiratory Care Program, P.O. Box 47868, Olympia, WA 98504-7868, phone (360) 586-8437, FAX (360) 753-0657.

April 27, 1994 [1995]
Bruce Miyahara
Secretary

WSR 95-10-047
PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 1, 1995, 1:50 p.m.]

Specific Statutory Authority for New Rule: Chapter 49.17 RCW.

Reasons Why the New Rule is Needed: To address Occupational Safety and Health Administration letter dated September 20, 1994, which stated that chapter 296-62 WAC rules, relating to areas containing carcinogens and respirator requirements, are not at-least-as-effective-as OSHA rules, 1910.1006, 1910.1008, 1910.1012 and 1910.1013.

Goals of New Rule: To amend chapter 296-62 WAC to be at-least-as-effective-as the OSHA rules.

Process for Developing New Rule: The department must adopt rules identical or "at-least-as-effective-as" OSHA rules as required by RCW 49.17.010 and the OSHA/WISHA state plan agreement. The agency intends to adopt rules identical to OSHA.

How Interested Parties can Participate in Formulation of the New Rule: Merle Larson, Industrial Safety Engineer, Consultation and Compliance Division, Department of Labor and Industries, P.O. Box 44620, Olympia, WA 98504-4620, phone (360) 902-5519, FAX (360) 902-5529.

April 27, 1995
Mark O. Brown
Director

WSR 95-10-050
PREPROPOSAL STATEMENT OF INTENT
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed May 1, 1995, 3:51 p.m.]

Subject of Possible Rule Making: Rule making will effect chapter 392-171 WAC, in its entirety. These are rules governing the operation of special education programs in the state of Washington.

Specific Statutory Authority for New Rule: Chapter 28A.155 RCW.

Reasons Why the New Rule is Needed: Chapter 392-171 WAC has been subject to amendment and revisions over the past several years and has been subject to legislative criticism for failing to accurately reflect the federal statutes and rules upon which it is based.

Goals of New Rule: (1) To accurately reflect the federal and state requirements of the program; (2) to provide direction to local school districts in a readable and useful format for the implementation of these programs; and (3) to bring rules into compliance with federal regulations.

Process for Developing New Rule: Early solicitation of public comments and recommendations respecting new, amended or repealed rules, and consideration of the comments and recommendations in the course of drafting rules.

WSR 95-10-050

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How Interested Parties can Participate in Formulation of the New Rule: Send written comments to Rules Coordinator, Legal Services, P.O. Box 47200, Olympia, WA 98504-4201, FAX (360) 753-4201, TDD (360) 664-3631. For telephone assistance contact John Brattain, (360) 753-6733.

April 28, 1995
Judith A. Billings
Superintendent of
Public Instruction

WSR 95-10-053**PREPROPOSAL STATEMENT OF INTENT
EMPLOYMENT SECURITY DEPARTMENT**

[Filed May 2, 1995, 12:03 p.m.]

Subject of Possible Rule Making: Adding a new section to chapter 192-12 WAC, regulating the department's union referral program.

Specific Statutory Authority for New Rule: RCW 50.12.010 Commissioner's duties and powers, 50.12.040 Rules and regulations, and 50.20.010 Benefit eligibility conditions.

Reasons Why the New Rule is Needed: RCW 50.20.010(3) requires individuals receiving unemployment compensation benefits to seek work "pursuant to customary trade practices." The department has had longstanding guidelines in place regarding the work search requirements for claimants who are members in good standing of referral unions, i.e., those unions who act as referral agents for their members. Pursuant to chapter 34.05 RCW, the department intends to establish a regulation in place of the guidelines, in order to clarify work search standards for members of referral unions and ensure consistent application of those standards.

Goals of New Rule: The new rule will establish standards for the department's union referral program, including defining which unions can be certified for participation in the referral program, the work search requirements expected of referral union members receiving unemployment compensation benefits, and the manner in which referral unions will certify the eligibility of their members for unemployment insurance purposes.

Process for Developing New Rule: Negotiated rule making.

How Interested Parties can Participate in Formulation of the New Rule: Persons interested in participating in the negotiated rule-making process may contact Graeme Sackrisson, Program Analysis Chief, Unemployment Insurance Division, Employment Security Department, P.O. Box 9046, Olympia, WA 98507-9046, phone (360) 753-0938 or FAX (360) 753-6492.

April 19, 1995
Dale Ziegler
Assistant Commissioner

WSR 95-10-055**PREPROPOSAL STATEMENT OF INTENT
DEPARTMENT OF LICENSING**

[Filed May 2, 1995, 3:03 p.m.]

Subject of Possible Rule Making: Disclosure of individual vehicle owner names and addresses to individuals.

Specific Statutory Authority for New Rule: RCW 46.12.380(1).

Reasons Why the New Rule is Needed: RCW 46.12.380 is amended to preclude the disclosure of vehicle owner names and addresses to private individuals. This information may only be disclosed to business entities for use in the course of business and to government agencies.

Goals of New Rule: To conform with the amended statute.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Jack L. Lince, Contracts Manager, Title and Registration Services, P.O. Box 2957, Mailstop 48021, Olympia, WA 98507-2957, phone (360) 902-3773, FAX (360) 664-0831, TDD (360) 664-8885.

April 27, 1995
Nancy Kelly
Administrator
Title/Registration Services

WSR 95-10-087**PREPROPOSAL STATEMENT OF INTENT
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES**

[Filed May 3, 1995, 10:59 a.m.]

Specific Statutory Authority for New Rule: Chapter 28B.50 RCW.

Reasons Why the New Rule is Needed: Defines hardship withdrawal if there is an "immediate and heavy financial need."

Goals of New Rule: See above.

Process for Developing New Rule: CR-101, CR-102, CR-103, appropriate notices and public hearings, etc.

How Interested Parties can Participate in Formulation of the New Rule: Please send written comments to Claire Krueger, Administrative Rules Coordinator, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495.

May 3, 1995
Claire C. Krueger
Administrative Rules Coordinator

NEW SECTION

WAC 131-16-056 Hardship withdrawals. (1) In the event of a financial hardship consistent with requirements of subsection (2) of this section, and the Internal Revenue Code, a participant may withdraw all or part of the employee contributions from the Washington community and technical college system TIAA/CREF retirement account while actively employed. Hardship withdrawals may not be larger than the amount necessary to meet the immediate and heavy financial need defined in subsection (2) of this section plus related taxes and early withdrawal penalties. Employer

contributions and earnings on the account may not be withdrawn while actively employed.

(2) To enable hardship withdrawal of funds, the Internal Revenue Code requires that the college president or designee shall certify that the participant has certified in writing that:

(a) The participant has an immediate and heavy financial need; and

(b) The participant has no other resources reasonably available to meet the need. Withdrawals shall be deemed to be for "an immediate and heavy financial need" only if they are for:

(i) Payments to prevent eviction from or foreclosure on the principal residence of the participant;

(ii) Unreimbursable medical expenses incurred by the participant, spouse, or dependents;

(iii) Payments for college tuition for the participant, spouse, or dependents; and/or

(iv) Payments for purchase of a principal residence for the participant. The participant shall be deemed to have "no other resources reasonably available to meet the need" if the participant certifies that he/she cannot meet the need through:

(A) Reimbursement or compensation by insurance or another source;

(B) Reasonable liquidation of assets;

(C) Borrowing from supplemental retirement accounts, life insurance values, or commercial sources; and/or

(D) Stopping any voluntary employee contributions to tax deferral or savings plans made available by the employer. (Note: Contributions to the employer-sponsored retirement plan must continue while the employee remains eligible for the plan.)

(3) Hardship withdrawals from the community and technical college TIAA/CREF plan are taxable income in the year received. Taxes, early withdrawal penalties, and any other consequences of hardship withdrawals shall be the sole responsibility of the participant. Withdrawals from the employer-sponsored TIAA/CREF plan may not be replaced at a later date.

WSR 95-10-088

PREPROPOSAL STATEMENT OF INTENT STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

[Filed May 3, 1995, 11:00 a.m.]

Specific Statutory Authority for New Rule: Chapters 28B.15 and 28B.50 RCW.

Reasons Why the New Rule is Needed: ESB 6285 of the 1992 legislative session made changes to higher education tuition and fee waivers.

Goals of New Rule: Clarify tuition and fees, waivers, etc.

Process for Developing New Rule: Appropriate filings and public hearing, CR-101, CR-102, CR-103.

How Interested Parties can Participate in Formulation of the New Rule: Contact Claire Krueger, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, (360) 753-7413.

May 3, 1995

Claire C. Krueger

Administrative Rules Coordinator

AMENDATORY SECTION (Amending Order 12, filed 7/22/71)

WAC 131-28-010 Tuition and fee charges for summer quarter. Tuition, operating, services and activities, and special fees charged to students enrolled as state funded students for summer quarter shall be assessed on the same basis and in the same manner as such fees are assessed for other quarters of the academic year. Fees charged to students enrolled as self-supporting shall comply with RCW 28B.15.515(1).

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-015 Assessment of tuition and fee charges. It shall be the general policy of the (~~Washington community college system~~) state board that all tuition and services and activities fees (~~or special fees charged to students~~) shall be assessed on a uniform and equitable basis, except when the requirement to pay all or part of such fees has been specifically waived or altered by law or by regulation of the state board or the district board of trustees.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-021 Definitions. For the purpose of WAC 131-28-025, the following definitions shall apply:

(1) "Resident student" and "nonresident student" shall be defined in the same manner as in chapter 28B.15 RCW.

(2) "Tuition fees," "building fees," "operating fees" and "services and activities fees" shall be defined in the same manner as in chapter 28B.15 RCW.

(3) "Special fees" shall be defined as all fees established by the district board of trustees other than tuition, building fees, operating fees or services and activities fees and as such shall include fees charged to an individual student for specific services and privileges received by such student.

(4) "Student funded course" shall be defined as any organized instructional activity, typically ungraded, primarily offered for part-time students, not normally an integral part of any specific study program leading to either an academic or an occupational degree or certificate, and specifically identified as such by a community college consistent with the course classification procedures established by the state board.

(5) "Academic or occupational course" shall be defined as all organized instructional activities other than student funded courses.

(6) "Short course" shall be defined as any academic, occupational, or student funded course not regularly scheduled in the quarterly announcement of courses, not routinely listed in the college catalog as a regular and normal part of the instructional program, and not normally of a full quarter in duration.

(7) "Regular course" shall be defined as any (~~academic, occupational, or student funded~~) course not classified as a short course.

(8) "Required course" shall be defined as any course specified in the college catalog or official curriculum description of any vocational preparatory program as necessary for completion of such program, except courses prerequisite to such program.

(9) "Vocational preparatory program" shall be defined as any planned series of learning experiences, the specific objective of which is to prepare persons to enter gainful employment in a recognized occupation not designated as professional or requiring a baccalaureate or higher degree, provided that such program has been approved by the state board.

AMENDATORY SECTION (Amending Order 139, Resolution No. 92-06-39, filed 6/23/92, effective 7/24/92)

WAC 131-28-025 Method of assessing tuition and fee charges. (1) For academic and occupational regular or short courses, tuition and fees charged to students:

(a) Shall be based upon the number of credits assigned to such courses as listed in the official and current catalog of the college, or for courses not given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the state board.

(b) Shall be assessed on a per-credit basis at uniform rates for resident and for nonresident students, provided:

That the respective maximums charged to any resident or nonresident student shall not exceed the amount specified in chapter 28B.15 RCW:

(c) Shall be assessed for part-time students, for each credit of registration or its equivalent, at the rate of one-tenth of the total combined tuition and services and activities fees charged to full-time students consistent with chapter 28B.15 RCW.

(d) Shall include an additional operating fee for each credit in excess of eighteen at the rate of one-tenth of the tuition fee charged to full-time students ~~((consistent with chapter 28B.15 RCW. The additional fee assessed to a student enrolled in both a vocational preparatory program and a required course in that program shall be set at fifteen percent of the per credit tuition charge, rounded to the nearest whole dollar. This exemption shall require written approval by an appropriate college official)).~~

(e) Shall be no less than two times the amount of tuition and services and activities fees charged for one credit.

(2) ~~((The provisions of this section shall not apply to the ungraded courses set forth in WAC 131-28-026.~~

~~(3))~~ For student funded courses, fees charged to students:

(a) Shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;

(b) Shall be assessed at a rate sufficient to defray the direct and indirect costs of offering such ~~((community service))~~ courses.

~~((4))~~ (3) Nothing herein shall be construed to be a restriction on the right of the district board of trustees to assess additional noninstructional fees and special fees to cover unique instructional costs or expendable instructional materials related to any course offered by a college district.

NEW SECTION

WAC 131-28-02501 Waivers. Community college boards may grant waivers from the standard tuition and fees rate for ungraded courses designated in WAC 131-28-026(3) and to students who qualify under a waiver created in Title 28B RCW.

Except for ungraded courses, colleges shall not waiver the building fee or services and activities fee at a percentage rate greater than the percentage rate of waiver for operating fees.

Colleges may not impose conditions or eligibility criteria beyond that specified in this chapter or Title 28B RCW. Colleges may restrict the number of waivers granted.

Colleges may round the amount waived to the nearest dollar.

AMENDATORY SECTION (Amending Order 139, Resolution No. 92-06-39, filed 6/23/92, effective 7/24/92)

WAC 131-28-026 Tuition charges for certain ungraded courses. (1) The state board shall designate ungraded courses. These courses may be offered at tuition rates that differ from the standard rates set by WAC 131-28-025.

(2) Ungraded courses ~~((designated pursuant to subsection (1) of this section))~~ shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate~~(s)~~ or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) ~~((For the purposes of this section, ungraded courses shall be defined as those courses classified according to the official course classification taxonomy established by the state board as occupational supplementary, occupational homemaking, academic basic education, or academic general education courses, provided they shall also meet the qualifications set forth in subsection (2) of this section.~~

~~(4) For the purpose of implementing WAC 131-28-025(2), the tuition, exclusive of special fees, charged by any Washington community college for the following ungraded courses shall be based on the following percentages of the per credit tuition fee for regular courses. There is no services and activities fee for ungraded courses:~~

COURSE ————— TUITION

- (a) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices while indentured with the Washington state apprenticeship council or Federal Bureau of Apprenticeship and Training ————— Thirty percent; provided the director shall convert the credit hour charge to a rounded amount per clock hour and districts shall charge accordingly
- (b) Department of labor and industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements ————— One hundred percent
- (c) Parent education involving cooperative preschool program ————— Fifteen percent
- (d) Farm management and small business management ————— Forty percent
- (e) Adult basic education, English as a second language ————— No charge
- (f) Emergency medical technician and paramedic continuing education ————— Thirty percent
- (g) Courses specifically designed to provide skills and understandings particularly related to the problems of retirement and advanced age ————— Thirty percent
- (h) Courses providing advanced training and skill maintenance for journeypersons in cooperation with joint apprenticeship and training committees ————— One hundred percent
- (i) GED preparation ————— Fifteen percent

(5) Students taking from eleven to eighteen credits shall not be charged for those credits.) Colleges may establish the amount of waiver for the following ungraded courses:

- (a) Farm management and small business management;
- (b) Emergency medical technician and paramedic continuing education;
- (c) Retirement;
- (d) Industrial first aid offered to satisfy WISHA and approved by the department of labor and industries.

(4) The waiver amounts for the following ungraded courses shall conform with the following schedule:

- (a) Adult Basic Education, English as a Second Language, GED preparation: No charge.
- (b) Parent education involving a cooperative preschool program: Eighty-five percent reduction from the standard per credit tuition and services activities fee charge. Parent education students taking eleven to eighteen credits shall not be charged for those credits.
- (c) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices indentured with the Washington state apprenticeship council or federal Bureau of Apprenticeship and Training: Fifty percent reduction from the standard per credit tuition and services and activities fee charge. The college may convert the credit hour charge to a rounded amount per clock hour.

(5) Students taking both regular and ungraded courses will be charged separately for the courses.

(6) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(7) Ungraded course ~~((tuition))~~ fees received pursuant to this section shall be accounted for and deposited in ~~((the))~~ local community college operating fee accounts established in RCW ~~((28B.15. (section 36, chapter 231, Laws of 1992)))~~ 28B.15.031.

(8) ~~((The term "standard rate" as used in this section shall mean the tuition charged for one quarter credit.~~

~~((9) Tuition))~~ Ungraded course fees may be paid by the sponsoring entity rather than an individual student.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-030 Waiver of tuition and fees for needy or disadvantaged students. Pursuant to authority granted by RCW 28B.15.740, the boards of trustees of community college districts are authorized to waive all or part of tuition and services and activities fees for needy students: *Provided*, That the students shall qualify for such waiver ~~((as determined by the))~~ under criteria set forth in WAC 131-28-040 through 131-28-045.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-040 Criteria for determining eligibility for waiver of tuition and fees under RCW 28B.15.740. Waiver of tuition and services and activities fees ~~((or any portions thereof as authorized by))~~ under RCW 28B.15.740 ~~((or normally charged to students enrolled))~~ (1) shall be based upon the determination that the student is a "needy student" ~~((by application of))~~ under a method of need analysis approved by the United States Department of Education for determining awards ~~((under))~~ for federal student financial aid programs or ~~((one))~~ a method adopted by the state board ~~((for community college education))~~ specifically for the purposes of this section, except as provided in WAC 131-28-045.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-045 Procedure for implementing tuition and fee waivers authorized pursuant to RCW 28B.15.740. (1) Tuition and fee waivers for needy students in any fiscal year ~~((as authorized by RCW 28B.15.740 may))~~ shall not exceed three percent of any community college district's estimated total collections of tuition and services and activities fees had no such waivers been made, after deducting the portion of that total amount which is attributable to the difference between resident and nonresident tuition and fees.

(2) The estimated total collection of tuition and service and activities fees shall be based on budgeted, state supported, four-quarter annual average enrollment.

(3) Each district may waive an amount not to exceed three percent of the estimated collections in the event that actual enrollments or collections exceed estimated collections. Conversely, the three percent waiver capacity based upon estimated collections is allowable even though actual collections may not be as high as the estimate.

(4) Districts desiring to exceed their individual three percent waiver capacity may do so only upon written approval from the state director of ~~((community colleges))~~ the state board, or ~~((his))~~ designee. This waiver capacity can only be granted to a district after it has been determined that the total waiver capacity for the community college system is not being utilized as a result of other districts waiving at levels less than the three percent capacity.

(5) At least three-fourths of the total amount waived by any district shall be for needy students who are eligible to pay resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 and the remainder may be for other students as determined by the board of trustees, except that no such waivers shall be based on participation in intercollegiate athletic programs.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-080 Tuition and fee waivers for senior citizens. (1) ~~((Pursuant to the authority granted by chapter 157, Laws of 1975 1st ex. sess.))~~ Under RCW 28B.15.540, community college districts ~~((are authorized to and))~~ may waive, in whole or in part, tuition and services and activities fees for any individual who ~~((has or will have attained))~~ attains sixty years of age by the first day of instruction of the quarter ~~((during which enrollment is desired))~~ enrolled and who is a resident of Washington, regardless of the length of such residency.

(2) College districts that elect to grant waivers as authorized by this section may:

(a) Waive, in whole or in part, tuition and services and activities fees for students enrolled on a credit or audit basis.

(b) Charge ~~((, in lieu of tuition and services and activities fees.))~~ a special fee of not more than \$5.00 per quarter ~~((per individual in total for those courses for which waivers are granted))~~ for students enrolled on an audit basis.

(c) Charge, in addition, any other special fees normally assessed to students who enroll in any course toward which the waiver authority contained in this section is applied.

(3) When granting waivers as authorized by this section, community college districts ~~((shall be))~~ are subject to the following regulations:

(a) Senior citizens who desire to enroll under the provisions of this section shall not be required to pass any financial need or means test as the basis for receiving such waivers.

(b) Such waivers shall not be applied to more than two courses per individual per quarter; however, qualified senior citizens may enroll in additional courses upon payment of the required tuition and fees normally charged to other students so enrolled.

(c) Such waivers shall be granted only on a "space available" basis after opportunity has been given for other students to register for courses offered by the college district.

(d) No new or additional courses or course section shall be created for the purpose of accommodating enrollments of students ~~((enrolled on the basis of))~~ granted waivers under this section.

(e) Waivers under this section shall not be granted to individuals who plan to use credits thus earned to improve their status for credentialing or salary schedule purposes; provided that it shall be the responsibility of the student to inform the college of the intended use of credits earned through enrollment under this fee waiver authorization.

(f) Enrollment information and statistical data related to enrollments made under this section must be maintained separately and must be discretely identified and distinguished from enrollments reported to the state board for all fiscal purposes.

(g) Computations of enrollment levels, student-faculty ratios, or other similar enrollment-related statistics must exclude student credit hours generated by enrollments for which waivers have been granted under this section.

(h) Individuals enrolled under this section must be afforded equal opportunity to utilize advisory and counseling services offered by the college district.

(i) All existing course prerequisites must apply to students enrolled under this section.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-085 Tuition and fee waivers for full-time community college employees. ~~((Pursuant to the authority granted by))~~ Under RCW 28B.15.535, community college districts ~~((are authorized to and))~~ may waive tuition and services and activities fees for full-time employees at their respective ~~((institutions of higher education enrolled in courses at said institutions))~~ college under the following conditions:

(1) Enrollment shall be on a space-available basis after opportunity has been given for other students to register for courses offered by the college,

(2) No new or additional courses or course sections shall be created for the purpose of accommodating enrollments of students ~~((enrolled on the basis of))~~ granted waivers under this section,

(3) Enrollment information on employees enrolled on a space-available basis shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall persons enrolled ~~((pursuant to the provisions of))~~ under this section be considered in any enrollment statistics which would affect budgetary determinations,

(4) Computations of enrollment levels, student-faculty ratio, or other similar enrollment related statistics must exclude student credit hours generated by enrollments for which waivers have been granted under this section,

(5) Employees enrolling on a space-available basis shall be charged a registration fee of not less than five dollars per quarter,

(6) Community college districts may limit the number of courses per quarter for which an employee may enroll pursuant to this section,

(7) Districts may enroll full-time intercollegiate center for nursing education, cooperative extension service and

agricultural research employees of Washington State University if such employees are stationed off-campus provided that (a) the employee's work station is situated within the district where ~~((he enrolls))~~ enrolled and (b) such a waiver of tuition and fees complies with conditions listed in subsections (1) through (6) of this section,

(8) Districts may recognize completion of such courses for salary improvement or vocational certification provided such courses are an approved part of the professional improvement plan of the individual,

(9) Prior to implementing any program for tuition and fee waivers for full-time employees, the college district shall adopt a written rule regarding such program and definitively set forth rules and procedures related to:

(a) Whether or not employees may take tuition free courses on released time and under what circumstances;

(b) Whether or not courses taken on a tuition free basis shall be allowed to apply toward an advancement on the salary schedule of the institution;

(c) Whether or not there will be a limit on the number of courses per quarter an employee may take; what that limitation is and any other constraints;

(d) The definition of a full-time employee, professional and classified, for purposes of this act;

(10) The individual community college district shall submit a copy of its adopted rule relating to the above to the state director.

(11) In addition to waivers provided under subsections (1) through (9) of this section, community college districts may also waive all or a portion of tuition and services and activities fees for full-time classified employees of state agencies and higher education institutions as provided in RCW 28B.15.558.

AMENDATORY SECTION (Amending Order 122, Resolution Nos. 90-42 and 90-43, filed 9/20/90, effective 10/21/90)

WAC 131-28-090 Tuition and fee waivers for unemployed and underemployed resident students. (1) ~~((The purpose of this section is to carry out the intent of the legislature to provide tuition free educational opportunities for unemployed and underemployed individuals who wish to attend a Washington community college on a space available basis.~~

~~((2) Pursuant to authority granted by))~~ Under RCW 28B.15.522 community college districts may waive, in whole or in part, tuition and services and activities fees for any individual who:

(a) Is a resident student as defined by RCW 28B.15.-012(2);

(b) Will have attained age twenty-one prior to the first day of instruction ~~((on the basis of such waiver))~~;

(c) Has not attended an institution of higher education during the six-month period immediately prior to the first day of instruction, other than ~~((pursuant to))~~ under this section;

(d) Is not receiving or eligible to receive unemployment compensation funded by federal, state matching, or trade readjustment benefit sources;

(e) Has a monthly household income below four hundred sixty-five dollars for a single person and an additional one hundred thirty dollars for each additional house-

hold member or the successor values to these amounts as may be subsequently established by the department of social and health services as need standards for assistance determination purposes;

(f) Has been or will have been unemployed for at least six months prior to the first day of instruction or is underemployed as evidenced by monthly income for the preceding six-month period below the level established in (e) of this subsection.

~~((3))~~ (2) Enrollments made pursuant to this section shall be on a space available basis.

~~((4))~~ (3) No new course sections shall be created as a result of enrollments based on waivers authorized by this section.

~~((5))~~ (4) Enrollment information on students registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor be considered in any enrollment statistics which would affect budgetary determinations.

~~((6))~~ (5) Persons enrolled ~~((pursuant to))~~ under this section shall have the same access to support services as do all other students and shall be subject to all course prerequisites and requirements.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 131-28-028 Tuition charges for certain waiver categories.

WSR 95-10-103

PREPROPOSAL STATEMENT OF INTENT

DEPARTMENT OF FISH AND WILDLIFE

(Fisheries)

[Filed May 3, 1995, 11:37 a.m.]

Subject of Possible Rule Making: Coastal harbor salmon net seasons.

Specific Statutory Authority for New Rule: RCW 75.08.080.

Reasons Why the New Rule is Needed: Set seasons to harvest available salmon.

Goals of New Rule: Provide for harvest opportunity.

Process for Developing New Rule: Agency study.

How Interested Parties can Participate in Formulation of the New Rule: Bruce Crawford, Fish Management Program, Washington State Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501, (360) 902-2325.

May 3, 1995

Evan Jacoby

Rules Coordinator

**WSR 95-10-106
PREPROPOSAL STATEMENT OF INTENT
OFFICE OF
FINANCIAL MANAGEMENT**

[Filed May 3, 1995, 11:46 a.m.]

Subject of Possible Rule Making: To set the state paydates for 1996.

Specific Statutory Authority for New Rule: RCW 42.16.010 and 42.16.017.

Reasons Why the New Rule is Needed: To publicize the upcoming calendar year's state paydates six months prior to the beginning of the calendar year (1996).

Goals of New Rule: To provide state employees and agencies the anticipated paydates.

Process for Developing New Rule: To comply with RCW 42.16.010 and establish designated paydates in accordance with that statute.

How Interested Parties can Participate in Formulation of the New Rule: Contact Millie Lund, Office of Financial Management, 406 Legion Way S.E., P.O. Box 43127, Olympia, WA 98504-3127, (360) 664-3419, FAX (360) 664-3423.

May 3, 1995
Pete Anthony
for Michael Cheney
Manager, Statewide Accounting

WSR 95-10-009
WITHDRAWAL OF PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed April 24, 1995, 4:01 p.m.]

The Washington State Parks and Recreation Commission hereby withdraws proposed amended WAC 352-32-035 filed with your office on December 30, 1994, as WSR 95-02-052.
 Sharon Howdeshell
 Office Manager

WSR 95-10-010
PROPOSED RULES
PARKS AND RECREATION
COMMISSION

[Filed April 24, 1995, 4:04 p.m.]

Original Notice.

Title of Rule: WAC 352-32-035.

Purpose: Delete specific campsite reservation season dates from WAC 352-32-035 and empower the Washington State Parks and Recreation Commission to establish those dates as needed.

Statutory Authority for Adoption: RCW 43.51.040(2).
 Statute Being Implemented: RCW 43.51.040(2).

Summary: WAC 352-32-035 Campsite reservation, establishes reservation parks, seasons, and other process rules. This amendment will eliminate specific reservation season dates and empower the commission to establish those dates which will enhance service to the public.

Name of Agency Personnel Responsible for Drafting: Bill Gansberg, 7150 Cleanwater Lane, Olympia, 98506-2650, (360) 902-8598; Implementation: Kathy Smith, 7150 Cleanwater Lane, Olympia, 98506-2650, (360) 902-8594; and Enforcement: Park managers, state wide.

Name of Proponent: Washington State Parks and Recreation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule allows for advance campsite reservations to be available in certain state parks as designated by the director. The proposed amendment will allow for increased scheduling flexibility by deleting specific reservation season beginning and ending dates and empowering the commission to establish those dates as needed. This will allow the commission to expand the reservation season and enhance service to the public.

Proposal Changes the Following Existing Rules: This change will delete specific campsite reservation season dates from WAC 352-32-035. It will allow the commission to establish campsite reservation season beginning and ending dates as needed.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required under chapter 19.85 RCW.

Hearing Location: Anacortes City Hall, 6th and Q, Anacortes, WA 98221, on June 16, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Allison Alderman by June 6, 1995, TDD (360) 428-1028, or (360) 755-9231.

Submit Written Comments to: Bill Gansberg, P.O. Box 42650, Olympia, WA 98506-2650, FAX (360) 586-5875, by June 2, 1995.

Date of Intended Adoption: June 16, 1995.

April 24, 1995
 Sharon Howdeshell
 Office Manager

AMENDATORY SECTION (Amending WSR 93-06-001, filed 2/17/93, effective 3/20/93)

WAC 352-32-035 Campsite reservation. (1) Advance campsite reservations will be available in certain state parks as designated by the director.

(2) The period during which campsites may be reserved ~~((is from the Friday before Memorial Day through Labor Day, except for Twin Harbors and Grayland Beach State Parks where the period shall be May 1 through September 30, and except for Fort Canby State Park where the period shall be April 1 through September 30))~~ shall be established by the commission.

(3) Reservation requests can only be made for camping dates within the current calendar year.

(4) Requests for reservations may be made in writing and must be postmarked a minimum of fourteen days in advance of the first camping night requested. Written reservation requests postmarked on or after January 1 will be accepted; reservation requests postmarked prior to January 1 will be returned. Accepted reservation requests will be processed in order of arrival up to fourteen days in advance of Labor Day.

(5) Reservations may be made in person on or after April 1 at the park where camping is to occur.

(6) There will be a \$5.00 nonrefundable fee charged for each reservation made at each park, in addition to the standard campsite fee, regardless of the number of days reserved. Payment of the nonrefundable reservation fee and first night's camping fee must accompany the reservation request.

(7) No individual may reserve a campsite in more than one state park, for one or more of the same days.

(8) Reservations for a specific campsite within a park will not be guaranteed.

(9) Campsites which have not been reserved may be used on a first-come-first-served basis without paying a reservation fee, if the site is occupied immediately.

(10) A raincheck will be issued for the camping fee paid for any confirmed reservation which is not used, provided a cancellation request is made by calling the campsite information center or the park in which the site is reserved, no less than twenty-four hours in advance of the first day of the reservation, or in writing to the park, postmarked seven days in advance of the first day of the reservation. Rainchecks will be valid for one year from the date of issue, and may be used toward camping fees in any state park, or may accompany a subsequent reservation request in lieu of payment for the first night's camping fee.

(11) Campers will be declared no-show and forfeit their reservation as well as the reservation fee and the first night's camping fee if they have not cancelled or if the reservation is not claimed by 9:00 p.m. After this time, the site may be reassigned, unless late arrival arrangements are made with

PROPOSED

the park by telephone between the hours of 7:00 p.m. and 9:00 p.m. on the day of arrival.

(12) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

**WSR 95-10-018
PROPOSED RULES
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES**

[Filed April 26, 1995, 11:19 a.m.]

Original Notice.

Title of Rule: WAC 131-12-010 Minimum standards for admission to a community or technical college.

Purpose: Establish policy for underage admissions.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: WAC 131-12-010.

Summary: Establish a state board policy re: Underage admissions of students to community and technical colleges.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: C. Krueger, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2497 [98504-2495], (360) 753-7418.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes policy governing admissions of younger students to community and technical colleges.

Proposal Changes the Following Existing Rules: Changes admissions practices governing younger students to community and technical colleges.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Minimal or no impact.

Hearing Location: Spokane Community College, North 1810 Greene Street, Spokane, WA 99207, on June 8, 1995, at 10 a.m.

Assistance for Persons with Disabilities: Contact C. Krueger at (360) 753-7413 by June 1, 1995, TDD (360) 753-3680, or (360) 753-7413.

Submit Written Comments to: C. Krueger, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, FAX (360) 586-6440, by June 1, 1995.

Date of Intended Adoption: June 8, 1995.

April 26, 1995
Claire C. Krueger
Administrative [Rules Coordinator]

AMENDATORY SECTION (Amending Order 122, Resolution Nos. 90-42 and 90-43, filed 9/20/90, effective 10/21/90)

WAC 131-12-010 Minimum standards for admission to a community or technical college. (1) Any applicant for admission to a community or technical college shall be admitted when, as determined by the chief administrative officer of the district or his or her designee, such applicant:

((1)) (a) Is competent to profit from the curricular offerings of the college; and

((2)) (b) Would not, by his or her presence or conduct, create a disruptive atmosphere within the community or technical college inconsistent with the purposes of the institution; and

((3)) (c) Is eighteen years of age or older; or

((4)) (d) Is a high school graduate; or

((5)) (e) Has applied for admission under the provisions of a student enrollment options program such as Running Start or a successor program; or other local student enrollment options program.

((6) If not qualified under subsections (1) through (5) of this section, has filed a written release from a public, private, or home school he or she is attending or last attended: ~~Provided, That~~)

(2) However, an applicant transferring from another institution of higher education who meets the above criteria, but who is not in good standing at the time of his transfer may be conditionally admitted to a community or technical college on a probationary status as determined by the chief administrative officer of the community or technical college district or his or her designee.

**WSR 95-10-019
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed April 26, 1995, 11:46 a.m.]

The Department of Labor and Industries is hereby withdrawing the following proposed amended sections of chapter 296-62 WAC, General occupational health standards: WAC 296-62-05403 Scope and application, 296-62-05405 Definitions applicable to this section, and 296-62-05413 Material safety data sheets.

These proposed changes were filed on February 14, 1995, with a public hearing held on March 24, 1995, WSR 95-05-061.

Mark O. Brown
Director

**WSR 95-10-020
PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed April 26, 1995, 3:25 p.m.]

Original Notice.

Title of Rule: Adoption of the pasteurized milk ordinance as the standard for production of milk and milk products.

Statutory Authority for Adoption: RCW 15.36.021.

Statute Being Implemented: Chapter 15.36 RCW, Milk and milk products.

Summary: Adopts provisions of most recent pasteurized milk ordinance (PMO) which establishes requirements for interstate shipment of Grade A milk and dairy products.

Reasons Supporting Proposal: More than 40% of Grade A milk produced in Washington is shipped interstate,

compliance with provisions of PMO is necessary to maintain this ability and freedom.

Name of Agency Personnel Responsible for Drafting and Implementation: Verne Hedlund, 1111 Washington Street, Olympia, 902-1860; and Enforcement: Mike Donovan, 1111 Washington Street, Olympia, 902-1883.

Name of Proponent: Washington Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establishes requirements for production, hauling, processing and bottling of milk and milk products under national conference of interstate milk shippers (NCIMS). Adoption of and compliance with most current edition will protect the ability of the dairy industry to ship Grade A milk and dairy products in interstate commerce under voluntary NCIMS rules.

Proposal Changes the Following Existing Rules: Updating of previous editions, adds new Appendix O requiring annual vitamin testing.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Changes from earlier version will have no economic impact on industry.

Hearing Location: Natural Resources Building, 1111 Washington Street, 2nd Floor, Room 259, Olympia, WA 98504-2560, on June 15, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by June 1, 1995, TDD (360) 902-1996, or (360) 902-1880.

Submit Written Comments to: Verne Hedlund, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2087, by June 15, 1995.

Date of Intended Adoption: June 22, 1995.

April 26, 1995
Candace Jacobs
Assistant Director

AMENDATORY SECTION (Amending Order 5021, filed 11/30/93, effective 12/31/93)

WAC 16-101-700 Adoption of the pasteurized milk ordinance as the standard for production of milk and milk products. (1) The Grade "A" Pasteurized Milk Ordinance (~~((1989))~~ 1993 Recommendation of the United States Public Health Service/Food and Drug Administration is adopted by reference as additional Washington state standards for the production of milk and milk products under chapter 15.36 RCW with the exception of the following portions.

(a) Part 1. Grade A Pasteurized Milk Ordinance:

(i) Section 3, paragraphs 3 and 4, page 8.

(ii) Section 7. Table 1, line 1, Temperature. . . Cooled to 7°C (45°F) or less within two hours after milking, provided that the blend temperature after the first and subsequent milkings does not exceed 10°C (50°F); line 2, Bacterial Limits. . . Individual producer milk not to exceed 100,000 per ml prior to commingling with other producer milk, page ((13)) 14.

(iii) Item 19r Cooling, page ((47)) 18.

(iv) Sections 9, page 24, 15, 16, and 17, page 27.

(b) Part II. Administrative Procedures:

(i) Section 3, paragraphs 3 and 4, page ((34)) 36.

(ii) Section 7. Table 1, line 1, Temperature. . . Cooled to 7°C (45°F) or less within two hours after milking, provided that the blend temperature after the first and subsequent milkings does not exceed 10°C (50°F); line 2, Bacterial Limits. . . Individual producer milk not to exceed 100,000 per ml prior to commingling with other producer milk; page ((42)) 48.

(iii) Section 7, Item 19r Cooling, paragraph 1, page ((58)) 65.

(iv) Section 7, Item 19r Cooling, Administrative Procedures (1), page ((58)) 65.

(v) Sections 9, page ((405)) 115, 15, 16, and 17, page ((408)) 120.

(vi) Appendix E, pages ((471-472)) 183-185.

(vii) Appendix K, page ((241-242)) 257-258.

(viii) Appendix N: (~~((1/1/92-addition))~~) Regulatory Agency Responsibilities, B. Enforcement: Penalties.

(2) In lieu of the penalties provided under Appendix N, the following penalties for the adulteration of milk found in tanker screening samples are adopted. These penalties shall not apply to samples taken under provisions of RCW (~~((45.36.110))~~ 15.36.201.

Penalties. The regulatory agency shall immediately suspend the Grade A permit of the responsible producer for a minimum of two days or equivalent penalty as determined by the regulatory agency. On the second occurrence of violative drug residues in a twelve-month period, the producer's permit shall be suspended for a minimum of four days or equivalent penalty as determined by the regulatory agency. For a third occurrence of violative drug residues in a twelve-month period, the producer's permit shall be suspended for a minimum of four days or equivalent penalty as determined by the regulatory agency. The regulatory agency shall also initiate administrative procedures pursuant to the revocation of the producer's permit.

As the Grade "A" Pasteurized Milk Ordinance (~~((1989))~~ 1993 Recommendation of the United States Public Health Service/Food and Drug Administration will not be codified, it should be noted that it may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

WSR 95-10-046
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed May 1, 1995, 1:48 p.m.]

The Department of Labor and Industries is hereby withdrawing the following proposed new sections of chapter 296-306 WAC, Safety standards for agriculture: WAC 296-306-092 Definitions, 296-306-09201 General requirements, 296-306-09203 Alternating tread-type stairs, and 296-306-330 Decontamination.

These proposed changes were filed on October 19, 1994, with a public hearing held on March 24, 1995, WSR 94-21-099.

Mark O. Brown
Director

PROPOSED

WSR 95-10-048
PROPOSED RULES
DEPARTMENT OF COMMUNITY,
TRADE AND ECONOMIC DEVELOPMENT
(Community Development)
[Filed May 1, 1995, 2:19 p.m.]

Original Notice.

Title of Rule: Rules relating to certification of manufactured housing installers.

Purpose: To set reasonable fees and other rules for the training course and examination, as required by chapter 43.63B RCW, and to set forth an appeals process, and to clarify other matters within the chapter.

Statutory Authority for Adoption: Chapter 43.63B RCW.

Statute Being Implemented: Chapter 43.63B RCW.

Summary: The rule (1) defines certain terms left undefined by the statute; (2) sets forth the subject matter of the training program; (3) sets forth examination failure/retaking procedures and fees for the various states; (4) sets forth an appeals process; and (5) provides for notice to an employer when an employee's certification is revoked.

Reasons Supporting Proposal: These rules are necessary for implementation of the chapter.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Hanna, Community, Trade and Economic Development, (360) 586-2169.

Name of Proponent: Community, Trade and Economic Development, 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 implement chapter 43.63B RCW, enacted in 1994, which requires manufactured home installation to be conducted with a certified installer on site. While the statute sets forth requirements relating to training and examinations, license renewal, and civil and licensing actions, it leaves details to be worked out by the department in rule. Those include the passage rate on the exam; the fees for taking the exam, taking the training course, just the training manual, and certificate renewal; general rules relating to taking and retaking the exam; an appeals process for those who fail the exam; and employer notification when an employee's certification is revoked. The effect will be to provide an economical and efficient manner to implement the statute, and to provide certainty to those affected regarding those details left unresolved by the legislature.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Nancy Hanna, Washington Community, Trade and Economic Development, P.O. Box 48300, Olympia, WA 98504-8300, phone (360) 586-2169, or FAX (360) 586-5880.

Hearing Location: Auditorium, General Administration Building, Capitol Campus, Olympia, on June 14, 1995, at 7:00 - 9:00 p.m.

Assistance for Persons with Disabilities: Contact Rosie Hughes, (360) 753-2201 by June 1, 1995, TDD (360) 753-2200.

Submit Written Comments to: Nancy Hanna, Washington Community, Trade and Economic Development, P.O. Box 48300, Olympia, WA 98504-8300, FAX (360) 586-5880, by June 17, 1995.

Date of Intended Adoption: June 30, 1995.

May 1, 1995
Nancy Hanna
Program/Section Manager

Chapter 365-210 WAC
MANUFACTURED HOUSING INSTALLER TRAINING AND CERTIFICATION PROGRAM

WAC

- 365-210-010 Authority
- 365-210-020 Effective date
- 365-210-030 Definitions
- 365-210-040 Training program
- 365-210-050 Examination/failure/re-taking
- 365-210-060 Fees
- 365-210-070 Failure of examination/brief adjudicative proceeding
- 365-210-080 Revocation of certification

NEW SECTION

WAC 365-210-010 Authority. The following rules are adopted pursuant to Chapter 43.63B RCW, Mobile and Manufactured Home Installation, which provides that the department shall train and certify manufactured home installers.

NEW SECTION

WAC 365-210-020 Effective date. These rules shall become effective July 1, 1995.

NEW SECTION

WAC 365-210-030 Definitions. The following definitions shall apply to this chapter and to RCW 43.63B:

(1) "Extension of the pressure relief valve for the water heater" means extension to the outside of the home as described in the Uniform Plumbing Code.

(2) "Manufactured home," in addition to the definition provided in RCW 43.63B.010(5) means mobile home as defined in RCW 43.63B.010(8).

(3) "Mobile or manufactured home installation" does not include installation of electrical wires and equipment that convey electrical power to the home or to an outlet in the home, and does not include the ground crossover. Installation of electrical wires and equipment that convey electrical power to the home or to an outlet in the home must be performed by a journeyman or specialty electrician as defined in Chapter 19.28 RCW. Equipment does not include plug-in household appliances.

(4) "Other equivalent experience" means six months of hands-on experience installing manufactured homes under the guidance of a reputable, recognized manufactured home installer; or two years experience in residential construction.

(5) "Site" means the parcel of land designed to accommodate the dwelling and auxiliary structures.

PROPOSED

NEW SECTION

WAC 365-210-040 Training program. The training program shall include, but not be limited to, the following topics: relevant federal, state and local laws and standards; supports; footings; anchors; site preparation; placement; closing in; plumbing; electrical; combustion appliances; skirting; interior and exterior finishing; operational checks and adjustments; auxiliary structures; and alterations. The department shall provide a training manual to each applicant as part of the training program, the contents of which shall include, but not be limited to, the above topics. The department shall be responsible for updating the training program to reflect changes in relevant federal, state and local codes and standards. The department shall, at a minimum, conduct the training program quarterly.

NEW SECTION

WAC 365-210-050 Examination/failure/re-taking. The examination shall only include topics covered in the training program. In order to pass the examination, applicants must answer 70% of the questions correctly. An applicant who fails the examination shall be permitted to re-take the training course and/or the examination as often as is necessary to secure a passing rate of 70%.

NEW SECTION

WAC 365-210-060 Fees. (1) First time applicants must attend the training course and take the examination. Persons failing the exam on the first try may retake it one time at no cost, but must pay \$50 for each subsequent attempt. Certificate holders seeking to renew need only pay for and pass the most recent examination. For a timely renewal, certificate holders must have passed the examination prior to the expiration of their current certificates. Certificate holders seeking to renew may, at their option, attend the training course and/or purchase a copy of the most recent training manual.

(2) The fee for the training program, including the cost of one copy of the training manual, shall be \$100.00. The cost for the examination and certification shall be \$100.00. The fee for renewal of the certificate after three years, including retaking the examination, shall be \$100.

(3) An applicant whose application is found to be ineligible or inadequate shall be entitled to a full refund, and shall be notified by the department of such ineligibility or inadequacy at least 20 days prior to the examination. If a late application is received and found to be inadequate, the department shall make its best effort to notify the applicant prior to the examination.

(4) An applicant who fails the examination shall not be entitled to a refund.

(5) Individuals will be allowed to audit the training program and not take the examination. The audit fee shall be \$100.00.

(6) The department shall make extra copies of the training manual available on request for a fee designed to cover costs.

(7) Fees due at the time of certification must be paid in full in order for the department to issue the certificate.

NEW SECTION

WAC 365-210-070 Failure of examination/brief adjudicative proceeding. Persons failing the examination may seek agency review as a brief adjudicative proceeding under RCW 34.05.482 through 34.05.494.

NEW SECTION

WAC 365-210-080 Notification to employer. Where applicable, the department shall send notice to the certificate holder's employer regarding revocation of an installer certification.

WSR 95-10-052**PROPOSED RULES****DEPARTMENT OF ECOLOGY**

[Order 94-31—Filed May 2, 1995, 9:17 a.m.]

Original Notice.

Title of Rule: Chapter 173-420 WAC, Washington State Clean Air Conformity Act.

Purpose: The purpose of the amendments is to ensure that the state conformity rule meets the requirements of the federal transportation conformity regulation.

Other Identifying Information: The purpose of the rule is to ensure that transportation activities do not worsen air quality or delay attainment of air quality standards in nonattainment areas.

Statutory Authority for Adoption: Chapter 70.94 RCW.
Statute Being Implemented: Chapter 70.94 RCW.

Summary: The amendments incorporate requirements from the federal transportation conformity regulation (40 CFR Part 51 Subpart T).

Reasons Supporting Proposal: Adoption of the amendments should ensure that the rule is an approved part of the state implementation plan.

Name of Agency Personnel Responsible for Drafting: Paul Carr, 300 Desmond Drive, Lacey, WA 98503, 407-6863; Implementation and Enforcement: Joe Williams, 300 Desmond Drive, Lacey, WA 98503, 407-6880.

Name of Proponent: Department of Ecology, governmental.

Rule is necessary because of federal law, 40 CFR Parts 51 and 93.

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the rule is to ensure that transportation activities do not worsen air quality or delay attainment of air quality standards in nonattainment areas. The purpose of the amendments is to ensure that the state conformity rule meets the requirements of the federal transportation conformity regulation. The anticipated effect is federal approval of the amended rule.

Proposal Changes the Following Existing Rules: The changes are primarily clarifications of how the state rule complies with the federal regulation. The definition of regionally significant transportation projects is modified to reflect current air quality analysis methodology. More detailed decision criteria that mirror the federal criteria have been added.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Chapter 19.85

PROPOSED

RCW, the Regulatory Fairness Act, requires that proposed rules be evaluated for disproportionate impacts upon small versus large businesses, and that mitigation be provided for any such impacts if legal or feasible. The proposed amendments to chapter 173-420 WAC have been so evaluated. It has been determined that chapter 19.85 RCW does not apply in this case, and no small business economic impact statement is required.

Chapter 173-420 WAC establishes procedures and criteria for the evaluation of regional transportation plans, transportation improvement programs, and related projects to assure conformance to the state implementation plan for achieving and maintaining national ambient air quality standards as required by the federal Clean Air Act and federal rule. The plans, programs and projects addressed by this rule fall entirely within the purview of federal, state or local governments. No private sector firms are directly impacted by the proposed rule. The amendments to chapter 173-420 WAC assessed here are aimed at adding clarity and specificity to the language of the rule and at more precisely defining the linkages between the rule and federal law and regulations. They have no substantive impact upon the interpretation or implementation of the rule.

Chapter 43.21H RCW, the State Economic Policy Act, requires that economic values be considered in conjunction with environmental, public health and safety, and social values in rule making. A recent governor's executive order (EO 94-07) includes a similar requirement. As noted above, the proposed amendments to chapter 173-420 WAC considered here are entirely procedural in nature. Their adoption imposes no net additional economic benefit or cost upon either private sector or public sector entities.

Hearing Location: Department of Ecology, Northwest Regional Office, 3190 160th Ave S.E., Rooms 1A and 1B, Bellevue, WA 98008-5452, on June 7, 1995, at 7:00 p.m.

Submit Written Comments to: Paul Carr, by June 14, 1995.

Date of Intended Adoption: August 11, 1995.

April 27, 1995
Mary Riveland
Director

AMENDATORY SECTION (Amending Order 92-07, filed 1/22/93, effective 2/22/93)

WAC 173-420-020 Purpose and intent. This chapter implements RCW 70.94.037 of the Washington Clean Air Act (chapter 70.94 RCW). The law requires the departments of ecology and transportation to develop criteria and guidance for demonstrating and assuring conformity of transportation plans, programs, and projects to the purpose of the state implementation plan for attaining and maintaining the national ambient air quality standards and meeting the requirements of the federal Clean Air Act (42 U.S.C. 7401) as amended. This chapter is jointly adopted by the departments of ecology and transportation and can be amended only by agreement between the departments. This chapter sets forth minimum requirements for evaluating transportation plans, programs, and projects for conformity with the purpose and intent of state implementation plans for air quality. This chapter clarifies state policy and procedures to achieve national ambient air quality standards, foster long-

range planning for attainment and maintenance of those standards, provide at least as stringent requirements as the federal conformity regulation (40 C.F.R. Part 51 Subpart T), provide a basis for evaluating conformity determinations, and guide state, regional, and local agencies in making conformity determinations.

AMENDATORY SECTION (Amending Order 92-07, filed 1/22/93, effective 2/22/93)

WAC 173-420-030 Scope. (1) Conformity determinations shall be made for the adoption, acceptance, approval, funding, or support of all transportation plans, improvement programs, and projects located in or affecting nonattainment and maintenance areas for any criteria pollutants.

(2) Regional transportation plans that contain either wholly or partially a nonattainment area for any criteria pollutant shall comply with this chapter. Transportation plans that do not contain either wholly or partially a nonattainment or maintenance area are exempt from this chapter.

(3) Transportation improvement programs shall comply with this chapter. The regional transportation improvement program shall include projects on the regional transportation system; transportation control measures of local government six-year street and road programs developed pursuant to RCW 36.81.121 and 35.77.010; and transit management plans developed pursuant to RCW 35.58.2795. Transportation improvement programs for areas that do not contain either wholly or partially a nonattainment or maintenance area for any criteria pollutants are exempt from this chapter.

(4) Projects contained in the regional transportation improvement program of a metropolitan area boundary and within a county that either wholly or partially contains a nonattainment area shall comply with this chapter. Projects not on the regional transportation system shall be considered to comply with the general provisions of this chapter; however they must be evaluated by the lead agency during compliance with the requirements of the State Environmental Policy Act (SEPA), (chapter 197-11 WAC), to determine if a conformity analysis and determination based upon this chapter is warranted. Preservation or maintenance projects in WAC 173-420-110 are exempt from the conformity requirements of this chapter.

(5) Projects on the regional transportation system that are located outside a nonattainment area but affect traffic or air quality of a nonattainment area shall comply with WAC 173-420-060, 173-420-065 and 173-420-100.

AMENDATORY SECTION (Amending Order 92-07, filed 1/22/93, effective 2/22/93)

WAC 173-420-040 Definitions. The following definitions will apply unless a different meaning is clearly required by context:

"Criteria pollutants" means air pollutants for which a NAAQS has been promulgated under the federal Clean Air Act (40 C.F.R. 50) and their precursors and, for this chapter, applies only to those pollutants for which nonattainment or maintenance areas have been designated.

"Action scenario" means the future transportation system determined pursuant to the federal transportation conformity regulation (40 C.F.R. Part 51 Subpart T) in a year that is

being analyzed for conformity that will result from the implementation of the proposed plan and/or transportation improvement program.

"Baseline scenario" means the transportation system determined pursuant to the federal transportation conformity regulation (40 C.F.R. Part 51 Subpart T) in a year that is being analyzed for conformity that would result from the plan, improvement program, and facilities, services, and activities that are in effect in the year the conformity analysis is being conducted.

"Lead agency" means the agency with primary responsibility for ensuring plan, program, or project compliance with SEPA, (chapter 197-11 WAC).

"Maintenance area" means any geographic region of the United States previously designated nonattainment pursuant to the CAA Amendments of 1990 and subsequently redesignated to attainments subject to the requirement to develop a maintenance plan under section 175A of the CAA, as amended.

"Metropolitan area boundary" (MAB) means an area determined by an agreement between the governor and the MPO as defined in 23 U.S.C. 134.

"Metropolitan planning organization" (MPO) means an organization for each urbanized area of more than fifty thousand people as defined in 23 U.S.C. 134, whose responsibilities include development of transportation plans and improvement programs for those areas.

"Motor vehicle emission budget" means that portion of the total allowable emission defined in a state implementation plan for a certain date for the purpose of meeting attainment or maintenance demonstrations for any criteria pollutant or its precursors, that is allocated by the SIP to highway and transit vehicles.

"National ambient air quality standards" (NAAQS) means air quality standards promulgated for criteria pollutants under the federal Clean Air Act (40 C.F.R. 50). The standard for carbon monoxide is thirty-five parts per million over a one-hour period or nine parts per million over an eight-hour period. The standard for ozone is 0.12 parts per million over a one-hour period. The standard for PM10 is fifty $\mu\text{g}/\text{m}^3$ annual arithmetic mean or 150 $\mu\text{g}/\text{m}^3$ maximum twenty-four hour average concentration.

"Nonattainment area" means the geographic area designated as not meeting the NAAQS for a criteria pollutant. The boundaries are proposed by the governor, approved by the federal environmental protection agency (EPA), and include that area required to implement plans and programs for attainment of the NAAQS published in the federal register.

"Regional transportation system" means the transportation system identified by an MPO in development of planning requirements under the federal Intermodal Surface Transportation Efficiency Act (ISTEA) (P.L. 102-240).

"Regionally significant project" means a transportation project that is on a facility which serves regional transportation needs and would normally be included in the modeling of a metropolitan area's transportation network, including at a minimum all principal arterial highways and all fixed guideway transit facilities that offer an alternative for regional highway travel.

"State implementation plan" (SIP) means a plan as defined in section 302(q) of the CAA and which implements

the relevant requirements of the CAA that is intended to eliminate or reduce the severity and number of violations of the national ambient air quality standards and expeditiously achieve those standards, and includes the revision referred to as the maintenance plan that provides for the maintenance of the NAAQS in the area concerned for at least ten years after the redesignation of a nonattainment area to an attainment area.

"Transportation control measure" (TCM) means a transportation project, program, or action listed in the state implementation plan that will aid in elimination or reduction of the severity or number of violations of the national ambient air quality standards and help expeditiously attain and maintain those standards.

"Transportation improvement program" (TIP) means a schedule of intended transportation improvements (or continuation of current activities) as required in section 134 of Title 23 U.S.C. A TIP shall include projects within the MPO's area that are proposed for funding under Title 23 U.S.C. and the federal Transit Act, projects that are part of or consistent with the transportation plan as previously defined, and transportation control measures that are included in the state implementation plan for meeting NAAQS.

"Transportation plan" means a document that is required under the regulation implementing section 134 of Title 23 U.S.C., and section 8 of the federal Transit Act, and is intended to foster a continuing, cooperative, and comprehensive planning process.

"Transportation projects" means an action that expends funds on or approves physical and/or operational alterations to a transportation system.

AMENDATORY SECTION (Amending Order 92-07, filed 1/22/93, effective 2/22/93)

WAC 173-420-050 General provisions. (1) Conformity review will include transportation plans, improvement programs, and projects on the regional transportation system. The review utilizes requirements from the federal Clean Air Act, the Washington Clean Air Act (chapter 70.94 RCW), the Growth Management Act (GMA) (chapter 36.70A RCW), the State Environmental Policy Act (SEPA) (chapter 43.21C RCW), and the federal ISTEA (P.L. 102-240).

(2) Identification of transportation plans and improvement programs that affect nonattainment areas, identification of projects on the regional transportation system, and coordination and consistency among plans shall be accomplished through the planning processes required by the GMA and the ISTEA.

(3) Transportation plans and improvement programs on the regional transportation system within metropolitan area boundaries that contain nonattainment areas shall be coordinated through the MPO using the regional planning process required by ISTEA (P.L. 102-240).

(4) Transportation control measures shall be identified and incorporated into plans and programs through the SIP process required by the federal Clean Air Act.

(5) Early and continuous public participation shall be a component of the conformity process pursuant to requirements of the GMA (chapter 36.70A RCW) and ISTEA (P.L. 102-240). At least one public hearing shall be held on transportation plan and improvement program conformity

PROPOSED

determinations. Such hearings may be combined with general hearings required for the transportation plans or improvement programs. Public comment on project conformity shall be completed as part of the SEPA process (chapter 197-11 WAC).

(6) Disagreement over a conformity determination for a plan or program shall be presented in writing to the MPO and shall identify the changes considered necessary to achieve conformity. The MPO shall convene a meeting or meetings with the contesting party, parties of record, consulted agencies, and the state departments of ecology and transportation within fifteen working days of receipt of the written document contesting the determination. The meeting shall be to review the written reasons for contesting the determination. A written decision stating the changes, if any, in the conformity determination on the plan or program shall be provided to each of the meeting participants. The department of ecology or air pollution control authority may appeal the written decision, provided a written appeal to the governor is filed within fourteen calendar days of the written decision.

(7) Disagreements on project conformity findings shall be addressed through the SEPA process (chapter 197-11 WAC).

(8) If the classification or designation of a nonattainment or maintenance area changes, the next consultation meeting required under WAC 173-420-070 shall incorporate the criteria in the federal transportation conformity regulation (40 C.F.R. Part 93 Subpart A and 40 C.F.R. Part 51 Subpart T) that apply to the new classification or designation for use in all subsequent conformity determinations.

NEW SECTION

WAC 173-420-055 SIP impacts on conformity determinations. (1) Until EPA redesignates a nonattainment area to an attainment area the status of the applicable SIP shall have the following impact on the conformity of plans, TIPs and projects:

(2) If the applicable SIP is not submitted by the deadline for submittal:

(a) Four months after the applicable deadline no new plan or TIP shall be found to conform; and

(b) Twelve months after the applicable deadline the conformity status of the existing plan and TIP shall lapse and no new project-level conformity determinations shall be made.

(3) If the SIP submittal for a PM10 NAA or for a CO NAA with a design value of 12.7 ppm or greater is found to be incomplete by EPA:

(a) If the incompleteness finding is because measures committed to in the SIP are not in an enforceable form as required by section 110(a)(2)(A) of the CAA then twelve months after the finding the conformity status of the existing plan and TIP shall lapse;

(b) Four months after the finding no new plan or TIP shall be found to conform; and

(c) Twelve months after the finding the conformity status of the existing plan and TIP shall lapse and no new project-level conformity determinations shall be made.

(4) For a complete SIP for a PM10 NAA or for a CO NAA with a design value of 12.7 ppm or greater or for a maintenance plan disapproved by EPA:

(a) No new plan, TIP or project shall be found to conform;

(b) If the disapproval is because the measures committed to in the SIP are not in an enforceable form as required by section 110(a)(2)(A) of the CAA then twelve months after the disapproval the conformity status of the existing plan and TIP shall lapse; and

(c) Four months after the disapproval the conformity status of the existing plan and TIP shall lapse and no new project-level conformity determinations shall be made.

(5) If a SIP submitted for a marginal ozone NAA or a CO NAA with a design value less than 12.7 ppm contains control strategies then the requirements of subsections (3) and (4) of this section shall apply.

(6) The provisions of subsections (2), (3), (4), and (5) of this section shall be removed upon receipt of a letter from the EPA regional administrator acknowledging remedying of the deficiencies.

AMENDATORY SECTION (Amending Order 92-07, filed 1/22/93, effective 2/22/93)

WAC 173-420-060 General criteria. (1) Transportation plans, improvement programs, and projects shall meet the purpose and intent of the current SIP of eliminating or reducing the severity and number of violations of the NAAQS and expeditiously achieving those standards, comply with the federal transportation conformity regulations, (40 C.F.R. Part 51 Subpart T), and shall not preclude the implementation of any transportation control measures identified in the SIP.

(2) All transportation plans, improvement programs, and projects shall comply with the criteria in subsection (3) of this section, in addition to the specific criteria contained in WAC 173-420-080, 173-420-090, and 173-420-100, respectively.

(3) Transportation plans, improvement programs, or projects shall not:

(a) Cause or contribute to any new violation of the NAAQS;

(b) Increase the frequency or severity of any existing violation of the NAAQS; or

(c) Delay the timely attainment of the NAAQS.

NEW SECTION

WAC 173-420-065 Specific criteria. (1) All transportation plans, improvement programs, and projects shall comply with the criteria in subsections (2), (3), and (4) of this section.

(2) At all times the following criteria shall be met:

(a) The conformity determination for plans, TIPs, and projects shall:

(i) Be based on the latest planning assumptions.

(ii) Be based on the latest EPA approved emission estimation model available.

(iii) Be made according to the consultation procedures contained in WAC 173-420-070.

(b) The plan and TIP shall provide for the timely implementation of TCMs from the SIP or maintenance plan.

(c) There shall be a currently conforming plan and currently conforming TIP at the time of project approval.

(d) The project shall come from a conforming plan and conforming TIP.

(e) In CO and PM10 nonattainment and maintenance areas the project shall not cause or contribute to any new localized CO or PM10 violations or increase the frequency or severity of any existing CO or PM10 violations.

(f) In PM10 nonattainment and maintenance areas the project shall comply with PM10 measures in the applicable SIP or maintenance plan.

(3) Until approval of an applicable SIP by EPA the following criteria shall also be met:

(a) Plans and TIPs:

(i) In O3 nonattainment areas the action scenario emissions shall be less than the baseline scenario emissions.

(ii) In O3 nonattainment areas the action scenario emissions shall be less than the 1990 emissions.

(iii) In all CO nonattainment areas the action scenario emissions shall be less than the baseline scenario emissions.

(iv) In all CO nonattainment areas the action scenario emissions shall be less than the 1990 emissions.

(v) In CO nonattainment areas with a design value of 12.7 ppm or greater, the emissions shall be less than or equal to the motor vehicle emissions budget.

(vi) In PM10 nonattainment areas the emissions shall be less than or equal to the motor vehicle emissions budget.

(vii) In PM10 nonattainment areas the action scenario emissions shall be less than or equal to the baseline scenario emissions or the 1990 emissions.

(b) Projects in CO nonattainment areas shall eliminate or reduce the severity and number of localized CO violations in the area substantially affected by the project.

(4) After approval of the SIP by EPA or when the maintenance plan is in effect the following criteria shall be met:

(a) The plan and TIP shall be consistent with the Motor Vehicle Emissions Budget (MVEB) in the applicable SIP or maintenance plan.

(b) No additional criteria are required for projects.

AMENDATORY SECTION (Amending Order 92-07, filed 1/22/93, effective 2/22/93)

WAC 173-420-070 Air quality analysis procedures.

(1) Air quality analysis for transportation plans, programs, and projects shall be modeled for criteria pollutants using EPA and the federal Department of Transportation approved methods.

(2) Air quality analysis procedures and methodology used in determining conformity for transportation plans and improvement programs shall be determined through consultation with the MPO, the United States Department of Transportation and the Environmental Protection Agency, the state departments of ecology and transportation, the local air authority, and other interested representatives of the public. The consultation procedure for SIP and maintenance plan development in the applicable SIP shall be used for the consultation process required by this section. The consultation process shall also be used to determine research and data collection for regional transportation model development, events that will trigger new conformity determinations,

the status of TCMs, significant changes in project design and scope, and projects which require PM10 analysis. The specific analysis procedures and methodology selected shall comply with this chapter, the federal transportation conformity regulation (40 C.F.R. Part 51 Subpart T), and the applicable SIP. Agreement on the methods and assumptions including modeling parameters, model accuracy, and the base year against which alternatives are compared, shall be reached on all programs and plans prior to the conformity determination. Procedures, methodologies, and input parameters shall be reviewed and updated at least once every two years under the direction of the departments of ecology and transportation. Such review shall occur prior to conformity determination of transportation plan or TIP revisions.

(3) Procedures, methodologies, and assumptions for project analysis shall be consistent with those procedures, methodologies, and assumptions developed for analysis of transportation plans and improvement programs in subsection (2) of this section.

(4) Each MPO shall conduct conformity analyses of the transportation plan and improvement program developed in its region.

(5) The lead agency shall be responsible for project conformity analysis.

(6) The impact of preferred alternative transportation plans, improvement programs, and projects shall be quantified and compared for compliance to the SIP requirements, and the requirements of WAC 173-420-060, and 173-420-065. ~~((When finding conformity during the period prior to attainment of the NAAQS, if analysis consistent with subsection (2) of this section demonstrates that within the area significantly affected by the preferred alternative the highest concentration exceeds the NAAQS, but the alternative makes progress towards attaining the NAAQS through overall decreases in concentration or emissions, the preferred alternative shall be found to conform with the purpose of the state implementation plan and the requirements of the Clean Air Act (42 U.S.C. 7506(e)), provided that the requirements of WAC 173-420-060(3) are met. Additionally, projects shall conform whenever analysis demonstrates that within the area significantly affected by the preferred alternative the highest concentration is less than the NAAQS. After the date of the attainment demonstration, modeling of the preferred alternative shall not indicate any violations of the NAAQS.))~~ If modeling does not indicate that the requirements of this section are met, mitigating measures shall be required and the plan, improvement program, or project remodeled. All else being equal, the alternative with the lowest concentration shall be chosen over all other alternatives.

AMENDATORY SECTION (Amending Order 92-07, filed 1/22/93, effective 2/22/93)

WAC 173-420-080 Transportation plan conformity.

Transportation plans shall include policies and provisions that promote the reduction of criteria pollutants. Transportation plans shall identify those aspects of the existing transportation system whose modification offers the best opportunity for improving air quality. Transportation plans shall include descriptions of the existing and proposed transportation system in sufficient detail, to permit confor-

mity determinations using the criteria in WAC 173-420-060 and 173-420-065. Plans shall be analyzed with regional emission analysis for criteria pollutants. Local plans that are consistent under RCW 47.80.030 with a conforming regional transportation plan are deemed to comply with this chapter provided that the requirements of WAC 173-420-050 are met. Upon a conformity finding by the MPO, the plan shall be submitted to the United States Department of Transportation for federal conformity determination.

AMENDATORY SECTION (Amending Order 92-07, filed 1/22/93, effective 2/22/93)

WAC 173-420-110 Exempt projects. The following types of projects because of their nature, will not affect the outcome of any air quality analyses nor add any substance to those analyses and are exempted from all conformity requirements.

(1) Safety, preservation, or maintenance projects of the following type:

- (a) Railroad/highway crossing signing;
 - (b) Pavement marking that does not add lanes or capacity;
 - (c) Hazard elimination program;
 - (d) Off-system road safety;
 - (e) Emergency relief;
 - (f) Shoulder improvements;
 - (g) Truck size and weight inspection stations;
 - (h) Safety improvement program;
 - (i) Railroad/highway crossing warning devices;
 - (j) Increasing sight distance that does not require changes in horizontal or vertical alignments;
 - (k) Guardrails, median barriers, crash cushions;
 - (l) Pavement resurfacing or rehabilitation;
 - (m) Widening narrow pavements or bridges (less than one travel lane);
 - (n) Noise attenuation;
 - (o) Fencing;
 - (p) Skid treatments;
 - (q) Safety roadside rest areas;
 - (r) Truck climbing lanes outside the urbanized area;
 - (s) Lighting improvements;
 - (t) Median additions;
 - (u) Emergency truck pullovers.
- (2) Mass transit projects of the following type:
- (a) Purchase of office, shop, and operating equipment for existing facilities;
 - (b) Purchase of operating equipment for vehicles, including ferries, trains, and buses;
 - (c) Construction or renovation of power, signal, and communication systems;
 - (d) Operating assistance;
 - (e) Rehabilitation of transit vehicles, including buses, ferries, and trains;
 - (f) Reconstruction or renovation of transit buildings and structures;
 - (g) Construction of small passenger shelters and information/ticketing kiosks;
 - (h) Rehabilitation or reconstruction of track structures, track, and trackbed in existing right of way;
 - (i) Noise attenuation;

(j) Purchase of vehicles to replace existing vehicles or for minor expansions of fleets to provide new service (less than five percent per year);

(k) Construction of new vehicle storage and maintenance facilities;

(l) Purchase of support vehicles.

(3) Air quality projects of the following type:

(a) Continuation of rideshare and vanpooling promotion activities at current levels;

(b) Bicycle projects;

(c) Pedestrian facilities.

(4) Other projects of the following type:

(a) Acquisition of scenic easements;

(b) Planting and landscaping;

(c) Sign removal;

(d) Wetland mitigation, fish passage mitigation, and other environmental mitigation not related to air quality;

(e) Historical and cultural markers;

(f) Preliminary engineering through design, provided that funds are not expended or assurance is not made that will commit to the construction of a project;

(g) Access permits except when there is a break in full, modified, or partial access control;

(h) Advanced land acquisitions that do not influence the environmental assessment of a project, the decision of the need to construct the project, or the selection of project design or location;

(i) Planning and technical studies that do not commit to project implementation;

(j) Training and research programs;

(k) Engineering to assess social, economic, and environmental effects of the proposed action or alternatives to that action.

NEW SECTION

WAC 173-420-120 Projects exempt from regional analysis. The following types of projects because of their nature, will not affect the outcome of regional air quality emissions analyses nor add substance to those analyses and are exempted from regional conformity analysis. Project level conformity analysis is required for these types of projects.

(1) Intersection channelization projects;

(2) Intersection signalization projects at individual intersections;

(3) Interchange reconfiguration projects;

(4) Changes in vertical and horizontal alignment;

(5) Truck size and weight inspection stations;

(6) Bus terminals and transfer points.

WSR 95-10-054
PROPOSED RULES
DEPARTMENT OF LICENSING

[Filed May 2, 1995, 3:02 p.m.]

Original Notice.

Title of Rule: Chapter 308-56A WAC, Certificate of title—Motor vehicles, etc.; chapter 308-93 WAC, Vessel registration and certificate of title; chapter 308-94 WAC,

Snowmobiles and off-road and nonhighway vehicles; and chapter 308-96A WAC, Vehicle licenses.

Purpose: Amending rules to reflect additional owner identification criteria.

Other Identifying Information: Owner will be required to provide their department assigned customer service number, date of birth and/or Social Security number, upon request, as authorized by state and federal statutes.

Statutory Authority for Adoption: RCW 46.01.110 and 88.02.100.

Statute Being Implemented: RCW 46.10.040, 46.12.-040, 46.16.040, 88.02.050, and [88.02].070.

Summary: The information will enable the department to correlate vessels and vehicles with the driver or business licenses of the owners, thereby enabling consolidated services.

Reasons Supporting Proposal: Federal and state statutes authorize the department to utilize such information. The information is necessary to provide positive identification between vehicle and vessel owners and/or lien holders with licensed drivers and/or businesses, and to establish a means to correlate those data bases within the department.

Name of Agency Personnel Responsible for Drafting: Jack Lince, 1125 Washington S.E., Olympia, WA, (360) 902-3773; Implementation: Nancy Kelly, 1125 Washington S.E., Olympia, WA, (360) 902-3754; and Enforcement: Debra McCurley, 1125 Washington S.E., Olympia, WA, (360) 902-4045.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed rule making does not contain new sections.

Proposal Changes the Following Existing Rules: WAC 308-56A-030, requires applications for vehicle certificates of ownership to include Social Security number, date of birth, and customer account number when requested; WAC 308-93-070, requires applications for vessel certificates of ownership and registration to include Social Security number, date of birth, and customer account number when requested; WAC 308-94-030, requires applications for registration of snowmobiles to include Social Security number, date of birth, and customer account number when requested; and WAC 308-96A-035, requires application for registration and renewal of registration of vehicles to include Social Security number, date of birth, and customer account number when requested.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. A small business economic impact statement is not required pursuant to RCW 19.85.030.

Hearing Location: Highways-Licenses Building, Room 406, 1125 Washington S.E., Olympia, WA, on June 6, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Jack Lince by June 1, 1995, TDD (360) 664-8885.

Submit Written Comments to: Jack Lince, Title and Registration Services, P.O. Box 2957, Olympia, WA 98507-2957, FAX (360) 664-0831, by June 1, 1995.

Date of Intended Adoption: June 9, 1995.

May 2, 1995
John Swannack
Deputy Director

AMENDATORY SECTION (Amending Order MV 208, filed 7/31/74)

WAC 308-56A-030 Form required for name and address. The application for certificate of ~~((title must))~~ ownership shall indicate the ~~((legal))~~ names and addresses of the registered and legal owner of the vehicle, including lessees and lessors, and upon request each owner's Social Security number, date of birth, and department assigned customer account number. The names indicated shall be the names of the owners in the form in which the person wishes his/her interests to be reflected. The ~~((registered))~~ owner's names reflected on the certificate of registration ~~((must be))~~ are identical with the name shown on the certificate of ~~((title))~~ ownership.

AMENDATORY SECTION (Amending WSR 93-14-082, filed 6/30/93, effective 7/31/93)

WAC 308-93-070 Application for title/registration.

(1) An application for certificate of ~~((title))~~ ownership or registration of a vessel shall be completed and shall include:

(a) The names, addresses, Social Security number, date of birth, and the department assigned ~~((identification))~~ customer account numbers upon request, for all owners of the vessel being registered including lessees and lessors, and legal owners if applicable.

(b) Make, model year and length of vessel.

(c) Type of power (gasoline, diesel, propane, other, etc.).

(d) Primary use.

(e) Primary method of propulsion (inboard, outboard, inboard/outboard, jet, sail, other, etc.).

(f) Type of vessel (open, cabin, house, or other).

(g) Primary vessel construction (fiberglass, wood, aluminum, etc.).

(h) County of moorage.

(i) United States Coast Guard issued number, if any.

(j) Purchase price and purchase year of vessel or declared value and year of declaration. Purchase price includes the price purchaser paid for the vessel, vessel motor, or engine, and all other equipment and accessories, excluding boat trailers, purchased in a single transaction.

(k) Hull identification number.

(l) Vessel registration numbers previously issued by any issuing authority, if any.

(m) That the application is for a new number, renewal or transfer of ownership.

(n) State in which vessel is or will be principally used.

(o) United State Coast Guard document number, if applicable.

(2) Name and address of all persons perfecting a security interest (legal owner), except for United States Coast Guard documented vessels, or a certified statement by the registered owner that the vessel is free of all liens.

(3) In the event a vessel is homemade, the registered owner must complete and sign a declaration of value form.

(4) The names of all owners will appear on the application for registration and title. The application must be

signed by all registered owner applicants. Signature must be notarized or certified by an authorized license agent.

(5) The application for certificate of ~~((title))~~ ownership or registration shall be accompanied by the following where applicable:

- (a) A copy of the bill of sale or sales agreement.
- (b) Declaration of value form.
- (c) All proper fees and excise tax.
- (d) Previous ownership document properly released.
- (e) Excise exemption affidavit.
- (f) Proof of sales tax paid.
- (g) Manufacturer's statement of origin or original factory invoice.
- (h) Copy of carpenter certificate.
- (i) Release of interest form.
- (j) Other verification of ownership.
- (k) Copy of certificate of ownership of vessel issued by United States Coast Guard.

(6) An application made for a vessel to be leased or rented without propulsion machinery will indicate "other" for type of power in subsection (1)(c) of this section and for primary method of propulsion in subsection (1)(e) of this section.

AMENDATORY SECTION (Amending WSR 92-15-021, filed 7/6/92, effective 8/6/92)

WAC 308-94-030 Application for registration. An application for registration of a snowmobile shall include:

- (1) Name and address, Social Security number, date of birth, and the department assigned customer account number upon request, of each registered and legal owner(s);
- (2) Make and model year of snowmobile;
- (3) Method of propulsion, including but not limited to skis, tracks, wheels or combination thereof;
- (4) Purchase price and year of purchase or declared value and year of declaration;
- (5) Proof of payment of sales tax or a bill of sale establishing the price paid for the vehicle;
- (6) The previously issued registration certificate or a duplicate thereof, or a bill of sale if the application is for the transfer of a registered snowmobile. If the snowmobile has not been previously registered in this state, a bill of sale or a purchase agreement shall be provided;
- (7) Vehicle identification number; and
- (8) Appropriate fees.

AMENDATORY SECTION (Amending WSR 92-15-025, filed 7/6/92, effective 8/6/92)

WAC 308-96A-035 Annual license renewal~~((—No prebill/correction))~~. (1) When a registered owner wishes to make a change to the information pertaining to the vehicle or their owner address, or if a prebill was not received, application shall be made by mailing or appearing in person at any of the vehicle licensing offices to effect such change or to renew the registration.

- (2) The applicant must satisfy the licensing agent as to his/her identity by at least one of the following:
 - (a) A valid Washington state driver's license;
 - (b) A valid Washington state identicard;
 - (c) A photo identification card; or

~~((Or))~~ (d) In the event the above are not available, two of the following:

- (i) A nationally or regionally known credit card containing the signature of the applicant;
- (ii) An identification card issued by the United States, any state, or any agency of either, of a kind commonly used to identify the members or employees of such government agencies (including military ID cards) and which contain the signature of the applicant;
- (iii) Any certificate or other document issued by any governmental agency commonly used for the purpose of establishing identities; or
- (iv) Such other documentary evidence as in the opinion of the licensing agency clearly establishes the identity of the applicant.

(3) Nothing in this regulation shall be construed as prohibiting a member of the immediate family of the registered owner to effect such renewal, if he/she is able to prove his/her identity and relationship to the registered owner.

(4) When making application for annual license renewal, the applicant shall provide additional information as may be requested by the department. Additional information may include but is not limited to all legal and registered owner's Social Security number, date of birth, and the department assigned customer account number.

WSR 95-10-058
PROPOSED RULES
WASHINGTON STATE PATROL
[Filed May 3, 1995, 8:27 a.m.]

Original Notice.

Title of Rule: Commercial motor vehicle regulations.

Purpose: To ensure fair treatment of persons with medical disabilities who are employed as intrastate and interstate commercial motor carriers. Exclude drivers of certain commercial vehicles from needing a medical certificate and keeping a log book. Lessen record-keeping requirements for certain motor carrier drivers.

Statutory Authority for Adoption: RCW 46.32.020.

Statute Being Implemented: RCW 46.32.020.

Summary: Allows certain persons with disabilities to get a medical waiver. Amends WAC 446-65-010 to exclude drivers of commercial vehicles between certain gross vehicle weight ratings (GVWR) from needing a medical certificate and keeping a log book.

Reasons Supporting Proposal: Ensures that commercial motor carriers may receive a medical certificate for certain physical conditions that might otherwise prevent them from obtaining a commercial driver's license. Decreases unnecessary paperwork.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lt. Ralph DeWitt, 515 15th Avenue, Olympia, WA 98504-2614, (360) 753-6554.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Proposed amendments would help drivers of various commercial motor carriers to obtain a medical

certificate for certain physical conditions. The amendments would also exclude drivers of certain vehicles from having to obtain a medical certificate and keep a log book. It would also lessen record-keeping requirements for certain motor carriers. The end result would allow employment opportunities to people who otherwise would not be qualified.

Proposal Changes the Following Existing Rules: Amends WAC 446-65-010 to exclude drivers of vehicles between 10,001 and 26,000 GVWR from needing a medical certificate and keeping a log book. Amendment would lessen record-keeping requirements for commercial drivers operating vehicles with a GVWR between 10,001 and 26,000 pounds operating only intrastate and not carrying hazardous materials that require placarding. Proposed change adds a new section on physical qualifications for commercial vehicle drivers, allowing persons with certain physical disabilities to receive the medical certificate needed for a commercial driver's license.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to: Lt. Ralph DeWitt, P.O. Box 42614, Olympia, WA 98504-2617, phone (360) 753-6554, or FAX (360) 586-8233.

Hearing Location: Washington State Patrol Fleet Conference Room, 4242 Martin Way, Olympia, WA 98504, on June 6, 1995, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Ms. Jan Baca by June 1, 1995, (360) 753-4453.

Submit Written Comments to: Lt. Ralph DeWitt, FAX (360) 586-8233, by June 1, 1995.

Date of Intended Adoption: June 16, 1995.

May 3, 1995
Annette M. Sandberg
Chief

AMENDATORY SECTION (Amending WSR 94-01-178, filed 12/22/93, effective 1/22/94)

WAC 446-65-010 Transportation requirements. (1) The Washington state patrol hereby adopts the following parts of Title 49 Code of Federal Regulations, for motor carriers used in intrastate or interstate commerce, in their entirety: Parts 390 General, 391 Qualification of drivers, 392 Driving of motor vehicles, 393 Parts and accessories necessary for safe operation, 395 Hours of service of drivers, 396 Inspection, repair, and maintenance, 397 Transportation of hazardous materials; driving and parking rules, provided, however, motor carriers operating vehicles with a gross vehicle weight rating between 10,001 lbs. and 26,000 lbs. operating solely intrastate, and not used to transport hazardous materials in a quantity requiring placarding, are exempt from Parts 390 General, 391 Qualifications of drivers, 392 Driving of motor vehicles, 395 Hours of service, and 396 Inspection, repair, and maintenance.

(2) Copies of Title 49 CFR, parts 390 through 397, now in force are on file at the code reviser's office, Olympia and at the Washington state patrol headquarters, commercial vehicle enforcement section, Olympia. Additional copies may be available for review at Washington state patrol district headquarters offices, public libraries, Washington utilities and transportation commission offices, and at the United States Department of Transportation, Bureau of

Motor Carrier Safety Office, Olympia. Copies of the CFR may be purchased through the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

NEW SECTION

WAC 446-65-020 Physical qualifications for drivers.

This section provides a process whereby drivers of commercial motor vehicles, which operate solely intrastate and require a commercial driver's license, may receive a clearance to obtain a medical certificate for certain physical conditions.

(1) A person shall not drive a commercial motor vehicle unless they are physically qualified to do so and, except as provided in CFR 49, Part 391.67, and WAC 446-65-010(1), has on their person the original, or a photographic copy, of a medical examiner's certificate that they are physically qualified to drive a motor vehicle.

(2) A person is physically qualified to drive a motor vehicle if that person:

(a) Has no loss of a foot, a leg, a hand, or an arm, or has obtained from the department of licensing the proper driver's license, endorsement, and restrictions (if any) for the operation of the class of motor vehicle the person is driving;

(b) Has no impairment of:

(i) A hand or finger which interferes with prehension of power grasping; or

(ii) An arm, foot, or leg which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or any other significant limb defect or limitation which interferes with the ability to perform normal tasks associated with operating a motor vehicle; or has obtained from the department of licensing the proper license, endorsement, and restrictions (if any) for the class of motor vehicle the person is driving;

(c) Has no established medical history of clinical diagnosis of diabetes mellitus currently requiring insulin for control, or if diagnosed as having diabetes mellitus requiring insulin for control, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(d) Has no current clinical diagnosis of myocardial infarction, angina pectoris, coronary insufficiency, thrombosis, or any other cardiovascular disease of a variety known to be accompanied by syncope, dyspnea, collapse, or congestive cardiac failure, or if diagnosed as having any of these medical complications, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(e) Has no established medical history or clinical diagnosis of a respiratory dysfunction likely to interfere with his/her ability to control and drive a motor vehicle safely, or if diagnosed as having a respiratory dysfunction which could interfere with his/her ability to control and drive a motor vehicle safely, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(f) Has no current clinical diagnosis of high blood pressure likely to interfere with his/her ability to operate a motor vehicle safely, or if diagnosed as having high blood pressure likely to interfere with his/her ability to operate a

motor vehicle safely, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(g) Has no established medical history of clinical diagnosis of rheumatic, arthritic, orthopedic, muscular, neuromuscular, or vascular disease which interferes with his/her ability to control and operate a motor vehicle safely, or if diagnosed as having any of these medical complications which might interfere with his/her ability to control and operate a motor vehicle safely, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(h) Has no established medical history or clinical diagnosis of epilepsy or any other condition which is likely to cause loss of consciousness or any loss of ability to control a motor vehicle, or if diagnosed as having epilepsy or any other condition likely to cause loss of consciousness or any loss of ability to control a motor vehicle, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(i) Has no mental, nervous, organic, or functional disease or psychiatric disorder likely to interfere with his/her ability to drive a motor vehicle safely, or if diagnosed as having any of these complications likely to interfere with his/her ability to drive a motor vehicle safely, has been cleared by the department of licensing for the operation of the class motor vehicle the person is driving;

(j) Has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° horizontal Meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber, or if not meeting these standards, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving.

(k) First perceives a forced whispered voice in the better ear at not less than 5 feet with or without the use of a hearing aid, or, if tested by use of an audiometric device, does not have an average hearing loss in the better ear greater than 40 decibels at 500 Hz, 1,000 Hz, and 2,000 Hz with or without a hearing aid when the audiometric device is calibrated to American National Standard (formerly ASA Standard) Z24.5-1951, or if not meeting these standards, has been cleared by the department of licensing for the operation of the class of motor vehicle the person is driving;

(l) Does not use any unprescribed amphetamine, narcotic, or habit-forming drug and if using a prescribed amphetamine, narcotic, or habit-forming drug, it must be used according to the directions regarding dosage and the operation of motor vehicles or heavy equipment; and

(m) Has no current clinical diagnosis of untreated alcoholism.

(3) If the medical examiner finds that the person he/she examined is physically qualified to drive a motor vehicle in accordance with subsection (2) of this section and the items listed in Chapter 49, CFR 391.43, he/she shall complete a certificate in the form prescribed in Chapter 49 CFR 391.43 and shall furnish one copy to the person who was examined and one copy to the motor carrier that employs him/her.

(4) If the medical examiner finds any physical condition listed in subsection (2)(a) through (m) of this section that is likely to interfere with the driver's ability to operate or control a motor vehicle safely, it shall be the responsibility of the driver to immediately forward a copy of the driver's medical examination to the Department of Licensing, Responsibility Division, Medical Section, PO Box 9030, Olympia WA 98507-9030. Upon receipt of the medical examination, the department of licensing will review and evaluate the driver's physical qualifications to operate the class of motor vehicle the person intends to drive.

The department of licensing shall send a notice of determination to the driver. A department of licensing clearance notification shall be sufficient cause for the medical examiner to issue a medical examiner's certificate.

A failure by the driver to furnish a copy of the medical examination to the department of licensing as required above shall result in no clearance action being taken by the department of licensing.

WSR 95-10-059
PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY

[Filed May 3, 1995, 9:33 a.m.]

Original Notice.

Title of Rule: Amending Regulation III, Section 1.08.

Purpose: To improve clarity, some definitions have been moved to the asbestos section and are no longer needed in the special definition section.

Other Identifying Information: Section 1.08 pertains to special definitions.

Statutory Authority for Adoption: Chapter 70.94 RCW.
Statute Being Implemented: RCW 70.94.141.

Summary: For ease of use and clarity, the asbestos-related definitions have been amended and moved to the asbestos section in the regulations, and are not needed in the special definitions section.

Reasons Supporting Proposal: To improve clarity and ease of use.

Name of Agency Personnel Responsible for Drafting: Jim Nolan, 110 Union Street, #500, Seattle, 98101, 689-4053; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, 98101, 689-4050; and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, 98101, 689-4053.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal would remove the asbestos-related definitions from the special definitions section, since they have been moved to the asbestos section.

Proposal Changes the Following Existing Rules: The special definitions section will no longer have asbestos-related definitions.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on June 8, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, 689-4010 by June 1, 1995, TDD (800) 833-6388, or (800) 833-6385 (braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, FAX (206) 343-7522, by May 30, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995

James Nolan

Director - Compliance

AMENDATORY SECTION

REGULATION III SECTION 1.08 SPECIAL DEFINITIONS

(a) **ACCEPTABLE SOURCE IMPACT LEVEL (ASIL)** means a concentration of a toxic air contaminant in the outdoor atmosphere in any area that does not have restricted or controlled public access that is used to evaluate the air quality impacts of a single source. There are three types of acceptable source impact levels: risk-based, threshold-based, and special. Concentrations for these three types of ASILs are established by the Board after public hearing and are listed in Appendix A of this Regulation III.

~~((b) **ADEQUATELY WET** means sufficiently mixed, saturated, penetrated, or coated with a continuous fine mist of water or an aqueous solution to prevent emissions.))~~

(b) ~~((c))~~ **AMPERE-HOURS** means the integral of electrical current applied to a plating or anodizing tank (amperes) over a period of time (hours).

(c) ~~((d))~~ **ANTI-MIST ADDITIVE** means a chemical which reduces the hexavalent chromium emission rate from a tank.

~~((e) **ASBESTOS** means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, ehrysotile (serpentinite), crocidolite (riebeckite), or anthophyllite.))~~

~~((f) **ASBESTOS-CONTAINING MATERIAL** means any material containing at least one percent (1%) asbestos as determined by polarized light microscopy using the Interim Method of the Determination of Asbestos in Bulk Samples contained in Appendix A of Subpart F in 40 CFR Part 763. This term does not include asbestos-containing roofing material, regardless of asbestos content, when the following conditions are met:~~

~~(1) The asbestos-containing roofing material is in good condition and is not peeling, cracking, or crumbling; and~~

~~(2) The binder is petroleum-based, the asbestos fibers are suspended in that base, and individual fibers are still encapsulated; and~~

~~(3) The binder still exhibits enough plasticity to prevent the release of asbestos fibers in the process of removing it; and~~

~~(4) The building, vessel, or structure containing the asbestos-containing roofing material will not be demolished~~

~~by burning or mechanical renovation/demolition methods that may release asbestos fibers.))~~

~~((g) **ASBESTOS-CONTAINING WASTE MATERIAL** means any waste that contains asbestos-containing material. This term includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material(s) collected for disposal, or asbestos-contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. This term does not include samples of asbestos-containing material taken for testing or enforcement actions.))~~

~~((h) **ASBESTOS PROJECT** means the construction, demolition, repair, remodeling, maintenance, or renovation of any public or private building(s), vessel, structure(s), or component(s) involving the demolition, removal, encapsulation, salvage, disposal, or disturbance of any asbestos-containing material. This term includes the removal and disposal of asbestos-containing waste material from manufacturing operations that combine asbestos-containing material with any other material(s) to produce a product and the removal and disposal of stored asbestos-containing material or asbestos-containing waste material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released.))~~

~~((i) **ASBESTOS SURVEY** means an inspection using the procedures contained in 40 CFR 763.86, or an alternate method that has received prior written approval from the Control Officer, to determine whether materials or structures to be worked on, removed, or demolished, contain asbestos. In residential dwellings, asbestos samples may be taken by the resident owner of the dwelling.))~~

~~((j) **CERTIFIED ASBESTOS WORKER OR SUPERVISOR** means a person who is certified by the Washington State Department of Labor and Industries under WAC 296-65-010, 012, and 030 to undertake an asbestos project or, for federal employees working in a federal facility, trained in an equally effective program approved by the United States Environmental Protection Agency.))~~

(d) ~~((k))~~ **CHROMIC ACID ANODIZING** means an electrolytic process by which a metal surface is converted to an oxide surface coating in a solution containing chromic acid.

(e) ~~((l))~~ **CHROMIC ACID PLATING** means an electrolytic process by which chromium is deposited on a base metal surface.

(f) ~~((m))~~ **COLD SOLVENT CLEANER** or **COLD CLEANER** means a degreasing tank in which a solvent with a true vapor pressure greater than 4.2 kPa (0.6 psia) is not heated at or above the boiling point.

~~((n) **COLLECTED FOR DISPOSAL** means sealed in a leak-tight container while adequately wet.))~~

~~((o) **COMPONENT** means any equipment, pipe, structural member, or other item covered, coated, or manufactured from asbestos-containing material.))~~

~~((p) **CONTROLLED AREA** means an area to which only certified asbestos workers, or other persons authorized by Section 3.05 of Regulation I or the Washington Industrial Safety and Health Act, have access. For residential dwellings, the controlled area is the interior of the dwelling.))~~

~~((q) **DEMOLITION** means the wrecking, dismantling, removal of any load-supporting structural member on, or~~

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burning of, any building, vessel, structure, or portion thereof. For residential dwellings, a demolition means the wrecking, dismantling, or removal of any load-bearing structural member by the use of heavy equipment (such as a backhoe) or the burning of the building thereby rendering as permanently uninhabitable, that portion of the building being demolished.)

~~((r)) EMERGENCY ASBESTOS PROJECT means an unplanned asbestos project necessitated by a sudden and unexpected event that will imminently endanger human health and safety either through exposure to asbestos fibers or loss of vital utilities. Such events may include earthquakes, floods, fire damage, non-routine failure or malfunction of equipment, or identification of additional asbestos-containing material discovered during an asbestos project.))~~

~~(g) ((s)) ETHYLENE OXIDE AERATOR means any equipment, space, or room in which air is used to remove residual ethylene oxide from sterilized materials.~~

~~(h) ((t)) ETHYLENE OXIDE STERILIZER means any chamber or related piece of equipment that uses ethylene oxide or an ethylene oxide mixture in any sterilization or fumigation process.~~

~~(i) ((u)) FREEBOARD RATIO means the freeboard height (the distance from the top of the degreaser to the air/solvent vapor interface) divided by the width (lesser horizontal dimension) of the degreaser (measured at the top).~~

~~((v)) HEPA FILTER means a high efficiency particulate air filter found in respirators and vacuum systems capable of filtering 0.3 micrometer mean aerodynamic diameter particles with 99.97% efficiency.))~~

~~((w)) LEAK-TIGHT CONTAINER means a dust-tight container, at least 6 mil thick, that encloses the asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and polyethylene plastic.))~~

~~((x)) LOCAL EXHAUST VENTILATION AND COLLECTION SYSTEM means a system as described in Appendix J of EPA 560/565-024 (Guidance for Controlling Asbestos-Containing Materials in Buildings.))~~

~~((y)) OWNER OR OPERATOR means any person who owns, leases, operates, controls, or is responsible for activities at an asbestos project site, or an asbestos project operation, or both.))~~

~~(j) ((z)) REFRIGERATED FREEBOARD CHILLER means a set of cooling coils situated above the condenser which operates at 2°C or less.~~

~~((aa)) RESIDENTIAL DWELLING means any nonmultiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is used, occupied, or intended or designed to be occupied by one owner as their domicile. This term includes houses, mobile homes, trailers, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include single or multiple family rental units. This term does not include structures that are demolished or renovated as part of a commercial or public project. Nor does this term include any mixed-use building, structure, or installation that contains a residential unit.))~~

~~(k) ((bb)) TOXIC AIR CONTAMINANT (TAC) means any air contaminant listed in Appendix A of this Regulation III or listed in the Administrative Regulations of the United States of America in 40 CFR Part 372, Subpart D, as both~~

now exist or are hereinafter amended, and both of which by this reference are incorporated herein and made a part hereof.

~~(l) ((ee)) VAPOR DEGREASER means a degreasing tank in which the solvent is heated at or above the boiling point.~~

~~((dd)) VISIBLE EMISSIONS means any emissions that are visually detectable without the aid of instruments. This term does not include condensed uncombined water vapor.))~~

~~((ee)) WASTE GENERATOR means any owner or operator of a source whose act or process produces asbestos-containing waste material.))~~

~~((ff)) WASTE SHIPMENT RECORD means the shipping document required to be originated and signed by the owner or operator, used to track and substantiate the disposition of asbestos-containing waste material.))~~

~~((gg)) WORKING DAY means Monday through Friday and includes holidays that fall on any of the days Monday through Friday.))~~

WSR 95-10-060
PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY
[Filed May 3, 1995, 9:34 a.m.]

Original Notice.

Title of Rule: Repealing Regulation III, Sections 4.01, 4.02, and 4.03; and adopting Regulation III, Sections 4.01, 4.02, 4.03, 4.04, 4.05, 4.06, and 4.07.

Purpose: To adopt new asbestos regulations in order to improve clarity, coordinate requirements with the Department of Labor and Industries, reduce paperwork, increase flexibility, and concentrate on the most hazardous asbestos materials.

Other Identifying Information: Article 4 pertains to Asbestos Control Standards.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.141.

Summary: Adopt new asbestos regulations to coordinate requirements with the Department of Labor and Industries and to allow concentration on the most hazardous asbestos materials while reducing paperwork.

Reasons Supporting Proposal: To improve clarity, coordinate requirements with the Department of Labor and Industries, reduce paperwork, increase flexibility, and concentrate on the most hazardous asbestos materials.

Name of Agency Personnel Responsible for Drafting and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, 98101, 689-4053; and Implementation: Dave Kircher, 110 Union Street, #500, Seattle, 98101, 689-4050.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect these amendments.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposal would rescind the current asbestos regulations and adopt new asbestos rules in order to improve clarity, coordinate requirements with the Department of

Labor and Industries, reduce paperwork, increase flexibility, and concentrate on the most hazardous asbestos materials.

Proposal Changes the Following Existing Rules: The asbestos regulations will be clearer, more flexible, and reduce paperwork.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This agency is not subject to the small business economic impact provision of the Administrative Procedure Act.

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on June 8, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Agency Receptionist, 689-4010 by June 1, 1995, TDD (800) 833-6388, or (800) 833-6385 (braille).

Submit Written Comments to: Dennis McLerran, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, FAX (206) 343-7522, by May 30, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995

James Nolan

Director - Compliance

REPEALER

REGULATION III SECTION 4.01 APPLICATION REQUIREMENTS AND FEES

REPEALER

REGULATION III SECTION 4.02 PROCEDURES FOR ASBESTOS EMISSION CONTROL

REPEALER

REGULATION III SECTION 4.03 DISPOSAL OF ASBESTOS-CONTAINING WASTE MATERIAL

NEW SECTION

REGULATION III SECTION 4.01 DEFINITIONS

- (a) **AHERA BUILDING INSPECTOR** means a person who has successfully completed the training requirements for a building inspector established by EPA regulations (40 CFR Part 763) and whose certification is current.
- (b) **AHERA PROJECT DESIGNER** means a person who has successfully completed the training requirements for an abatement project designer established by EPA regulations (40 CFR 763.90(g)) and whose certification is current.
- (c) **ASBESTOS** means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentinite), crocidolite (riebeckite), or anthophyllite.
- (d) **ASBESTOS-CONTAINING MATERIAL** means any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations (Appendix A, Subpart F, 40 CFR Part 763, Section I, Polarized Light Microscopy).
- (e) **ASBESTOS-CONTAINING WASTE MATERIAL** means any waste that contains asbestos-containing material. Asbestos-containing waste material includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-

contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. Asbestos-containing waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.

- (f) **ASBESTOS PROJECT** means any activity involving the abatement, renovation, demolition, removal, salvage, clean up, or disposal of asbestos-containing material, or any other action that disturbs or is likely to disturb any asbestos-containing material. It includes the removal and disposal of stored asbestos-containing material or asbestos-containing waste material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released.
- (g) **ASBESTOS SURVEY** means a written report describing an inspection using the procedures contained in EPA regulations (40 CFR 763.86), or an alternate method that has received prior written approval from the Control Officer, to determine whether materials or structures to be worked on, renovated, removed, or demolished (including materials on the outside of structures) contain asbestos.
- (h) **COMPETENT PERSON** means a person who is capable of identifying asbestos hazards and selecting the appropriate asbestos control strategy, has the authority to take prompt corrective measures to eliminate them, and has been trained and certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction and whose certification is current).
- (i) **COMPONENT** means any equipment, pipe, structural member, or other item covered or coated with, or manufactured from, asbestos-containing material.
- (j) **DEMOLITION** means wrecking, razing, leveling, dismantling, or burning of a structure, making the structure permanently uninhabitable or unusable.
- (k) **FRIABLE ASBESTOS-CONTAINING MATERIAL** means asbestos-containing material that, when dry, can be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, or disposal. Such materials include, but are not limited to, thermal system insulation, surfacing material, and cement asbestos products.
- (l) **LEAK-TIGHT CONTAINER** means a dust-tight and liquid-tight container, at least 6-mil thick, that encloses asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic.
- (m) **NONFRIABLE ASBESTOS-CONTAINING MATERIAL** means asbestos-containing material that, when dry, cannot be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal.
- (n) **OWNER-OCCUPIED, SINGLE-FAMILY RESIDENCE** means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is currently used or was once used, occupied, or

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designed to be occupied by one family who owns the property as their domicile. This term includes houses, mobile homes, trailers, detached garages, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include rental property or multiple-family units, nor does this term include any mixed-use building, structure, or installation that contains a residential unit.

- (o) **PERSON** means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.
- (p) **RENOVATION** means altering a facility or a component in any way, except demolition.
- (q) **SURFACING MATERIAL** means material that is sprayed-on, troweled-on, or otherwise applied to surfaces (including, but not limited to, acoustical plaster on ceilings, paints, fireproofing materials on structural members, or other materials on surfaces for decorative purposes).
- (r) **SUSPECT ASBESTOS-CONTAINING MATERIAL** means material that has historically contained asbestos (including, but not limited to, surfacing material, thermal system insulation, roofing material, fire barriers, gaskets, flooring material, and siding).
- (s) **THERMAL SYSTEM INSULATION** means material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.

NEW SECTION

REGULATION III SECTION 4.02 ASBESTOS SURVEY REQUIREMENTS

(a) Requirements for Renovations

It shall be unlawful for any person to cause or allow a renovation unless the property owner (or the owner's agent) determines if there are suspect asbestos-containing materials in the work area and obtains an asbestos survey of any suspect asbestos-containing materials by an AHERA building inspector. An AHERA building inspector is not required for asbestos surveys associated with the renovation of an owner-occupied, single-family residence.

- (1) If there are no suspect materials in the work area, this determination shall be posted at the work site.
- (2) It is not required that an AHERA building inspector evaluate any material presumed to be asbestos-containing material.
- (3) Except for renovations of an owner-occupied, single-family residence, only an AHERA building inspector may determine that a suspect material does not contain asbestos.
- (4) The results of the asbestos survey shall be posted by the property owner (or the owner's agent) at the work site.
- (5) The presence of asbestos-containing material shall be communicated by the property owner (or the owner's agent) to all persons who may come into contact with the material.

(b) Requirements for Demolitions

It shall be unlawful for any person to cause or allow any demolition unless the property owner (or the owner's agent) obtains an asbestos survey by an AHERA building inspector of the structure to be demolished.

- (1) It is not required that an AHERA building inspector evaluate any material presumed to be asbestos-containing material.
- (2) Only an AHERA building inspector may determine that a suspect material does not contain asbestos.
- (3) The results of the asbestos survey shall be posted at the work site by the property owner (or the owner's agent).
- (4) The presence of asbestos-containing material shall be communicated by the property owner (or the owner's agent) to all persons who may come into contact with the material.

NEW SECTION

REGULATION III SECTION 4.03 ASBESTOS REMOVAL REQUIREMENTS PRIOR TO RENOVATION OR DEMOLITION

(a) Removal of Asbestos Prior to Renovation or Demolition

Except as provided in Section 4.06(a) of this Regulation, it shall be unlawful for any person to cause or allow any demolition or renovation that may disturb asbestos-containing material or damage a structure so as to preclude access to asbestos-containing material for future removal, without first removing all asbestos-containing material in accordance with the requirements of this regulation.

Asbestos-containing material need not be removed from a component if the component can be removed, stored, or transported for reuse without disturbing or damaging the asbestos.

(b) Exception For Hazardous Conditions

Asbestos-containing material need not be removed prior to a demolition, if the property owner demonstrates to the Control Officer that it is not accessible because of hazardous conditions such as: structures or buildings that are structurally unsound and in danger of imminent collapse, or other conditions that are immediately dangerous to life and health. The property owner must submit the written determination of the hazard by an authorized government official, and must submit the procedures that will be followed for controlling asbestos emissions during the demolition or renovation and disposal of the asbestos-containing waste material.

NEW SECTION

REGULATION III SECTION 4.04 NOTIFICATION REQUIREMENTS

(a) General Requirements

It shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification has been submitted to the Control

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Officer on Agency-approved forms, in accordance with the advance notification period requirements contained in Section 4.04(d) of this Regulation.

- (1) Notification is not required for asbestos projects involving less than 10 linear feet or 48 square feet (per structure, per year) of any asbestos-containing material. Notification is not required for removal of nonfriable caulking or nonfriable roofing material. **All other asbestos project requirements remain in effect.**
- (2) Notification is required for all demolitions involving structures with a projected roof area greater than 120 square feet, even if no asbestos-containing material is present.
- (3) The written notification shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.04(d) of this Regulation unless prior arrangements for payment have been made with the Agency.
- (4) A copy of the notification, all amendments to the notification, the asbestos survey, and any Order of Approval for an alternate means of compliance shall be available for inspection at all times at the asbestos project or demolition site.
- (5) Notification for multiple asbestos projects or demolitions may be filed on one form if all the following criteria are met:
 - (A) The work will be performed continuously by the same contractor;
 - (B) The structures are in a group or can be managed as a group;
 - (C) The project specifications regarding location and amount of asbestos-containing material to be removed from each location, and the project work schedule, are provided in detail for each segment of the project; and
 - (D) All asbestos projects or demolitions are under one contract.
- (6) Annual Notification

A property owner may file one annual notification for asbestos projects to be conducted on one or more structures, vessels, or buildings during each calendar year if all of the following conditions are met:

 - (A) The annual notification shall be filed with the Agency before commencing work on any asbestos project included in an annual notification;
 - (B) The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building in a calendar year under this section is less than 260 linear feet on pipes or less than 160 square feet on other components; and

(C) The property owner submits quarterly written reports to the Control Officer on Agency-approved forms within 15 days after the end of each calendar quarter.

(b) Amendments

(1) Mandatory Amendments

An amendment shall be submitted to the Control Officer for the following changes in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.04(d) of this Regulation unless prior arrangements for payment have been made with the Agency:

- (A) Increases in the job size category that increase the fee or change the advance notification period;
- (B) Changes in the type of asbestos-containing material that will be removed; or
- (C) Changes in the work schedule, including hours of work, unless the asbestos contractor or property owner participates in the Agency work schedule fax program.

(2) Amendments Not Permitted

A new notification, including the appropriate nonrefundable fee and advance notification period as set forth in Section 4.04(d) of this Regulation, is required for a change in the job site address or a change in asbestos contractor.

(3) Optional Amendments

An amendment may be submitted to the Control Officer for any other change in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 4.04(d) of this Regulation unless prior arrangements for payment have been made with the Agency.

(c) Emergencies

The Control Officer may waive the advance notification period, if the property owner demonstrates to the Control Officer that an asbestos project or demolition must be conducted immediately because of any of the following:

- (1) There was a sudden, unexpected event that resulted in a public health or safety hazard;
- (2) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;
- (3) Hidden asbestos-containing materials were encountered that were not identified during the asbestos survey; or
- (4) The project must proceed to avoid imposing an unreasonable burden.

(d) Notification Period and Fees

Project	Size or Type	Notification Period	Fee
Owner-Occupied, Single-Family Residence (asbestos project and/or demolition)	All	Prior Notice	\$25
All Other Demolitions with no asbestos project	All	10 Days	\$125
Asbestos Project includes demolition fee	<260 linear ft <160 square ft	3 Days	\$125
Asbestos Project includes demolition fee	260 - 999 lin ft 160 - 4,999 sq ft	10 Days	\$250
Asbestos Project includes demolition fee	1,000 - 10,000 lin ft 5,000 - 50,000 sq ft	10 Days	\$500
Asbestos Project includes demolition fee	10,000 + lin ft 50,000 + sq ft	10 Days	\$1,000
Emergency	4.04(c)	Prior Notice	Same as project fee
Amendment	4.04(b)	Prior Notice	\$25
Alternate Means of Compliance (demolitions or friable materials)	4.06 (a) or (b)	10-Day Review Period	Same as project fee
Alternate Means of Compliance (nonfriable materials)	4.06(c)	Concurrent with the project period	Same as project fee
Annual	4.04 (a)(6)	Prior Notice	\$1,000

NEW SECTION

REGULATION III SECTION 4.05 PROCEDURES FOR ASBESTOS PROJECTS

(a) Training Requirements

It shall be unlawful for any person to cause or allow any work on an asbestos project unless it is performed by persons trained and certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction and whose certification is current).

This certification requirement does not apply to asbestos projects conducted in an owner-occupied, single-family

residence performed by the resident owner of the dwelling.

(b) Asbestos Removal Work Practices

Except as provided in Section 4.06 of this Regulation, it shall be unlawful for any person to cause or allow the removal of asbestos-containing material unless all the following requirements are met:

- (1) The asbestos project shall be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only.
- (2) If a negative pressure enclosure is employed it shall be equipped with viewing ports (if feasible) and shall be maintained in good working order.

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- (3) Absorbent materials, such as surfacing material and thermal system insulation, shall be saturated with a liquid wetting agent prior to removal. Wetting shall continue until all the material is permeated with the wetting agent. Any unsaturated surfaces exposed during removal shall be wetted immediately.
 - (4) Nonabsorbent materials, such as cement asbestos board or vinyl asbestos tile, shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. They shall be wetted after removal, as necessary, to assure they are wet when sealed in leak-tight containers. Any dry surfaces exposed during removal shall be wetted immediately.
 - (5) Metal components (such as valves, fire doors, and reactor vessels) that have internal asbestos-containing material do not require wetting of the asbestos-containing material if all access to the asbestos-containing material is welded shut or the component has mechanical seals, which cannot be removed by hand, that separate the asbestos-containing material from the environment.
 - (6) Except for surfacing materials removed inside a negative pressure enclosure, asbestos-containing materials that have been removed or may have fallen off components during an asbestos project shall be carefully lowered to the ground or a lower floor, not dropped, thrown, slid, or otherwise damaged.
 - (7) All asbestos-containing waste material shall be kept wet and shall be sealed in leak-tight containers while still wet, as soon as possible after removal but no later than the end of each work shift.
 - (8) The exterior of each leak-tight container shall be free of all asbestos residue and shall be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.
 - (9) Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be readable without opening the container.
 - (10) Leak-tight containers shall not be dropped, thrown, slid, or otherwise damaged.
 - (11) The asbestos-containing waste material shall be stored in the controlled area until transported to an approved waste disposal site.
- (1) The nonfriable roofing material shall be removed using methods such as spud bar and knife. Removal methods such as sawing or grinding shall not be employed;
 - (2) Dust control methods shall be used as necessary to assure no fugitive dust is generated from the removal of nonfriable roofing material;
 - (3) Nonfriable roofing material shall be carefully lowered to the ground to prevent fugitive dust;
 - (4) After being lowered to the ground, the nonfriable roofing material shall be immediately transferred to a disposal container; and
 - (5) Each disposal container shall have a sign identifying the material as nonfriable roofing material.

NEW SECTION

REGULATION III SECTION 4.06 ALTERNATE MEANS OF COMPLIANCE

- (a) Leaving Nonfriable Asbestos-Containing Material in Place During Demolition

Nonfriable asbestos-containing material may be left in place during a demolition, if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing materials involved, the projected work practices, and the engineering controls, and demonstrates to the Control Officer that the asbestos-containing material will remain nonfriable during all demolition activities and the subsequent disposal of the debris.

The Control Officer may require such conditions in the Order of Approval of the alternate means of compliance as are reasonably necessary to assure the asbestos-containing material remains nonfriable, and may revoke the Order of Approval for cause.

- (b) Alternate Method of Removal - Friable Asbestos-Containing Material

An alternate asbestos removal method may be employed for friable asbestos-containing material if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the Control Officer that the planned control method will be equally as effective as the work practices contained in Section 4.05(b) of this Regulation in controlling asbestos emissions. The property owner (or the owner's agent) shall document through air monitoring at the exhaust from the controlled area that the asbestos fiber concentrations outside the controlled area do not exceed 0.01 fibers/cc, 8 hour average.

The Control Officer may require such conditions in the Order of Approval of the alternate means of compliance as are reasonably necessary to assure the planned

- (c) Method of Removal for Nonfriable Asbestos-Containing Roofing Material

The following asbestos removal method shall be employed for roofing material that has been determined to be nonfriable by a Competent Person or an AHERA Project Designer:

control method is as effective as wetting, and may revoke the Order of Approval for cause.

(c) **Alternate Method of Removal - Nonfriable Asbestos-Containing Material**

An alternate asbestos removal method may be employed for nonfriable asbestos-containing material if a Competent Person or AHERA Project Designer has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the Control Officer that the planned control method will be equally as effective as the work practices contained in Section 4.05(b) of this Regulation in controlling asbestos emissions.

The Control Officer may require such conditions in the Order of Approval of the alternate means of compliance as are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the Order of Approval for cause.

NEW SECTION

REGULATION III SECTION 4.07 DISPOSAL OF ASBESTOS-CONTAINING WASTE MATERIAL

(a) Except as provided in Section 4.07(c) of this Regulation, it shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless it is deposited within 10 days of removal at a waste disposal site authorized to accept such waste.

(b) **Waste Tracking Requirements**

It shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless the following requirements are met:

- (1) Maintain waste shipment records, beginning prior to transport, using a form that includes the following information:
 - (A) The name, address, and telephone number of the waste generator;
 - (B) The approximate quantity in cubic meters or cubic yards;
 - (C) The name and telephone number of the disposal site operator;
 - (D) The name and physical site location of the disposal site;
 - (E) The date transported;
 - (F) The name, address, and telephone number of the transporter; and
 - (G) A certification that the contents of the consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition to transport by highway according to applicable international and government regulations.

(2) Provide a copy of the waste shipment record to the disposal site at the same time the asbestos-containing waste material is delivered.

(3) If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 35 calendar days of the date the waste was accepted by the initial transporter, contact the transporter and/or the owner or operator of the disposal site to determine the status of the waste shipment.

(4) If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter, report in writing to the Control Officer. Include in the report, a copy of the waste shipment record and a cover letter signed by the waste generator explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.

(5) Retain a copy of all waste shipment records, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site, for at least 2 years.

(c) **Temporary Storage Site**

A person may establish a facility for the purpose of collecting and temporarily storing asbestos-containing waste material if the facility is approved by the Control Officer and all the following conditions are met:

- (1) Accumulated asbestos-containing waste material shall be kept in a controlled storage area posted with asbestos warning signs and accessible only to authorized persons;
- (2) All asbestos-containing waste material shall be stored in leak-tight containers and the leak-tight containers shall be maintained in good condition;
- (3) The storage area must be locked except during transfer of asbestos-containing waste material; and
- (4) Storage, transportation, disposal, and return of the waste shipment record to the waste generator shall not exceed 90 days.

(d) **Disposal of Asbestos Cement Water Pipe**

Asbestos cement water pipe used on public right-of-ways or public easements may be buried on public right-of-ways or public easements if the pipe is covered with at least 3 feet or more of non-asbestos fill material and all asbestos cement water pipe fragments that are 1 linear foot or less and other asbestos-containing waste material are disposed of at a waste disposal site authorized to accept such waste.

WSR 95-10-061
PROPOSED RULES
HIGHER EDUCATION
COORDINATING BOARD
 [Filed May 3, 1995, 10:07 a.m.]

Original Notice.

Title of Rule: Running start program rules regarding high school student attendance at institutions of higher education.

Purpose: To implement chapter 205, Laws of 1994, by extending running start program attendance to Central Washington University, Eastern Washington University, and Washington State University.

Statutory Authority for Adoption: RCW 28A.600.300.390 [28A.600.300 - 28A.600.390], 28A.150.260, and 28A.150.290.

Statute Being Implemented: RCW 28A.600.300, 28A.600.400 as amended by chapter 205, Laws of 1994.

Summary: The proposed amendments change the terminology and substance of existing running start program rules which are limited to attendance at community and technical colleges to extend attendance to Central Washington University, Eastern Washington University, and Washington State University.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Karen Moton-Tate, 917 Lakeridge Way, Olympia, (360) 753-7802.

Name of Proponent: Higher Education Coordinating Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Establish policies and procedures governing the running start program whereby high school students attending community college can earn both high school and college credit. The proposed amendments will implement chapter 205, Laws of 1994, by extending running start program attendance to Central Washington University, Eastern Washington University, and Washington State University.

Proposal Changes the Following Existing Rules: Amends existing rules to include Central Washington University, Eastern Washington University, and Washington State University.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not applicable.

Hearing Location: Conference Room, Higher Education Coordinating Board, 917 Lakeridge Way, on June 7, 1995, at 9:00 a.m.

Assistance for Persons with Disabilities: Contact Karen Moton-Tate by June 5, 1995, TDD (360) 753-7809.

Submit Written Comments to: Karen Moton-Tate, P.O. Box 43430, Olympia, WA 98504-3430, FAX (360) 753-7808, by June 12, 1995.

Date of Intended Adoption: July 13, 1995.

May 3, 1995
 Karen Moton-Tate
 Rules Coordinator

AMENDATORY SECTION (Amending WSR 94-14-064, filed 7/1/94)

WAC 250-79-010 Adopting running start rules by reference. WAC 392-169-005 through 392-169-125, inclusive of the 1995 amendment thereto and repeal of WAC 392-169-035, are hereby adopted.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 250-79-020 Public access to running start program rules. Copies of chapter 392-169 WAC are available in the offices of the higher education coordinating board, the state board for community and technical colleges and the superintendent of public instruction located in Olympia, Washington.

WSR 95-10-064
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed May 3, 1995, 10:20 a.m.]

Original Notice.

Title of Rule: Amending WAC 458-40-610 Timber excise tax—Definitions, 458-40-650 Timber excise tax—Timber quality codes defined, 458-40-670 Timber excise tax—Stumpage value adjustments, and 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods.

Purpose: The amendment of WAC 458-40-610 is for the purpose of defining certain new terms related to the reporting of timber harvests. The amendment of WAC 458-40-650 is for the purpose of setting out the quality codes for "chipwood" and "small logs." The amendment of WAC 458-40-670 is for the purpose of explaining the procedure for reporting the harvest volume of "chipwood" and "small logs" and the harvest adjustments allowed on various slopes. The amendment of WAC 458-40-680 is for the purpose of allowing a taper allowance on lodgepole pine in accordance with industry practice.

Other Identifying Information: These rules were adopted on an emergency basis effective January 1, 1995.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: These rules are necessary to implement the stumpage value tables contained in WAC 458-40-660, which was adopted effective January 1, 1995.

Reasons Supporting Proposal: These rules are necessary to enable timber harvesters to properly report and calculate the amount of timber harvested and the amount of tax owed.

Name of Agency Personnel Responsible for Drafting: James A. Winterstein, 711 Capitol Way South, #303, Olympia, WA, (360) 586-4283; **Implementation and Enforcement:** Gary O'Neil, 2735 Harrison N.W., Building 4, Olympia, WA, (360) 753-2871.

PROPOSED

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: These rules are proposed to be adopted on a permanent basis to take the place of the emergency rules that were effective January 1, 1995. WAC 458-40-610 adds a definition of "log grade" and adds definitions of "chipwood", "small logs" and "sawlog" to the definition of "species." These definitions are used in calculating the volume of timber harvested for purposes of determining the amount of forest excise tax owed. The rule also revises the definition of "thinning." WAC 458-40-650 adds "chipwood" and "small logs" to the quality code tables. WAC 458-40-670 describes the methods for reporting "chipwood" and "small log" volume and revises the adjustment tables regarding adjustments allowed for various slopes. WAC 458-40-680 provides for a one inch taper allowance for lodgepole pine harvested in stumpage value areas 6, 7, or 10 to comply with industry standards. Together these rule changes should make reporting of harvest volumes easier and the calculation of the tax more accurate.

Proposal Changes the Following Existing Rules: See description above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The Department of Revenue has reviewed administrative provisions contained in these rules in order to determine the economic impact on small businesses. The proposed amendments to these rules will have minor or negligible economic impact.

Hearing Location: Department of Revenue Conference Room, Target Place Building, No. 4, 2735 Harrison Avenue N.W., Olympia, WA, on June 15, 1995, at 10:00 a.m.; and at the Schoenberg Conference Center, Redwood Room 1st Floor, Gonzaga University, 800 North Pearl, Spokane, WA, on June 13, 1995, at 1:30 p.m.

Assistance for Persons with Disabilities: Accommodations or assistance for persons with disabilities or to request a copy of the information in an alternate format contact Sandra Chan, TDD 1-800-451-7985, or (360) 753-3217.

Submit Written Comments to: James A. Winterstein, Counsel, Department of Revenue, P.O. Box 47467, Olympia, WA 98504-7467, FAX (360) 664-0693, by June 15, 1995.

Date of Intended Adoption: June 30, 1995.

May 3, 1995

Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending WSR 90-14-033, filed 6/29/90, effective 7/30/90)

WAC 458-40-610 Timber excise tax—Definitions. Unless the context clearly requires otherwise, the definitions in this section apply to WAC 458-40-600 through 458-40-690.

(1) Codominant trees. Trees whose crowns form the general level of the crown cover and receive full light from above, but comparatively little light from the sides.

(2) Competitive sales. The offering for sale of timber which is advertised to the general public for sale at public auction under terms wherein all qualified potential buyers

have an equal opportunity to bid on the sale, and the sale is awarded to the highest qualified bidder. The term "competitive sales" includes making available to the general public permits for the removal of forest products.

(3) Department. The department of revenue of the state of Washington.

(4) Dominant trees. Trees whose crowns are higher than the general level of the canopy and which receive full light from the sides as well as from above.

(5) Harvest unit. An area of timber harvest having the same forest excise tax permit number, stumpage value area, hauling distance zone, harvest adjustments, and harvester. It may include more than one section: *Provided*, A harvest unit may not overlap a county boundary.

(6) Hauling distance zone. An area with specified boundaries as shown on the state-wide stumpage value area and hauling distance zone maps contained in WAC 458-40-640, having similar accessibility to timber markets.

(7) Log grade. Those grades listed in the "Official Log Scaling and Grading Rules" handbook developed and authored by the Northwest Log Rules Advisory Group. The utility grade as described in the "Official Rules" is a standard grade to be used in the calculation of quality classes described in WAC 458-40-650.

(8) Lump sum sale. Also known as a cash sale or an 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 volume harvested.

~~((8))~~ (9) MBF. One thousand board feet measured in Scribner Decimal C Log Scale Rule.

~~((9))~~ (10) Noncompetitive sales. Sales of timber in which the purchaser has a preferential right to purchase the timber or a right of first refusal.

~~((10))~~ (11) Other consideration. Value given in lieu of cash as payment for stumpage, such as improvements to the land that are of a permanent nature. It may include, but is not limited to, the construction of permanent roads and the installation of permanent bridges.

~~((11))~~ (12) Permanent road. A road built as part of the harvesting operation which is intended to have a useful life subsequent to the completion of the harvest.

~~((12))~~ (13) Private timber. All timber harvested from privately owned lands, including timber on reclassified reforestation land under chapters 84.28 and 84.33 RCW.

~~((13))~~ (14) Public timber. Timber harvested from federal, state, county, municipal, or other government owned lands.

~~((14))~~ (15) Remote island. An area of land which is totally surrounded by water at normal high tide and which has no bridge or causeway connecting it to the mainland.

~~((15))~~ (16) Sale price. The amount paid for timber in cash or other consideration.

~~((16))~~ (17) 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.

~~((17))~~ (18) Species. A grouping of timber based on biological or physical characteristics. In addition to the designations of species or subclassifications defined in Agriculture Handbook No. 451 Checklist of United States Trees (native and naturalized) found in the state of Washington, the following shall be considered separate species for

the purpose of harvest classification used in the stumpage value tables:

(a) Other conifer. All conifers not separately designated in the stumpage value tables. See WAC 458-40-660.

(b) Other hardwood. All hardwoods not separately designated.

~~(c) ((Conifer utility. All conifer logs graded as utility.~~

~~(d) Hardwood utility. All hardwood logs graded as utility or number four sawmill as defined by the current edition of the "Official Log Scaling and Grading Rules" as developed and authored by the Northwest Log Rules Advisory Group.~~

(e)) Special forest products. The following are considered to be separate species of special forest products: Christmas trees (various species), posts (various species), western redcedar flatsawn and shingle blocks, western redcedar shake blocks and boards.

~~((18)) (d) Chipwood. All timber processed to produce chips or chip products delivered to the facilities listed in WAC 458-40-670(1) or otherwise reportable in accordance with the provisions of WAC 458-40-670 (2) or (3).~~

(e) Small logs. All conifer logs harvested in stumpage value areas 6 or 7 generally measuring seven inches or less in scaling diameter, delivered to and purchased by weight measure at facilities listed in WAC 458-40-670(4). Log diameter and length is determined by merchandizer scanner with length not to exceed twenty feet.

(f) Sawlog. For purposes of timber harvest in stumpage value areas 6 and 7, a sawlog is a log having a net scale of not less than 33 1/3% of gross scale, nor less than ten board feet and meeting the following minimum characteristics: Gross scaling diameter of five inches and a gross scaling length of eight feet.

(19) Stumpage. Standing or fallen trees, live or dead, having commercial value which have not been severed from the stump.

~~((19)) (20) Stumpage value area (SVA). An area with specified boundaries which contains timber having similar growing, harvesting and marketing conditions.~~

~~((20)) (21) Thinning. Timber removed from a harvest unit meeting all the following conditions:~~

~~(a) Located in ((Western Washington)) stumpage value areas 1, 2, 3, 4, 5, and 10;~~

~~(b) The total volume removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest;~~

~~(c) ((Not more than forty percent of the total volume removed is from the dominant and codominant trees;~~

~~(d) The trees removed in the harvest operation shall be distributed over the entire harvest unit.~~

(21)) Leave a minimum of one hundred undamaged, evenly spaced, dominant or codominant trees per acre of a commercial species or combination thereof.

(22) Timber. Forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84.33.170, includes Christmas trees.

AMENDATORY SECTION (Amending WSR 94-14-048, filed 6/30/94, effective 7/1/94)

WAC 458-40-650 Timber excise tax—Timber quality codes defined. The timber quality code numbers for each species of timber shown in the stumpage value tables contained in this chapter are defined as follows:

**TABLE 1—Timber Quality Code Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10**

Species	Quality Code Number	Log grade specifications ¹
Douglas-fir	1	Over 50% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	2	Over 50% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	3	25-50% inclusive No. 2 Sawmill and better log grade.
Douglas-fir	4	Less than 25% No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	1	Over 30% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	2	Over 30% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	3	5-30% inclusive No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	4	Less than 5% No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	1	Over 50% No. 2 Sawmill and better log grade, and 5% and over Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	2	Over 50% No. 2 Sawmill and better log grade, and less than 5% Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	3	25-50% inclusive No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	4	Less than 25% No. 2 Sawmill and better log grade.
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
Lodgepole Pine	1	All log grades.
Red Alder and other hardwoods	1	Over 50% No. 3 Sawmill and better log grades.
Red Alder and other hardwoods	2	10-50% inclusive No. 3 Sawmill and better other hardwoods log grades.
Red Alder and other hardwoods	3	Less than 10% No. 3 Sawmill and better log grades.

PROPOSED

Black Cottonwood	1	35% and over Peeler log grade.
Black Cottonwood	2	Less than 35% Peeler log grade and 15% and greater No.1 Sawmill and better log grade.
Black Cottonwood	3	Less than 15% No. 1 Sawmill and better log grade.
((Conifer Utility	1	All conifer logs graded as utility log grade-))
Chipwood	1	All logs that comply with the definition of chipwood in WAC 458-40-610 (18)(d).

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

**TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7**

Species	Quality Code Number	Log grade specifications ¹
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
All conifers other than Ponderosa Pine	1	All log sizes.
Hardwoods	1	Sawlogs only.
((Utility	1	All logs graded as utility-))
Small logs	1	All conifer logs that comply with the definition of small logs in WAC 458-40-610 (18)(e).
Chipwood	1	All logs that comply with the definition of chipwood in WAC 458-40-610 (18)(d).

AMENDATORY SECTION (Amending WSR 94-14-048, filed 6/30/94, effective 7/1/94)

WAC 458-40-670 Timber excise tax—Chipwood and small log destinations and stumpage value adjustments.

(1) Chipwood destinations. The businesses operating at the following locations are in the business of processing logs to produce chips or chip products. Logs delivered to the log yards listed below for the purpose of being chipped may be reported as chipwood and have the volume measured by weight:

- Boise Cascade (Umatilla, OR)
- Brady Chip (Shelton)
- Bullfrog (Cle Elum)
- Cavenham (Cathlamet)
- Columbia Fiber (Kalama)
- DaPaul (Tumwater)
- Diashowa (Port Angeles)
- D K Truck (Beaver, Hoquiam, Montesano, Quinalt, Shelton)
- Dodge Logging Inc. (Champion Reload, Glenwood)
- Douglas County Forest Products (Centralia)
- ((Edmonds)) Edman Company (Tacoma, Road 6 Rock Pit-Kapowsin Tree farm)
- Georgia Pacific (Bellingham)
- Granger Company or Resource Recovery (Clarkston)
- James River Corporation (Wauna, OR)
- Mountain Fir Chip Co. (Clarkston, The Dalles, OR)
- North Mason Fiber (Belfair)
- Northwest Forest Fiber (Morton, North Bend, Tacoma)

- Local Manufacturing (Aberdeen)
- Oakville Forest Products (Oakville)
- Olympic Fiber (Aberdeen)
- Pacific Fiber (Longview)
- Ponderay Valley Fiber (Usk)
- Port Townsend Paper or Evergreen Fiber (Irondale)
- Rayonier Pulp (Port Angeles)
- Scott Paper (Everett)
- ~~((Solo Leasing (Longview)))~~
- S.V. Pullen, Inc. (Shelton)
- Warrenton fiber or Nygaards (Warrenton, OR)
- ~~((Weyerhaeuser (Cosmopolis)))~~
- Weyerhaeuser Silvacel (Hardwood at Snoqualmie Falls)

(a) A log processor that is not listed and is in the business of processing logs to produce chips or chip products may apply to the Department of Revenue, Forest Tax Section, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, Washington to be included in this listing. To qualify, not less than ninety percent of the weight volume of logs delivered to and purchased by the log processor at a specified log yard or location must be processed to produce chips or chip products.

(b) Any applicant seeking administrative review of the department's decision under (a) of this subsection may appeal the decision in accordance with WAC 458-20-100.

(2) Logs chipped in the woods may also be reported as chipwood. Volume shall be measured in net weight of green chips ~~((and sufficient, satisfactory documentation of volume shall be provided to the department at the time of reporting)).~~

(3) Logs processed at locations other than those listed in subsection (1) of this section and other than as provided in subsection (2) of this section may be reported as chipwood ~~only when the harvester provides the department with sufficient, satisfactory documentation to accurately show the specific volume of logs processed to produce chips or chip products, measured in net weight of green chips. A sample log scaling showing volume of utility grade logs is not, by itself, sufficient for purposes of reporting the volume of chipwood))~~ volume when scaled as utility grade logs, based upon log scaling or upon approved sample log scaling methods. Harvesters reporting chipwood volume at locations other than those listed in subsection (1) of this section and other than as provided in subsection (2) of this section when there has been no log scaling or approved sample log scaling will have the chipwood volume so reported converted by the department to appropriate sawlog volume in accordance with WAC 458-40-684 and 458-40-686 for purposes of timber excise taxation.

(4) Small log destinations. The businesses operating at the following locations are in the business of processing small logs as defined in WAC 458-40-610.

- Longview Fibre Co. (Winton)
- Vaagen Brothers Lumber Co. (Colville, Ione, Ponderay Valley Sort Yard, Republic)

(a) A log processor that is not listed and is in the business of processing small logs as defined in WAC 458-40-610 may apply to the Department of Revenue, Forest Tax Section, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, Washington to be included in this listing.

PROPOSED

(b) Any applicant seeking administrative review of the department's decision under (a) of this subsection may appeal the decision in accordance with WAC 458-20-100.

(5) **Harvest value adjustments.** Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

((1)) (a) No harvest adjustment shall be allowed against special forest products, chipwood, or small logs as those terms are defined in WAC 458-40-610.

((2)) (b) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

((3)) (c) Timber harvesters planning to remove timber from areas having damaged timber or other unforeseen materially increased harvesting costs may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber or cause of additional costs, and a list of estimated costs to be incurred. Such applications shall be sent to the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

(6) The following harvest adjustment tables are hereby adopted for use during the period of ((July)) January 1 through ((December 31, 1992)) June 30, 1995:

**TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10
((July)) January 1 through ((December 31)) June 30,
((1992)) 1995**

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	- \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	- \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	\$17.00

Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	-\$25.00
Class 1	Most of the harvest unit has less than 30% slope. No Significant rock outcrops or swamp barriers.	0.00
Class 2	Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers.	-\$17.00
Class 3	Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.	-\$25.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	- \$69.00

1 A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.

III. Remote island adjustment:

For timber harvested from a remote island - \$50.00

IV. Thinning (see WAC 458-40-610((20)(21))

Class 1 Average log volume of 50 board feet or more. - \$25.00

Class 2 Average log volume of less than 50 board feet. - \$35.00

**TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6 and 7**

((July)) January 1 through ((December 31)) June 30,
((1994)) 1995

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	- \$18.00
Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	- \$25.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	- \$69.00
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00

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TABLE 3—Domestic Market Adjustment

Public Timber

Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

Private timber

Harvest of private timber which is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

- Class 1: SVA's 1 through 6, and 10 + \$0.00 per MBF
- Class 2: SVA 7 - \$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

Reviser's note: The typographical 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.

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods. (1) Acceptable log scaling and grading rules—~~((Western Washington))~~ Stumpage value areas 1, 2, 3, 4, 5, and 10: The acceptable log scaling and grading rule shall be the Scribner Decimal C log rule as described in the most current edition of the "Official Log Scaling and Grading Rules" handbook developed and authored by the Northwest Log Rules Advisory Group. These are the official rules for the following log scaling and grading bureaus: Columbia River, Grays Harbor, Northern California, Puget Sound, Southern Oregon, and Yamhill.

(2) Acceptable log scaling rule—~~((Eastern Washington))~~ Stumpage value areas 6 and 7: ~~((For Eastern Washington,))~~ The acceptable log scaling rule shall be the Scribner Decimal C log rule described in the most current edition of the "National Forest Log Scaling Handbook" (FSH 2409.11) as published by the United States Forest Service. Provided, the maximum scaling length is twenty feet and maximum trim

allowance shall be six inches for logs eight to twenty feet in length; and provided, further, that lodgepole pine harvested in stumpage value areas 6, 7, or 10 shall be scaled using a one inch taper allowance per log segment.

(3) Utility grade defined: For ~~((both Western and Eastern Washington))~~ all stumpage value areas, utility grade is defined as logs that do not meet the minimum requirements of peeler or sawmill grades as defined in the handbook published by the Northwest Log Rules Advisory Group, but are suitable for the production of firm ~~((usable pulp))~~ useable chips to an amount of not less than fifty percent of the gross scale; and meeting the following minimum requirements:

- Minimum gross diameter—~~((six*))~~ two inches.
- Minimum gross length—twelve feet.
- Minimum volume—ten board feet net scale.
- Minimum recovery requirements—one hundred percent of adjusted gross scale in firm useable ~~((pulp))~~ chips.

(4) Special services scaling: Special services scaling as described in the Northwest Log Rules Advisory Group handbook shall not be used for tax reporting purposes without prior written approval of the department; and all measurements and grades must be converted to standard Scribner Decimal C log rules as they are described in the handbook.

**WSR 95-10-065
PROPOSED RULES
PERSONNEL RESOURCES BOARD**
[Filed May 3, 1995, 10:24 a.m.]

Original Notice.

Title of Rule: WAC 356-06-100 Director—Powers—Duties.

Purpose: This rule describes the powers and duties of the director of the Department of Personnel.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities.

Reasons Supporting Proposal: Will increase the efficiency of state agencies regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities. This modification will increase the efficiency of state agencies regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

PROPOSED

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
Dennis Karras
Secretary

AMENDATORY SECTION (Amending Order 71, filed 12/30/74)

WAC 356-06-100 Director—Powers—Duties. (1) The director of personnel shall direct and supervise all the department of personnel's administrative and technical activities in accordance with the provisions of the state civil service law and the rules and regulations approved and promulgated thereunder. The director shall prepare proposed rules and regulations for consideration by the board.

(2) The director shall establish a department completely separate from other state agencies and shall select a staff of assistants whose employment shall be subject to the provisions of these rules.

(3) The director shall serve as secretary to the board.

(4) The director may delegate authority to subordinates to act for him or her in carrying out duties duly assigned to the director in merit system rules. Such delegations of authority shall be in writing and the board shall be notified of them.

(5) The director of personnel may delegate to any agency the authority to perform administrative and technical personnel activities if such authority is requested. If the director of personnel determines that an agency is not effectively performing delegated activities, the director may withdraw from the agency the authority to perform such activities.

**WSR 95-10-066
PROPOSED RULES
PERSONNEL RESOURCES BOARD**

[Filed May 3, 1995, 10:25 a.m.]

Original Notice.

Title of Rule: WAC 356-18-140 Leave without pay.

Purpose: This rule defines instances [when] an employee can take leave without pay.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: This modification will no longer require the approval of the director when agencies grant leave for government service.

Reasons Supporting Proposal: Will increase the efficiency of state agencies regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will no longer require the approval of the director when agencies grant leave for government service. This modification will increase the efficiency of state agencies regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 89-06-028, filed 2/24/89, effective 4/1/89)

WAC 356-18-140 Leave without pay. (1) Leave without pay may be allowed when such leave will not operate to the detriment of the state service.

(2) Leave without pay may be authorized for any reasons applicable to:

- (a) Leave with pay.
- (b) Educational leave.
- (c) Newborn or adoptive child care leave as provided in WAC 356-18-150.

(d) Military and U.S. Public Health Service and Peace Corps leave.

(e) Specific leaves granted for government service in the public interest upon specific request of an employee, concurred in by the appointing authority (~~and approved by the director of personnel.~~).

(f) Leave taken voluntarily to reduce the effect of an agency reduction in force. Such leave shall not affect an employee's seniority.

(g) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability (as defined in WAC 356-05-260).

(3) Authorized leave without pay shall be limited to not more than 12 months in any consecutive five-year period, except for:

- (a) Leaves without pay for military, U.S. Public Health Service or Peace Corps;
- (b) Authorized government leave not exceeding two years;

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(c) Employees receiving time loss compensation;
 (d) Educational leaves under provisions of WAC 356-39-120;

(e) Newborn or adoptive child care leave under provisions of WAC 356-18-150;

(f) Leave taken voluntarily to reduce the effect of an agency reduction in force under the provisions of WAC 356-30-335.

(g) Leave that is authorized in advance by the appointing authority as part of a plan to reasonably accommodate a person of disability (as defined in WAC 356-05-260).

(4) Leave without pay exceeding twelve months in a consecutive five-year period, not covered by the exceptions noted in subsection (3) of this section, shall be treated as unauthorized absence.

(5) Employees returning from authorized leave without pay shall be employed in the same position, or in another or similar position in the same class and in the same geographical area, provided that such return to employment is not in conflict with rules relating to reduction in force.

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 95-10-067
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed May 3, 1995, 10:26 a.m.]

Original Notice.

Title of Rule: WAC 356-18-220 Leave without pay—Effect on anniversary date, periodic increment date, and seniority.

Purpose: This rule describes what effect leave without pay has on the anniversary date, periodic increment date, and seniority date.

Statutory Authority for Adoption: Chapter 41.06 RCW.
 Statute Being Implemented: RCW 41.06.150.

Summary: This modification will eliminate the requirement for the director's approval of government service leave.

Reasons Supporting Proposal: Will increase the efficiency of state agencies regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will eliminate the requirement for the director's approval of government service leave. This modification will increase the efficiency of state agencies regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
 Dennis Karras
 Secretary

AMENDATORY SECTION (Amending WSR 92-12-033, filed 5/28/92, effective 7/1/92)

WAC 356-18-220 Leave without pay—Effect on anniversary date, periodic increment date, and seniority.

(1) Leave without pay of fifteen consecutive calendar days or less will not affect an employee's anniversary date or periodic increment date.

(2) When an employee is on leave without pay for more than fifteen consecutive days, the employee's seniority anniversary date and periodic increment date will not be affected when the absence is due to any of the following reasons:

(a) Military or United States Public Health Service;

(b) Government service and leave to enter the Peace Corps, not to exceed two years and one month (~~which had the director of personnel's approval~~);

(c) Leave taken by employees receiving time loss compensation due to injuries sustained while performing the employee's state job;

(d) Educational leave in accordance with the provisions of WAC 356-39-120;

(e) Leave without pay taken voluntarily under the provisions of WAC 356-30-335 to reduce the effect of an agency reduction in force.

(3) When an employee is on leave without pay for more than fifteen consecutive calendar days and the absence is not due to one of the reasons listed in subsection (2) of this section, the employee's anniversary date and periodic increment date shall be moved forward in an amount equal to the duration of the leave of absence.

(4) When an employee's position is assigned to a program or facility whose primary purpose is academic and/or vocational education, and the program or facility follows the customary public school practice of less than a twelve-month school year, the employing agency may place the employee on leave without pay while the program or facility is closed for customary school vacations without adjusting the employee's anniversary and periodic increment dates.

(5) Leave without pay taken for any of the reasons listed in subsection (2) of this section shall not affect an employee's seniority.

WSR 95-10-068
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed May 3, 1995, 10:27 a.m.]

Original Notice.

Title of Rule: WAC 356-22-070 Applications—Disqualification.

Purpose: This rule describes the disqualification of applicants for certain circumstances.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities.

Reasons Supporting Proposal: Will increase the efficiency of state agencies regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities. This modification will increase the efficiency of state agencies regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
 Dennis Karras
 Secretary

AMENDATORY SECTION (Amending WSR 93-12-085, filed 5/28/93, effective 7/1/93)

WAC 356-22-070 Applications—Disqualification. The director of personnel or designee with local list authority is expected to follow accepted standards of personnel practice in screening applicants and may refuse to examine an applicant, may disqualify an applicant after examination or may remove the applicant's name from a register and/or certification or refuse to certify the applicant if:

(1) The applicant is found to lack any of the requirements for the register (as defined in WAC 356-26-030), class, and/or position.

(2) The applicant has been convicted of any infamous crime, a crime involving moral turpitude, or any crime which would be grounds for dismissal from the position for which he/she is applying.

(3) The applicant has made a false statement of material fact in the application.

(4) The applicant has previously been dismissed or resigned from private or public service for delinquency, misconduct, inability to do similar work, or any other such cause directly bearing upon fitness as an employee.

(5) The applicant has used, or attempted to use, bribery to secure an advantage in the examination or appointment.

(6) The applicant has directly or indirectly obtained information regarding examinations to which he/she was not entitled.

(7) The applicant has otherwise violated provisions of these rules.

(8) The applicant has taken part in the compilation, administration or correction of the examination.

(9) The applicant has a disability, as evidenced by a written statement from a physician or a licensed mental health professional, that renders the employer unable to reasonably accommodate the applicant in any position within the class.

WSR 95-10-069
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed May 3, 1995, 10:28 a.m.]

Original Notice.

Title of Rule: WAC 356-22-130 Examinations—Minimum qualifications waived or modified—Examinations modified.

Purpose: This rule allows for modification of minimum qualifications or test under certain circumstances.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities.

Reasons Supporting Proposal: Will increase the efficiency of state agencies regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities. This modification will increase the efficiency of state agencies regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 91-03-071, filed 1/16/91, effective 3/1/91)

WAC 356-22-130 Examinations—Minimum qualifications waived or modified—Examinations modified. (1) Upon the written request of the appointing authority, the director of personnel or designee may waive or modify the minimum qualifications for a class to fill a vacant position on a one-time basis only when (a) there is an incomplete register following recent recruiting or recruitment history data for the particular geographic location indicate that open competitive recruitment would result in an incomplete referral; and (b) an underfill appointment is not feasible in that the position is supervisory or managerial in nature or otherwise requires the full and immediate discharge of duties and responsibilities; and (c) the director of personnel or designee determines the established minimum qualifications to be appropriate under normal conditions and should not be permanently changed.

(2) The director of personnel or designee may admit to an examination an applicant who does not technically meet the published minimum qualifications if the director or designee determines that the applicant's qualifications exceed the minimum qualifications of the class for which the examination is being conducted.

(3) The director of personnel may modify or substitute, for a person of disability, an examination which in his/her judgment is substantially equivalent to the regular examination for the class and compensates for the disability of the individual to be tested when, in the judgment of the director, all or portions of the examination constitutes an artificial barrier to the applicant's fully demonstrating his/her ability through the normal examination process due to the disability.

(4) When a development plan established and administered by the division of human resource development is available for a classification, confirmed completion of this class development plan (CDP) admits the applicant to the next examination for that class.

**WSR 95-10-070
PROPOSED RULES
PERSONNEL RESOURCES BOARD**
[Filed May 3, 1995, 10:29 a.m.]

Original Notice.

Title of Rule: WAC 356-26-070 Certification—Registers—Order of rank—Exception.

Purpose: This rule defines the order in which eligibles will be certified.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities.

Reasons Supporting Proposal: Will increase the efficiency of state agencies regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities. This modification will increase the efficiency of state agencies regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 94-10-008, filed 4/21/94, effective 5/31/94)

WAC 356-26-070 Certification—Registers—Order of rank—Exception. The director of personnel will normally certify names from the registers in the following order:

- (1) Agency reduction in force register.
- (2) Service-wide reduction in force register.
- (3) Dual-agency reversion register.
- (4) Agency promotional register.
- (5) Higher education reduction in force register.
- (6) Service-wide reversion register.
- (7) Transfer register.
- (8) Voluntary demotion register.
- (9) Service-wide promotional register.
- (10) Reemployment unranked register.
- (11) Inter-system employment register.
- (12) Open competitive register.

However, if the director of personnel, designee and/or appointing authority establish that it is in the best interest of

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the state to broaden the competition, agencies may request the director of personnel or designee to certify names combined from registers (4), (9), (11), and (12) provided:

(a) ~~((That))~~ ~~((t))~~ The written request to the director or designee shall be evidence of assurance that:

(i) Such a request will not harmfully affect utilization of protected group members who are applicants for this class.

(ii) If the position is within a collective bargaining unit, the exclusive representative will be provided copy of the request.

(iii) That the request is in the best interest of the state and not solely intended to circumvent the policy of promotion from within the state as provided in WAC 356-30-150.

(b) ~~((Request for))~~ ~~((e))~~ Combined registers must be made on a position-by position or a class basis and prior to recruitment or referral.

WSR 95-10-071

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed May 3, 1995, 10:30 a.m.]

Original Notice.

Title of Rule: WAC 356-26-080 Certification—Exhausted registers—Procedure.

Purpose: This rule describes procedures for exhausting registers.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities.

Reasons Supporting Proposal: Will increase the efficiency of state agencies regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities. This modification will increase the efficiency of state agencies regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 88-18-096, filed 9/7/88, effective 11/1/88)

WAC 356-26-080 Certification—Exhausted registers—Procedure. (1) While all names need not be taken from the same register, each register must be exhausted before using the next register.

(2) When there are fewer names than constitute a complete certification for the class, the director or designee with local list authority may substitute an allied series of registers if he/she determines the allied registers are sufficiently similar.

(3) When there are fewer names than constitute a complete certification for the class and no allied register is determined appropriate, the remaining names on all incomplete registers will be certified. However, an appointing authority may request a temporary appointment providing full and fair consideration has been given to those names certified, and the director or designee with local list authority determines that the person meets the announced qualifications and grants approval.

WSR 95-10-072

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed May 3, 1995, 10:31 a.m.]

Original Notice.

Title of Rule: WAC 356-26-090 Certification—Underfill.

Purpose: This rule allows underfilling of a position if a register does not have enough names for a complete certification following active recruiting.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities.

Reasons Supporting Proposal: Will increase the efficiency of state agencies regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities. This modification will increase the efficiency of state agencies regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

PROPOSED

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 87-03-032, filed 1/14/87, effective 3/1/87)

WAC 356-26-090 Certification—Underfill. (1) The director of personnel or designee with local list authority may authorize the underfilling of a position if a register does not have enough names for a complete certification following active recruiting. Upon such authorization, a certification shall be made from the next lower class in the series or an allied class as determined by the director. Only the number of eligibles needed to complete the certification will be referred from the lower level class in the series or the allied class.

(2) Eligibles so certified shall be advised during the employment interview with the appointing authority of the underfill status of the appointment, which shall be confirmed in writing.

(3) An underfilled position shall not be certified against from a subsequently developed higher register unless: The employee does not successfully complete the probationary or trial service period or the employee does not qualify for the higher level class within four months after being admitted to the examination.

(4) Should the employee not qualify for promotion, the rules regarding transfer, promotion, demotion, or reduction in force shall apply.

**WSR 95-10-073
PROPOSED RULES
PERSONNEL RESOURCES BOARD**

[Filed May 3, 1995, 10:32 a.m.]

Original Notice.

Title of Rule: WAC 356-30-065 Temporary appointments—From outside state service.

Purpose: This rule provides general guidelines for temporary appointments from outside state service.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities.

Reasons Supporting Proposal: Will increase the efficiency of state agencies regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities. This modification will increase the efficiency of state agencies regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 88-18-096, filed 9/7/88, effective 11/1/88)

WAC 356-30-065 Temporary appointments—From outside state service. (1) Temporary appointments may be made to classified positions during the absence of a permanent employee or during a workload peak when there is a need to fill a position for not more than nine months or 1560 nonovertime hours or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) Temporary appointments shall be approved by the director of personnel, or designee. Single or multiple temporary appointments shall last no more than nine months or 1560 nonovertime hours within a twelve-month period. Time spent in emergency appointments will be counted in the 1560 hours.

(4) No temporary appointment of an employee who has worked for the agency for nine months or 1560 nonovertime hours within the last twelve months may be made without a three-month break in service. Consecutive nonpermanent appointments of the same person in the same agency which would cause the employee to work more than 1560 nonovertime hours in a twelve-month period can only be made with the approval of the director of personnel or designee. Extensions of temporary appointments of persons from outside classified service may be granted when a permanent employee's leave extends beyond nine months or

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1560 nonovertime hours or as otherwise approved by the director of personnel. Such extensions must be approved by the director of personnel or designee.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel or designee determines that program needs demand otherwise. Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee given a temporary appointment following certification from the register to fill a position in the absence of a permanent employee may enter a probationary period when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary period.

(6) Compensation of temporary employees shall be consistent with the rules unless exempted by RCW 41.06.070 and WAC 356-06-020.

(7) Merit system rules governing all forms of leave will apply to temporary employees unless exempted by RCW 41.06.070 and WAC 356-06-020.

(8) An employee's temporary appointment may be ended by stipulating a termination date in the appointment letter or by giving one full working day's notice prior to the effective date. The employee receiving such notice shall not have the right of appeal or hearing.

(9) The appointing authority shall advise the temporary employee of the temporary status of the appointment. Temporary employees not appointed from within the classified service have no appeal rights.

(10) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

WSR 95-10-074
PROPOSED RULES
PERSONNEL RESOURCES BOARD
 [Filed May 3, 1995, 10:33 a.m.]

Original Notice.

Title of Rule: WAC 356-30-067 Temporary appointments from within classified service.

Purpose: This rule provides guidelines for temporary appointments of permanent employees.

Statutory Authority for Adoption: Chapter 41.06 RCW.
 Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities.

Reasons Supporting Proposal: Will increase the efficiency of state agencies regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities. This modification will increase the efficiency of state agencies regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
 Dennis Karras
 Secretary

AMENDATORY SECTION (Amending WSR 91-20-029, filed 9/23/91, effective 11/1/91)

WAC 356-30-067 Temporary appointments from within classified service. (1) Temporary appointments may be made with the approval of the director of personnel or designee to classified positions during the absence of a permanent employee or during a workload peak when there is a need to fill a position for not more than nine months or 1560 nonovertime hours or while recruitment is being conducted to establish a complete register.

(2) Temporary appointments may be made at a lower level than the allocation of the position being filled provided the class falls within the same or a related class series.

(3) All temporary appointments to supervisory or managerial positions must be made from within state service unless the director determines that such action is not practicable.

(4) Established registers, certification, and referral services are available and may be used when making temporary appointments. An employee certified from the register to fill a position in the absence of a permanent employee may enter a probationary or trial service period and subsequently gain permanent status when the permanent employee does not return to the position and the agency needs to fill the position permanently. The director of personnel must approve the change in status before it occurs. Time served in a temporary appointment will not be counted as part of the probationary or trial service period.

(5) Temporary appointees must meet the minimum qualifications of the class to which they are appointed unless the director of personnel or designee determines that program needs demand otherwise. Upon termination of such temporary appointment, permanent or probationary employees shall have the right to resume a permanent position within their permanent agency at their former status except as provided in (6) below. The employee's salary upon

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return will be determined as if the employee had remained in the permanent position.

(6) An employee who accepts a temporary appointment to a higher class in the same series in the same work unit shall continue the probationary or trial service period for the lower class.

(7) Temporary appointments made from within classified service will normally last no more than nine months or 1560 nonovertime hours for single or multiple appointments. An extension may be approved by the director or designee when a temporary appointment is made to replace a permanent employee who has been granted a leave of absence, when temporarily filling a supervisory or managerial position when there is reorganization pending, or as otherwise approved by the director or designee. Temporary appointments may extend to thirty days after the date the permanent employee returns or the position is filled permanently. Time spent in emergency appointments will be counted in the 1560 hours.

(8) Compensation for temporary appointees shall be made in accordance with the rules governing promotions, demotions, or transfers.

(9) The director of personnel shall monitor temporary appointments made pursuant to this section and may revoke delegated authority where abuse is found.

WSR 95-10-075
PROPOSED RULES
PERSONNEL RESOURCES BOARD
 [Filed May 3, 1995, 10:34 a.m.]

Original Notice.

Title of Rule: WAC 356-30-135 In-training appointments.

Purpose: This rule describes procedures for in-training appointments.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities.

Reasons Supporting Proposal: Will increase the efficiency of state agencies regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities. This modification will increase the efficiency of state agencies regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
 Dennis Karras
 Secretary

AMENDATORY SECTION (Amending WSR 91-02-030, filed 12/24/90, effective 2/1/91)

WAC 356-30-135 In-training appointments. (1) The director of personnel or designee, upon request from an agency after the agency has consulted with the exclusive representative, may designate specific positions, groups of positions, or entire classes of positions, as in-training positions. The request or documentation shall include a description and length of the training program. The training program shall include one or more of the following components:

(a) On-the-job training (knowledge and skill developed through experience);

(b) Classroom or field instruction;

(c) Courses conducted by an educational institution, vocational school or professional training organization;

(d) Written, oral and/or practical examination(s).

(2) Positions designated as in-training may be at any level within a class series or related series provided that positions whose primary responsibility involves supervision will not normally be designated as in-training.

(3) In-training positions may be filled at any level within the designated class series or related series in accordance with the rules governing appointments to permanent positions.

(4) The employee will automatically advance to the higher level after satisfactory completion of the training program requirements for the lower level.

(5) Agency training programs shall confine in-training time at each training class level to a period of not less than six months and not more than twenty-four months. The class level occupied by a trainee shall determine the level of the position to be used to pay and evaluate the trainee.

(6) Employees will serve a probationary period or trial service period at each level within the in-training series. When employees are in their probationary or trial service period and are advanced to the next highest level in the in-training class series, they shall complete the terms of the original probationary or trial service period.

(7) Employees who fail to progress through each level of the in-training series will be subject to the following actions:

(a) Employees in probationary status: Employees who enter positions, without first attaining permanent status, may be dismissed during their probationary period if they fail to meet the required standards of the in-training position.

(b) Employees in trial service status: Permanent employees who are promoted into in-training positions and who are unsuccessful in completing their trial service period shall, at the discretion of the agency, either be returned to their former class and position or have reversion rights to their former class and status held prior to promotion into the in-training series. This does not preclude the employee's eligibility for transfer or voluntary demotion.

(c) Employees with permanent status in an in-training position: Employees who have completed their probationary or trial service period but are unsuccessful in attaining subsequent advancement through the in-training series may be removed from the in-training series under the provisions of WAC 356-34-010. This does not preclude the employee's eligibility for transfer or voluntary demotion.

(8) Time spent in nonpermanent appointments in an in-training position prior to a permanent appointment into the position shall not normally be credited as part of the in-training period. After permanent appointment to an in-training position, time spent in a non-permanent appointment to a higher level within the in-training series shall be credited as part of the training period for the lower level but the time shall not be credited toward completion of the training period for the higher level. Exceptions will be considered during the review of the request.

(9) Time spent in a position prior to an in-training designation shall not normally be credited as part of the training period. Exceptions will be considered during the review of the request.

(10) Transfer of an employee from one in-training position to another in-training position at the same level within the series shall not extend the training period.

(11) The director of personnel may delegate authority to an agency with local list authority to designate specific positions, groups of positions, or entire classes of positions, as in-training positions, after the agency has consulted with the exclusive representative.

WSR 95-10-076

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed May 3, 1995, 10:35 a.m.]

Original Notice.

Title of Rule: WAC 356-30-145 Project employment.

Purpose: This rule describes procedures for project employment.

Statutory Authority for Adoption: Chapter 41.06 RCW.

Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities.

Reasons Supporting Proposal: Will increase the efficiency of state agencies regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to agencies to perform administrative and technical personnel activities. This modification will increase the efficiency of state agencies regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995

Dennis Karras

Secretary

AMENDATORY SECTION (Amending WSR 88-18-096, filed 9/7/88, effective 11/1/88)

WAC 356-30-145 Project employment. (1) Project employment when designated by the director, is the grouping together of employees whose length of employment is contingent on state, federal or other grant funding of specific and of time limited duration.

(2) ~~((Requests for))~~ ~~((t))~~ The designation of competitive project employment will be initiated and approved by the director of personnel, designee or authorized proposing agency ~~((and made to the director))~~. Such ~~((requests))~~ designation documentation will include:

- (a) The nature and scope of the program.
 - (b) Source and conditions of funding.
 - (c) Explanation of why project status should be used rather than regular classified service.
 - (d) Explanation of why competitive service is not practical to use if noncompetitive service is requested.
 - (e) Relationship of project to regular operations and programs of the agencies.
 - (f) Number of positions.
 - (g) Duration.
 - (h) Proof of notice to the employee organizations affected.
 - (i) Project employees benefits.
- (3) The director or designee may extend a project beyond its scheduled term.

(4) Permanent employees in regular positions may transfer, promote, or voluntarily demote into project employment positions as provided by these rules unless prohibited by the contract that established the project.

(5) Positions in project employment will be in the competitive service unless the director determines otherwise. Grounds such as special requirements of the project contract, insufficient time to recruit and unavailability of a register, or

other circumstances where a competitive exam is not practicable may warrant use of the noncompetitive service. Requests to the director for noncompetitive project positions shall include all of the information in (2) above.

(6) Employees hired into project positions must be notified, in writing, of the expected ending date of their employment.

(7) Project employees who have entered into project employment without permanent status, will gain permanent project status upon completion of their probationary period and shall be entitled to appropriate rights within project employment and to those outlined below.

(a) Once permanent project status has been gained, project employees may have their names placed on the transfer or voluntary demotion register for regular positions in the same or similar job classes for which permanent project status has been gained.

(b) Permanent project employees who entered project employment via the noncompetitive process must be certified from the appropriate register in order to transfer, voluntarily demote, or promote directly into regular positions. These employees may continue to apply for regular positions via the open competitive route.

(c) Permanent project employees who entered project positions via the competitive process may transfer, voluntarily demote, or apply as promotional candidates to regular classified positions as though they were permanent employees unless permanent employees have been prohibited from competing for the project positions.

(d) Project employees who have gained permanent project status, and transfer or voluntarily demote into a regular position, will not be required to serve a probationary period.

(e) Project employees who are currently on the registers will continue to be on the registers and may be certified as provided in these rules.

(8) Employees who left a state agency with permanent status and came directly into project employment will continue to have promotional opportunities and transfer rights of their former position as though they were still employed in that agency.

(9) Project employees will have reduction in force rights within their project boundaries only and will compete according to "seniority," except permanent employees who left regular classified positions to accept project employment will have the reduction in force rights of the position they left. Time spent in project employment will also be credited to the employees' seniority for use in competing in the regular state positions, provided there is no break in service. Names of project employees separated by reduction in force actions, who did not leave regular classified positions to accept project employment, will be placed on the reemployment register WAC 356-26-030(9) for the usual life of that register. Upon reduction in force from the project, project employees who entered the project through the competitive process and remain in project status for two years shall be eligible to have their names placed on the agency reduction in force registers for the classes in which permanent project status was attained. Bumping options will be limited to the project boundaries.

(10) The time spent in project employment will also be credited toward periodic increment dates, annual leave, sick

leave and other benefits provided to employees in these rules.

WSR 95-10-077

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed May 3, 1995, 10:36 a.m.]

Original Notice.

Title of Rule: WAC 251-04-060 Director.

Purpose: This rule describes the powers and duties of the director of the Department of Personnel for higher education.

Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to institutions of higher education to perform administrative and technical personnel activities.

Reasons Supporting Proposal: Will increase the efficiency of institutions of higher education regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to institutions of higher education to perform administrative and technical personnel activities. This modification will increase the efficiency of institutions of higher education regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 92-20-043, filed 9/30/92, effective 11/1/92)

WAC 251-04-060 Director. (1) The board shall appoint a personnel director who shall be the chief staff officer for the board. In preparing matters for consideration by the board and in coordinating the implementation of the

board's rules and regulations, the director shall work in conjunction with the campus personnel officers and their staffs at each institution of higher education, and in the case of community colleges, with the state board for community and technical colleges. When necessary, the director may request the creation of task forces drawn from the four-year institutions of higher education, and representatives of the various state community colleges through the state board for community and technical colleges, for the accomplishment of any projects undertaken by the board. The director may employ necessary personnel for the board, and the board may appoint and compensate hearing officers to hear and conduct appeals. The board shall establish an office for the conduct of its business.

(2) The director shall periodically and at such other times as may be necessary, audit and review the personnel administration and management at each institution and related board.

All relevant files and records of appointing authorities and personnel officers shall be made available to the director at any time.

(3) The director shall take any action necessary to ensure and enforce compliance with the higher education personnel law and these rules.

(4) The director of personnel may delegate to any higher education institution/related board the authority to perform administrative and technical personnel activities if such authority is requested. If the director of personnel determines that a higher education institution/related board is not effectively performing delegated activities, the director may withdraw the authority to perform such activities. Director delegation of such authority is separate from authorized local administration established in WAC 251-04-070.

WSR 95-10-078

PROPOSED RULES

PERSONNEL RESOURCES BOARD

[Filed May 3, 1995, 10:37 a.m.]

Original Notice.

Title of Rule: WAC 251-09-020 Work period designations.

Purpose: This rule identifies work period designations.
Statutory Authority for Adoption: Chapter 41.06 RCW.
Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to institutions of higher education to perform administrative and technical personnel activities.

Reasons Supporting Proposal: Will increase the efficiency of institutions of higher education regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to institutions of higher education to perform administrative and technical personnel activities. This modification will increase the efficiency of institutions of higher education regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 91-16-054, filed 8/1/91, effective 9/1/91)

WAC 251-09-020 Work period designations. Each position will be assigned by the personnel officer to one of the work period designations identified below, and employees will be informed of their eligibility for overtime compensation.

(1) **Scheduled work periods**, within which there are three work schedules:

(a) **Regular work schedule.** The regular work schedule for full-time classified employees shall consist of five consecutive and uniformly scheduled eight hour days in a seven day period. Uniformly scheduled means a daily repetition of the same working hours and a weekly repetition of the same working days.

(b) **Alternate work schedule.** Operational necessity or employee convenience may require positions that are normally designated regular work schedule to work an alternate forty hour work schedule (other than five uniform and consecutive eight hour days in a seven day period), or as provided by the Washington state minimum wage law in conjunction with the federal law which provides for an eighty hour workweek in a fourteen day period for hospital personnel. Alternate work schedules shall be made available upon request of the director.

(c) **Emergency response fire officer work schedule.** Institutions which operate an emergency response fire department may establish work week schedules for emergency response personnel which provide for a daily work shift of twenty-four hours. The weekly schedule shall provide for at least forty-eight hours, but not more than fifty-six hours, as required to meet operational requirements. Emergency response personnel assigned to twenty-four hour schedules shall be subject to the following conditions:

(i) All rules in chapter 251-22 WAC shall apply.

(ii) Changes to the established work schedule shall be made as provided in WAC 251-09-025.

(iii) Shift differential shall not be paid.

(iv) Overtime shall be paid for work performed in excess of the scheduled daily work shift or the scheduled work week. The overtime compensation shall be as provided in WAC 251-09-030 (2) and (3).

(v) Holidays shall be as provided in WAC 251-22-040 and 251-22-045. When assigned to work on a designated holiday, emergency response personnel shall receive their regular daily pay plus eight hours of holiday pay. Compensation for the eight hours of holiday time shall be at the rate of time and one-half.

(2) **Nonscheduled work period.** The nonscheduled work period designation applies to those positions for which the hours cannot be scheduled but which work a forty hour week and do not meet any of the other work period designations. The personnel officer shall designate positions as nonscheduled in accordance with the institution's procedure approved by the director or designee.

(3) **Excepted work period.** The excepted work period designation applies to classes and positions which meet the Fair Labor Standards Act definitions of executive, administrative, or professional employees. Each personnel officer will be responsible for determining the positions designated "excepted" at his/her institution.

**WSR 95-10-079
PROPOSED RULES
PERSONNEL RESOURCES BOARD**

[Filed May 3, 1995, 10:37 a.m.]

Original Notice.

Title of Rule: WAC 251-17-010 Examination—Requirement—Responsibilities.

Purpose: This rule describes the requirements and responsibilities of the examination process.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to institutions of higher education to perform administrative and technical personnel activities.

Reasons Supporting Proposal: Will increase the efficiency of institutions of higher education regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to institutions of higher education to perform administrative and technical personnel activities. This modification will increase the efficiency of institutions of higher education regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 88-02-018, filed 12/30/87, effective 2/1/88)

WAC 251-17-010 Examination—Requirement—Responsibilities. (1) Appointment to positions in the classified service shall be made according to merit and suitability ascertained for each class by an appropriate examination.

(2) All job elements included in examinations developed or modified subsequent to January 1, 1986, shall be justified by documented job analysis.

(3) Personnel officers shall assist in conducting and/or conduct job analyses at their institutions.

(4) Job analysis methods shall meet professional standards and be approved by the director before they are used to develop examinations.

(5) System examinations shall be developed by the director with the assistance of the personnel officers and made available for the use of all institutions. The director shall periodically distribute an approved system job element examination list showing all current system examinations.

(6) Personnel officers shall use only the current versions of the examinations shown on the approved system job element examination list unless approval has been given by the director or designee for examination modifications or the use of institutional examinations.

(7) Personnel officers may develop modifications to system examinations and/or institutional examinations to meet requirements which are unique to their institutions.

(8) Institutional examinations and modifications to system examinations shall be approved by the director or designee before they are used(~~;~~).

~~((a) Approved by the director before they are used;))
((b) Used by institutions other than the developing institution only with the approval of the director.))~~

(9) The personnel officer is responsible for determining when to open eligible lists and conduct examinations.

**WSR 95-10-080
PROPOSED RULES
PERSONNEL RESOURCES BOARD**

[Filed May 3, 1995, 10:38 a.m.]

Original Notice.

PROPOSED

Title of Rule: WAC 251-17-020 Promotional organizational units—Establishment.

Purpose: This rule allows for establishment of promotional organizational units.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to institutions of higher education to perform administrative and technical personnel activities.

Reasons Supporting Proposal: Will increase the efficiency of institutions of higher education regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to institutions of higher education to perform administrative and technical personnel activities. This modification will increase the efficiency of institutions of higher education regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 88-02-018, filed 12/30/87, effective 2/1/88)

WAC 251-17-020 Promotional organizational units—Establishment. The personnel officer shall establish promotional organizational units based upon administrative unit and/or geographical location. Such units must be approved by the director or designee.

**WSR 95-10-081
PROPOSED RULES
PERSONNEL RESOURCES BOARD**
[Filed May 3, 1995, 10:39 a.m.]

Original Notice.

Title of Rule: WAC 251-17-110 Examination administration.

Purpose: This rule describes procedures for administering examinations.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to institutions of higher education to perform administrative and technical personnel activities.

Reasons Supporting Proposal: Will increase the efficiency of institutions of higher education regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to institutions of higher education to perform administrative and technical personnel activities. This modification will increase the efficiency of institutions of higher education regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 88-02-018, filed 12/30/87, effective 2/1/88)

WAC 251-17-110 Examination administration. (1) Personnel officers shall administer examinations in accordance with the administration instructions developed for each system or institutional examination.

(2) The personnel officer is responsible for maintaining the security of all confidential examination materials, including test booklets, answer sheets, scoring keys, and rating guides. The personnel officer shall notify the director immediately if there is a suspected breach of examination security.

(3) Personnel officers shall develop institutional procedures for the reexamination of applicants at their institutions. Such procedures shall be approved by the director or designee before they are used.

PROPOSED

WSR 95-10-082
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed May 3, 1995, 10:40 a.m.]

Original Notice.

Title of Rule: WAC 251-17-200 Modification of minimum qualifications.

Purpose: This rule allows for modification of minimum qualifications.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to institutions of higher education to perform administrative and technical personnel activities.

Reasons Supporting Proposal: Will increase the efficiency of institutions of higher education regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to institutions of higher education to perform administrative and technical personnel activities. This modification will increase the efficiency of institutions of higher education regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 93-01-158, filed 12/23/92, effective 2/1/93)

WAC 251-17-200 Modification of minimum qualifications. When a vacancy exists (~~and active~~) and reasonable recruiting efforts fail to establish an eligible list for the class, the personnel officer may request that the director or designee modify the minimum qualifications for that recruiting cycle. (~~(If satisfied that reasonable effort has been made to recruit at the established minimum qualifications, the director may modify the minimum qualifications for that recruiting cycle on a one-time basis.)~~) On approval, the

personnel officer shall initiate recruiting at the reduced minimum qualifications.

WSR 95-10-083
PROPOSED RULES
PERSONNEL RESOURCES BOARD

[Filed May 3, 1995, 10:41 a.m.]

Original Notice.

Title of Rule: WAC 251-19-070 Appointment—Alternate.

Purpose: This rule allows for alternate appointments to unique research classes that are preapproved by the board.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This modification will no longer require notification to the director when using the alternate appointment rule.

Reasons Supporting Proposal: Will increase the efficiency of institutions of higher education regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will no longer require notification to the director when using the alternate appointment rule. This modification will increase the efficiency of institutions of higher education regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 88-02-018, filed 12/30/87, effective 2/1/88)

WAC 251-19-070 Appointment—Alternate. Application of the alternate appointment rule shall apply only to unique research classes pre-approved by the board. An alternate appointment for research positions shall consist of the six month period following appointment from a layoff list or an option taken in lieu of layoff. This provides the

employing official an opportunity to observe the employee's work and determine whether or not he/she can perform in that specific position. If it is determined that the employee cannot perform, as documented by a written performance review, the employee shall be placed on the appropriate layoff list or provided other transfer options as available. ~~((The director shall be notified on a monthly basis of the new positions in which the alternate appointment rule is used.))~~

Application of this rule shall be appealable under the same provisions as WAC 251-12-080 et seq.

May 2, 1995
Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 91-10-001, filed 4/18/91, effective 6/1/91)

WAC 251-19-157 Workers' compensation—Return-to-work—Program. Each institution of higher education shall establish a state employee return-to-work policy. It will be the responsibility of each institution to:

(1) Adopt a written return-to-work policy and submit a copy to the higher education personnel board to be kept on file. Prior to adoption, the institution shall publish a copy of the proposed policy utilizing reasonable means of communication available to the institution and allow reasonable time for comment by interested parties.

(2) Take into consideration the special nature of employment in the institution.

(3) Name an institution representative responsible for coordinating the return-to-work program of the institution. At a minimum, the return-to-work coordinator will determine employee interests and availability regarding employment locations and types of employment, contact return-to-work coordinators at employment locations the employee has identified to facilitate identification of potential return-to-work opportunities, and submit completed forms to appropriate return-to-work coordinators. ~~((The director of the higher education personnel board will compile and maintain a list of all institution return to work coordinators.))~~

(4) Provide all classified employees with information regarding the institution return-to-work policy.

(5) Train supervisors on implementation of the return-to-work policy, including but not limited to assessment of the appropriateness of the return-to-work job for the employee.

(6) Coordinate participation of applicable employee assistance programs, as appropriate.

(7) Provide alternative work opportunities of limited duration to permanent employees who are eligible for the return-to-work program if possible. Such alternative employment opportunities may include work described under WAC 251-04-040.

**WSR 95-10-084
PROPOSED RULES
PERSONNEL RESOURCES BOARD**

[Filed May 3, 1995, 10:42 a.m.]

Original Notice.

Title of Rule: WAC 251-19-157 Workers' compensation—Return-to-work—Program.

Purpose: This rule provides guidelines for establishing return-to-work programs.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This modification will no longer require the director of the Higher Education Personnel Board to compile and maintain a list of all institution return-to-work coordinators.

Reasons Supporting Proposal: Will increase the efficiency of institutions of higher education regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will no longer require the director of the Higher Education Personnel Board to compile and maintain a list of all institution return-to-work coordinators. This modification will increase the efficiency of institutions of higher education regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

**WSR 95-10-085
PROPOSED RULES
PERSONNEL RESOURCES BOARD**

[Filed May 3, 1995, 10:43 a.m.]

Original Notice.

Title of Rule: WAC 251-22-040 Holidays.

Purpose: This rule identifies legal holidays that are designated by statute and specifies conditions for eligibility and use of holidays authorized.

Statutory Authority for Adoption: Chapter 41.06 RCW. Statute Being Implemented: RCW 41.06.150.

Summary: This modification will allow the director to delegate additional authority to institutions of higher education to perform administrative and technical personnel activities.

PROPOSED

Reasons Supporting Proposal: Will increase the efficiency of institutions of higher education regarding personnel issues.

Name of Agency Personnel Responsible for Drafting: Sharon Whitehead, 521 Capitol Way South, Olympia, WA, 753-0468; 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: This modification will allow the director to delegate additional authority to institutions of higher education to perform administrative and technical personnel activities. This modification will increase the efficiency of institutions of higher education regarding personnel issues.

Proposal Changes the Following Existing Rules: Same as above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Not required.

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on June 8, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Department of Personnel by June 1, 1995, TDD (360) 753-4107, or (360) 586-0509.

Submit Written Comments to: Sharon Whitehead, Department of Personnel, P.O. Box 47500, Olympia, WA 98504-7500, FAX (360) 586-4694, by June 6, 1995.

Date of Intended Adoption: June 8, 1995.

May 2, 1995
Dennis Karras
Secretary

AMENDATORY SECTION (Amending WSR 87-02-036, filed 1/2/87, effective 2/1/87)

WAC 251-22-040 Holidays. (1) Legal holidays are designated by statute. The following holidays are identified per RCW 1.16.050:

- (a) The first day of January (New Year's Day);
- (b) The third Monday of January (Martin Luther King, Jr.'s birthday);
- (c) The third Monday of February (Presidents' Day);
- (d) The last Monday of May (Memorial Day);
- (e) The fourth day of July (Independence Day);
- (f) The first Monday in September (Labor Day);
- (g) The eleventh day of November (Veterans Day);
- (h) The fourth Thursday of November (Thanksgiving Day);
- (i) The day immediately following Thanksgiving Day; and
- (j) The twenty-fifth day of December (Christmas Day).

Each higher education institution will provide qualifying employees in pay status with a paid holiday on the above days. However, the governing board of each institution, and in the case of the community college system through the state board for community college education, may designate other days to be observed in lieu of the above holidays. Holiday schedules must be filed annually with the director or designee for approval prior to implementation and may

not be modified without prior approval by the director or designee. Schedules may be ((submitted)) determined on a calendar or fiscal year basis. When an institution establishes an in lieu of schedule, paid holidays shall be granted based on the ((approved)) in lieu of schedule.

(2) Classified employees working twelve-month schedules or cyclic year position employees who work full monthly schedules throughout their work year shall receive the number of holidays for which they qualify during their scheduled work year as set forth in this section. Qualification is determined by being in pay status on the work day preceding the holiday(s).

(3) Cyclic year position employees scheduled to work less than full monthly schedules throughout their work year qualify for holiday compensation if they work or are in pay status on their last regularly scheduled working day preceding the holiday(s) in that month.

(4) Part-time classified employees shall be entitled to the number of paid hours on a holiday that their monthly schedule bears to a full time schedule.

(5) Full-time alternate work schedule employees shall receive eight hours of regular holiday pay per holiday. Any differences between the scheduled shift for the day and eight hours may be adjusted by use of vacation leave, use or accumulation of compensatory time as appropriate, or leave without pay.

(6) When a holiday falls on an employee's regularly scheduled day off, he/she shall receive a day of compensatory time off.

(7) Holiday time worked shall be compensated as provided in WAC 251-09-035.

(8) Whenever a holiday falls on Sunday, the following Monday shall be considered a nonworking or legal holiday. When a holiday falls on Saturday, the preceding Friday shall be considered a nonworking or legal holiday.

(9) Employees terminating immediately prior to a holiday do not qualify for holidays occurring after termination.

(10) Employees shall be entitled to one paid personal holiday per calendar year in addition to those specified in this section as provided in WAC 251-22-045.

WSR 95-10-089
PROPOSED RULES
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES

[Filed May 3, 1995, 11:01 a.m.]

Original Notice.

Title of Rule: Hardship withdrawals from TIAA/CREF retirement account.

Purpose: Establishes and allows hardship withdrawals for an "immediate and heavy financial need" while still actively employed.

Statutory Authority for Adoption: Chapter 28B.50 RCW.

Statute Being Implemented: New section WAC 131-16-056.

Summary: See Title of Rule and Purpose above.

Reasons Supporting Proposal: Adds new section specifying TIAA/CREF retirement plan hardship withdrawals

while still actively employed, and under certain situations, constituting an "immediate and financial need."

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Larry Lael, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, (360) 753-3660.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See below.

Proposal Changes the Following Existing Rules: Adds new section specifying TIAA/CREF retirement plan hardship withdrawals (while still actively employed) under certain situations constituting an "immediate and financial need."

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Minimal or no economic impact.

Hearing Location: Spokane Community College, North 1810 Greene Street, Spokane, WA, on June 8, 1995, at 10:30 a.m.

Assistance for Persons with Disabilities: Contact C. Krueger, (360) 753-7413 by June 1, 1995, TDD (360) 753-3680.

Submit Written Comments to: Larry Lael or Claire Krueger at State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, FAX (360) 586-6440, (360) 753-7413 by June 1, 1995.

Date of Intended Adoption: June 8, 1995.

May 3, 1995

Claire C. Krueger

Administrative Rules Coordinator

NEW SECTION

WAC 131-16-056 Hardship withdrawals. (1) In the event of a financial hardship consistent with requirements of subsection (2) of this section, and the Internal Revenue Code, a participant may withdraw all or part of the employee contributions from the Washington community and technical college system TIAA/CREF retirement account while actively employed. Hardship withdrawals may not be larger than the amount necessary to meet the immediate and heavy financial need defined in subsection (2) of this section plus related taxes and early withdrawal penalties. Employer contributions and earnings on the account may not be withdrawn while actively employed.

(2) To enable hardship withdrawal of funds, the Internal Revenue Code requires that the college president or designee shall certify that the participant has certified in writing that:

(a) The participant has an immediate and heavy financial need; and

(b) The participant has no other resources reasonably available to meet the need. Withdrawals shall be deemed to be for "an immediate and heavy financial need" only if they are for:

(i) Payments to prevent eviction from or foreclosure on the principal residence of the participant;

(ii) Unreimbursable medical expenses incurred by the participant, spouse, or dependents;

(iii) Payments for college tuition for the participant, spouse, or dependents; and/or

(iv) Payments for purchase of a principal residence for the participant. The participant shall be deemed to have "no other resources reasonably available to meet the need" if the participant certifies that he/she cannot meet the need through:

(A) Reimbursement or compensation by insurance or another source;

(B) Reasonable liquidation of assets;

(C) Borrowing from supplemental retirement accounts, life insurance values, or commercial sources; and/or

(D) Stopping any voluntary employee contributions to tax deferral or savings plans made available by the employer. (Note: Contributions to the employer-sponsored retirement plan must continue while the employee remains eligible for the plan.)

(3) Hardship withdrawals from the community and technical college TIAA/CREF plan are taxable income in the year received. Taxes, early withdrawal penalties, and any other consequences of hardship withdrawals shall be the sole responsibility of the participant. Withdrawals from the employer-sponsored TIAA/CREF plan may not be replaced at a later date.

WSR 95-10-090

PROPOSED RULES

STATE BOARD FOR COMMUNITY AND TECHNICAL COLLEGES

[Filed May 3, 1995, 11:02 a.m.]

Original Notice.

Title of Rule: Tuition and fees.

Purpose: ESB 6285 of the 1992 legislative session made changes to higher education tuition and fee waivers.

Statutory Authority for Adoption: Chapters 28B.15 and 28B.50 RCW.

Statute Being Implemented: Repealing WAC 131-28-028; and amending WAC 131-28-010 through 131-28-090.

Summary: Changes to tuition and fee charges.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: State Board of Community and Technical Colleges, S. Morgan, P.O. Box 42495, Olympia, WA 98504-2495, (360) 753-0880.

Name of Proponent: State Board for Community and Technical Colleges, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: For the last few years the community college system has struggled with adjusting to local tuition retention, waiver discretion. The colleges have developed a method to deal with existing waivers, and the treatment of adult basic education, parent education, and apprenticeship courses.

Proposal Changes the Following Existing Rules: See Explanation of Rule above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Minimal or no economic impact.

Hearing Location: Spokane Community College, North 1810 Greene Street, Spokane, WA 99207, on June 8, 1995, at 10:15 a.m.

Assistance for Persons with Disabilities: Contact Claire Krueger, State Board for Community and Technical Colleges by June 1, 1995, TDD (360) 753-3680, or (360) 753-7413.

Submit Written Comments to: S. Morgan or Claire Krueger, State Board for Community and Technical Colleges, P.O. Box 42495, Olympia, WA 98504-2495, FAX (360) 586-6440, by June 1, 1995.

Date of Intended Adoption: June 8, 1995.

May 3, 1995

Claire C. Krueger

Administrative Rules Coordinator

AMENDATORY SECTION (Amending Order 12, filed 7/22/71)

WAC 131-28-010 Tuition and fee charges for summer quarter. Tuition, operating, services and activities, and special fees charged to students enrolled as state funded students for summer quarter shall be assessed on the same basis and in the same manner as such fees are assessed for other quarters of the academic year. Fees charged to students enrolled as self-supporting shall comply with RCW 28B.15.515(1).

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-015 Assessment of tuition and fee charges. It shall be the general policy of the (~~Washington community college system~~) state board that all tuition and services and activities fees (~~, or special fees charged to students~~) shall be assessed on a uniform and equitable basis, except when the requirement to pay all or part of such fees has been specifically waived or altered by law or by regulation of the state board or the district board of trustees.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-021 Definitions. For the purpose of WAC 131-28-025, the following definitions shall apply:

(1) "Resident student" and "nonresident student" shall be defined in the same manner as in chapter 28B.15 RCW.

(2) "Tuition fees," "building fees," "operating fees" and "services and activities fees" shall be defined in the same manner as in chapter 28B.15 RCW.

(3) "Special fees" shall be defined as all fees established by the district board of trustees other than tuition, building fees, operating fees or services and activities fees and as such shall include fees charged to an individual student for specific services and privileges received by such student.

(4) "Student funded course" shall be defined as any organized instructional activity, typically ungraded, primarily offered for part-time students, not normally an integral part of any specific study program leading to either an academic or an occupational degree or certificate, and specifically identified as such by a community college consistent with the course classification procedures established by the state board.

(5) "Academic or occupational course" shall be defined as all organized instructional activities other than student funded courses.

(6) "Short course" shall be defined as any academic, occupational, or student funded course not regularly scheduled in the quarterly announcement of courses, not routinely listed in the college catalog as a regular and normal part of the instructional program, and not normally of a full quarter in duration.

(7) "Regular course" shall be defined as any (~~academic, occupational, or student funded~~) course not classified as a short course.

(8) "Required course" shall be defined as any course specified in the college catalog or official curriculum description of any vocational preparatory program as necessary for completion of such program, except courses prerequisite to such program.

(9) "Vocational preparatory program" shall be defined as any planned series of learning experiences, the specific objective of which is to prepare persons to enter gainful employment in a recognized occupation not designated as professional or requiring a baccalaureate or higher degree, provided that such program has been approved by the state board.

AMENDATORY SECTION (Amending Order 139, Resolution No. 92-06-39, filed 6/23/92, effective 7/24/92)

WAC 131-28-025 Method of assessing tuition and fee charges. (1) For academic and occupational regular or short courses, tuition and fees charged to students:

(a) Shall be based upon the number of credits assigned to such courses as listed in the official and current catalog of the college, or for courses not given such credit designations, the number of credit equivalents as computed by the method for deriving such equivalents established by the state board.

(b) Shall be assessed on a per-credit basis at uniform rates for resident and for nonresident students, provided:

That the respective maximums charged to any resident or nonresident student shall not exceed the amount specified in chapter 28B.15 RCW.

(c) Shall be assessed for part-time students, for each credit of registration or its equivalent, at the rate of one-tenth of the total combined tuition and services and activities fees charged to full-time students consistent with chapter 28B.15 RCW.

(d) Shall include an additional operating fee for each credit in excess of eighteen at the rate of one-tenth of the tuition fee charged to full-time students (~~consistent with chapter 28B.15 RCW. The additional fee assessed to a student enrolled in both a vocational preparatory program and a required course in that program shall be set at fifteen percent of the per credit tuition charge, rounded to the nearest whole dollar. This exemption shall require written approval by an appropriate college official~~).

(e) Shall be no less than two times the amount of tuition and services and activities fees charged for one credit.

(2) (~~The provisions of this section shall not apply to the ungraded courses set forth in WAC 131-28-026.~~

(3)) For student funded courses, fees charged to students:

(a) Shall be designated as a special fee, all revenue from which shall be used for the general operations and maintenance of the college;

(b) Shall be assessed at a rate sufficient to defray the direct and indirect costs of offering such ((community service)) courses.

((4)) (3) Nothing herein shall be construed to be a restriction on the right of the district board of trustees to assess additional noninstructional fees and special fees to cover unique instructional costs or expendable instructional materials related to any course offered by a college district.

NEW SECTION

WAC 131-28-02501 Waivers. Community college boards may grant waivers from the standard tuition and fees rate for ungraded courses designated in WAC 131-28-026(3) and to students who qualify under a waiver created in Title 28B RCW.

Except for ungraded courses, colleges shall not waiver the building fee or services and activities fee at a percentage rate greater than the percentage rate of waiver for operating fees.

Colleges may not impose conditions or eligibility criteria beyond that specified in this chapter or Title 28B RCW. Colleges may restrict the number of waivers granted.

Colleges may round the amount waived to the nearest dollar.

AMENDATORY SECTION (Amending Order 139, Resolution No. 92-06-39, filed 6/23/92, effective 7/24/92)

WAC 131-28-026 Tuition charges for certain ungraded courses. (1) The state board shall designate ungraded courses. These courses may be offered at tuition rates that differ from the standard rates set by WAC 131-28-025.

(2) Ungraded courses ((designated pursuant to subsection (1) of this section)) shall meet the following qualifications:

(a) The primary intent of offering the course is other than providing academic credit applicable to an associate((s)) or higher degree.

(b) The course has a specialized purpose in that it is intended to meet the unique educational needs of a specific category or group of students.

(c) The course is offered for the purpose of providing the individual student with a discrete skill or basic body of knowledge other than that intended to lead to initial employment.

(d) The course cannot be administered as a contract course pursuant to WAC 131-28-027, 131-32-010, or 131-32-020.

(e) The course is not offered primarily as an integral part of any lower-division curriculum or program.

(f) The course is not one specifically or primarily intended to satisfy requirements for receiving a high school diploma.

(3) ((For the purposes of this section, ungraded courses shall be defined as those courses classified according to the official course classification taxonomy established by the state board as occupational supplementary, occupational homemaking, academic basic education, or academic general

~~education courses, provided they shall also meet the qualifications set forth in subsection (2) of this section.~~

~~(4) For the purpose of implementing WAC 131-28-025(2), the tuition, exclusive of special fees, charged by any Washington community college for the following ungraded courses shall be based on the following percentages of the per credit tuition fee for regular courses. There is no services and activities fee for ungraded courses:~~

COURSE	TUITION
(a) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices while indentured with the Washington state apprenticeship council or Federal Bureau of Apprenticeship and Training	Thirty percent; provided the director shall convert the credit hour change to a rounded amount per clock hour and districts shall charge accordingly
(b) Department of labor and industries approved industrial first aid courses offered for the purpose of satisfying WISHA first aid certification requirements	One hundred percent
(c) Parent education involving cooperative preschool program	Fifteen percent
(d) Farm management and small business management	Forty percent
(e) Adult basic education, English as a second language	No charge
(f) Emergency medical technician and paramedic continuing education	Thirty percent
(g) Courses specifically designed to provide skills and understandings particularly related to the problems of retirement and advanced age	Thirty percent
(h) Courses providing advanced training and skill maintenance for journey persons in cooperation with joint apprenticeship and training committees	One hundred percent
(i) GED preparation	Fifteen percent

~~(5) Students taking from eleven to eighteen credits shall not be charged for those credits.)~~ Colleges may establish the amount of waiver for the following ungraded courses:

- (a) Farm management and small business management;
- (b) Emergency medical technician and paramedic continuing education;
- (c) Retirement;
- (d) Industrial first aid offered to satisfy WISHA and approved by the department of labor and industries.

(4) The waiver amounts for the following ungraded courses shall conform with the following schedule:

- (a) Adult Basic Education, English as a Second Language, GED preparation: No charge.
- (b) Parent education involving a cooperative preschool program: Eighty-five percent reduction from the standard per credit tuition and services activities fee charge. Parent

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education students taking eleven to eighteen credits shall not be charged for those credits.

(c) Courses offered for the purpose of satisfying related or supplemental educational requirements for apprentices indentured with the Washington state apprenticeship council or federal Bureau of Apprenticeship and Training: Fifty percent reduction from the standard per credit tuition and services and activities fee charge. The college may convert the credit hour charge to a rounded amount per clock hour.

(5) Students taking both regular and ungraded courses will be charged separately for the courses.

(6) Application of this section shall be subject to administrative procedures established by the state director with respect to maximum credit values of such ungraded courses, curriculum, or any unique circumstances related to enrollment in such courses.

(7) Ungraded course ~~((tuition))~~ fees received pursuant to this section shall be accounted for and deposited in ~~((the))~~ local community college operating fee accounts established in RCW ~~((28B.15. — (section 36, chapter 231, Laws of 1992)))~~ 28B.15.031.

~~((The term "standard rate" as used in this section shall mean the tuition charged for one quarter credit.~~

~~((9) Tuition))~~ Ungraded course fees may be paid by the sponsoring entity rather than an individual student.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-030 Waiver of tuition and fees for needy or disadvantaged students. Pursuant to authority granted by RCW 28B.15.740, the boards of trustees of community college districts are authorized to waive all or part of tuition and services and activities fees for needy students: *Provided*, That the students shall qualify for such waiver ~~((as determined by the))~~ under criteria set forth in WAC 131-28-040 through 131-28-045.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-040 Criteria for determining eligibility for waiver of tuition and fees under RCW 28B.15.740. Waiver of tuition and services and activities fees ~~((, or any portions thereof as authorized by))~~ under RCW 28B.15.740 ~~((, normally charged to students enrolled))~~ (1) shall be based upon the determination that the student is a "needy student" ~~((by application of))~~ under a method of need analysis approved by the United States Department of Education for determining awards ~~((under))~~ for federal student financial aid programs or ~~((one))~~ a method adopted by the state board ~~((for community college education))~~ specifically for the purposes of this section, except as provided in WAC 131-28-045.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-045 Procedure for implementing tuition and fee waivers authorized pursuant to RCW 28B.15.740. (1) Tuition and fee waivers for needy students in any fiscal year ~~((as authorized by RCW 28B.15.740 may))~~ shall not exceed three percent of any community college

district's estimated total collections of tuition and services and activities fees had no such waivers been made, after deducting the portion of that total amount which is attributable to the difference between resident and nonresident tuition and fees.

(2) The estimated total collection of tuition and service and activities fees shall be based on budgeted, state supported, four-quarter annual average enrollment.

(3) Each district may waive an amount not to exceed three percent of the estimated collections in the event that actual enrollments or collections exceed estimated collections. Conversely, the three percent waiver capacity based upon estimated collections is allowable even though actual collections may not be as high as the estimate.

(4) Districts desiring to exceed their individual three percent waiver capacity may do so only upon written approval from the state director of ~~((community colleges))~~ the state board, or ~~((his))~~ designee. This waiver capacity can only be granted to a district after it has been determined that the total waiver capacity for the community college system is not being utilized as a result of other districts waiving at levels less than the three percent capacity.

(5) At least three-fourths of the total amount waived by any district shall be for needy students who are eligible to pay resident tuition and fee rates as defined in RCW 28B.15.012 through 28B.15.015 and the remainder may be for other students as determined by the board of trustees, except that no such waivers shall be based on participation in intercollegiate athletic programs.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-080 Tuition and fee waivers for senior citizens. (1) ~~((Pursuant to the authority granted by chapter 157, Laws of 1975 1st ex. sess.))~~ Under RCW 28B.15.540, community college districts ~~((are authorized to and))~~ may waive, in whole or in part, tuition and services and activities fees for any individual who ~~((has or will have attained))~~ attains sixty years of age by the first day of instruction of the quarter ~~((during which enrollment is desired))~~ enrolled and who is a resident of Washington, regardless of the length of such residency.

(2) College districts that elect to grant waivers as authorized by this section may:

(a) Waive, in whole or in part, tuition and services and activities fees for students enrolled on a credit or audit basis.

(b) Charge ~~((, in lieu of tuition and services and activities fees,))~~ a special fee of not more than \$5.00 per quarter ~~((per individual in total for those courses for which waivers are granted))~~ for students enrolled on an audit basis.

(c) Charge, in addition, any other special fees normally assessed to students who enroll in any course toward which the waiver authority contained in this section is applied.

(3) When granting waivers as authorized by this section, community college districts ~~((shall be))~~ are subject to the following regulations:

(a) Senior citizens who desire to enroll under the provisions of this section shall not be required to pass any financial need or means test as the basis for receiving such waivers.

(b) Such waivers shall not be applied to more than two courses per individual per quarter; however, qualified senior citizens may enroll in additional courses upon payment of the required tuition and fees normally charged to other students so enrolled.

(c) Such waivers shall be granted only on a "space available" basis after opportunity has been given for other students to register for courses offered by the college district.

(d) No new or additional courses or course section shall be created for the purpose of accommodating enrollments of students (~~(enrolled on the basis of)~~) granted waivers under this section.

(e) Waivers under this section shall not be granted to individuals who plan to use credits thus earned to improve their status for credentialing or salary schedule purposes; provided that it shall be the responsibility of the student to inform the college of the intended use of credits earned through enrollment under this fee waiver authorization.

(f) Enrollment information and statistical data related to enrollments made under this section must be maintained separately and must be discretely identified and distinguished from enrollments reported to the state board for all fiscal purposes.

(g) Computations of enrollment levels, student-faculty ratios, or other similar enrollment-related statistics must exclude student credit hours generated by enrollments for which waivers have been granted under this section.

(h) Individuals enrolled under this section must be afforded equal opportunity to utilize advisory and counseling services offered by the college district.

(i) All existing course prerequisites must apply to students enrolled under this section.

AMENDATORY SECTION (Amending Order 116, Resolution No. 89-16, filed 6/29/89)

WAC 131-28-085 Tuition and fee waivers for full-time community college employees. (~~(Pursuant to the authority granted by)~~) Under RCW 28B.15.535, community college districts (~~(are authorized to and)~~) may waive tuition and services and activities fees for full-time employees at their respective (~~(institutions of higher education enrolled in courses at said institutions)~~) college under the following conditions:

(1) Enrollment shall be on a space-available basis after opportunity has been given for other students to register for courses offered by the college,

(2) No new or additional courses or course sections shall be created for the purpose of accommodating enrollments of students (~~(enrolled on the basis of)~~) granted waivers under this section,

(3) Enrollment information on employees enrolled on a space-available basis shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor shall persons enrolled (~~(pursuant to the provisions of)~~) under this section be considered in any enrollment statistics which would affect budgetary determinations,

(4) Computations of enrollment levels, student-faculty ratio, or other similar enrollment related statistics must exclude student credit hours generated by enrollments for which waivers have been granted under this section,

(5) Employees enrolling on a space-available basis shall be charged a registration fee of not less than five dollars per quarter,

(6) Community college districts may limit the number of courses per quarter for which an employee may enroll pursuant to this section,

(7) Districts may enroll full-time intercollegiate center for nursing education, cooperative extension service and agricultural research employees of Washington State University if such employees are stationed off-campus provided that (a) the employee's work station is situated within the district where (~~(he enrolls)~~) enrolled and (b) such a waiver of tuition and fees complies with conditions listed in subsections (1) through (6) of this section,

(8) Districts may recognize completion of such courses for salary improvement or vocational certification provided such courses are an approved part of the professional improvement plan of the individual,

(9) Prior to implementing any program for tuition and fee waivers for full-time employees, the college district shall adopt a written rule regarding such program and definitively set forth rules and procedures related to:

(a) Whether or not employees may take tuition free courses on released time and under what circumstances;

(b) Whether or not courses taken on a tuition free basis shall be allowed to apply toward an advancement on the salary schedule of the institution;

(c) Whether or not there will be a limit on the number of courses per quarter an employee may take; what that limitation is and any other constraints;

(d) The definition of a full-time employee, professional and classified, for purposes of this act;

(10) The individual community college district shall submit a copy of its adopted rule relating to the above to the state director.

(11) In addition to waivers provided under subsections (1) through (9) of this section, community college districts may also waive all or a portion of tuition and services and activities fees for full-time classified employees of state agencies and higher education institutions as provided in RCW 28B.15.558.

AMENDATORY SECTION (Amending Order 122, Resolution Nos. 90-42 and 90-43, filed 9/20/90, effective 10/21/90)

WAC 131-28-090 Tuition and fee waivers for unemployed and underemployed resident students. (1) (~~(The purpose of this section is to carry out the intent of the legislature to provide tuition free educational opportunities for unemployed and underemployed individuals who wish to attend a Washington community college on a space available basis.~~)

~~(2) Pursuant to authority granted by)~~ Under RCW 28B.15.522 community college districts may waive, in whole or in part, tuition and services and activities fees for any individual who:

(a) Is a resident student as defined by RCW 28B.15-012(2);

(b) Will have attained age twenty-one prior to the first day of instruction (~~(on the basis of such waiver)~~);

(c) Has not attended an institution of higher education during the six-month period immediately prior to the first

day of instruction, other than ~~((pursuant to))~~ under this section;

(d) Is not receiving or eligible to receive unemployment compensation funded by federal, state matching, or trade readjustment benefit sources;

(e) Has a monthly household income below four hundred sixty-five dollars for a single person and an additional one hundred thirty dollars for each additional household member or the successor values to these amounts as may be subsequently established by the department of social and health services as need standards for assistance determination purposes;

(f) Has been or will have been unemployed for at least six months prior to the first day of instruction or is underemployed as evidenced by monthly income for the preceding six-month period below the level established in (e) of this subsection.

~~((3))~~ (2) Enrollments made pursuant to this section shall be on a space available basis.

~~((4))~~ (3) No new course sections shall be created as a result of enrollments based on waivers authorized by this section.

~~((5))~~ (4) Enrollment information on students registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor be considered in any enrollment statistics which would affect budgetary determinations.

~~((6))~~ (5) Persons enrolled ~~((pursuant to))~~ under this section shall have the same access to support services as do all other students and shall be subject to all course prerequisites and requirements.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 131-28-028 Tuition charges for certain waiver categories.

WSR 95-10-091
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed May 3, 1995, 11:04 a.m.]

Original Notice.

Title of Rule: Mental health treatment.

Purpose: (1) To make maximum use of victim's Medicaid eligibility; (2) to eliminate a low priority claim review practice as a rule requirement; (3) to conform mental health treatment requirements to accepted standards of care; and (4) to update terms and references in rule.

Statutory Authority for Adoption: RCW 7.68.030, 51.04.030, 51.04.020(1).

Statute Being Implemented: Chapter 7.68 RCW.

Summary: One amendment removes the requirement for victims to annually furnish the department with information indicating their probable eligibility for Medicaid. A second removes the exemption from applying for Medicaid eligibility for victims applying for counseling benefits only under the Crime Victims Act. Two other amendments bring

certain mental health treatment and reporting requirements into conformity with accepted standards of care. Chapter 296-31 WAC, the set of mental health treatment rules, is amended in several sections to clarify terms, and to update procedure codes and publication references.

Reasons Supporting Proposal: (1) The removal from requirement in rule of a low-priority annual review gives the crime victims program greater flexibility to provide better service to its customers; (2) a necessary cost saving measure is provided to the program by the Medicaid eligibility amendment; (3) continued eligibility for federal funds is ensured by the same Medicaid eligibility amendment; (4) greater conformity with mental health standards of care is achieved by the proposal allowing one individual plus one group counseling session per week without preauthorization; and (5) updates in the other proposals provide greater accuracy in references to terms, procedure codes and publications.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cletus Nnanabu, 7273 Linderson Way S.W., Tumwater, WA, (360) 902-5340.

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: A requirement is removed from rule for the department to annually require crime victims to provide information regarding their probable eligibility for Medicaid. An exemption from requiring victims who are applying for counseling benefits only to apply for Medicaid eligibility is removed from rule. Requirements for preauthorization of mental health treatment are modified, as are contents of the initial evaluation report of mental health treatment providers. Terms existing in the set of mental health treatment rules are clarified and references in the rules to procedure codes and publications are updated.

Proposal Changes the Following Existing Rules: One of our existing rules requires victims to annually furnish information to the crime victims program to determine their probable eligibility for Medicaid. One of the proposed amendments removes that requirement from rule. Our existing rules also allow the department to pay for counseling services when victims may be eligible for Medicaid payment. One of the proposed amendments requires that Medicaid eligible crime victims use the Department of Social and Health Services as their primary insurer even when only counseling services are being sought. Present rules limit mental health treatment to one session per week without preauthorization. The proposed amendments allow one individual and one group session per week to be conducted without preauthorization. Present rules contain certain requirements for the content of the mental health initial evaluation report. The proposed amendments modify those requirements. Our existing rules contain terms and procedures that have been reported by some mental health treatment providers as unclear. The proposed amendments attempt to clarify those terms and procedures. Finally, our existing rules contain references to procedure codes and publications that are out of date. The proposed amendments update those references.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. RCW 19.85.030 requires that a small business impact statement be filed only if a rule amendment affects more than twenty percent of all industries or more than ten percent of any one industry. These amendments have neither of those effects.

Hearing Location: Department of Labor and Industries, Room 216, 7273 Linderson Way S.W., Tumwater, WA, on June 6, 1995, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Bonnie Dore by May 23, 1995, (360) 902-5341.

Submit Written Comments to: Crime Victims Compensation, P.O. Box 44520, Olympia, WA 98504-4520, FAX (360) 902-5333, by June 6, 1995.

Date of Intended Adoption: July 5, 1995.

May 1, 1995
Mark O. Brown
Director

AMENDATORY SECTION (Amending WSR 89-23-004, filed 11/3/89, effective 11/10/89)

WAC 296-30-025 Medical assistance eligibility. The benefits provided under chapter 7.68 RCW that are available and equivalent to those services provided under chapter 74.09 RCW or Title XIX of the Federal Social Security Act are not available to persons eligible for services provided under chapter 74.09 RCW or Title XIX of the Federal Social Security Act, except to the extent that costs for such services exceed service limits established by the department of social and health services. Accordingly:

(1) Applicants for benefits provided under chapter 7.68 RCW shall provide, concurrent with their application for crime victims' benefits, information requested by the department to determine the applicant's probable eligibility for services provided under chapter 74.09 RCW and Title XIX of the Federal Social Security Act. The applicant, or a person on behalf of the applicant, shall send the application and other requested information to the offices of the crime victims' compensation program in Olympia.

(2) The department shall provide application forms for crime victims' benefits, any forms used to determine probable eligibility for services provided under chapter 74.09 RCW or Title XIX of the Federal Social Security Act, and a pamphlet describing the crime victims' compensation program to hospitals, law enforcement agencies, community organizations, prosecutor based victim/witness units and, as requested, to other service groups. The pamphlet shall (a) explain the limitations of benefits provided under chapter 7.68 RCW; (b) provide assistance for an applicant in completing the forms; and (c) provide an applicant information about where additional assistance is available if the instructions for completing the forms are not understood or if unusual circumstances exist.

(3) Any claimant who is eligible for benefits provided under chapter 7.68 RCW and who the department determines may be eligible for services provided under chapter 74.09 RCW and Title XIX of the Federal Social Security Act, based upon the completed eligibility form referenced above, shall apply to the department of social and health services for a conclusive determination of eligibility for such services.

~~(4) ((Because a claimant's circumstances can change and in order to assure that the department provides crime victims' benefits secondary to other available public and private insurance, persons receiving benefits provided under chapter 7.68 RCW but not initially eligible to receive services provided under chapter 74.09 RCW or Title XIX of the Federal Social Security Act shall annually provide information requested by the department to determine the applicant's probable eligibility for services provided under chapter 74.09 RCW and Title XIX of the Federal Social Security Act in order to continue receiving benefits under chapter 7.68 RCW.~~

(5)) The department shall not provide benefits for services provided under chapter 74.09 RCW and Title XIX of the Federal Social Security Act to persons who refuse or who otherwise fail to cooperate or comply in good faith with the requirements of this section, except to the extent that the costs for such services exceed service limits established by the department of social and health services.

~~((6(a)))~~ (5) Except for claims submitted pursuant to RCW 7.68.170 for sexual assault examinations, ~~((or as provided in (b) of this subsection))~~ the department shall not consider applications for benefits under chapter 7.68 RCW until the information requested to determine probable eligibility for services provided under chapter 74.09 RCW and Title XIX of the Federal Social Security Act is received by the department.

~~((b) If the applicant seeks only services that are covered under chapter 7.68 RCW but are not services provided under chapter 74.09 RCW or Title XIX of the Federal Social Security Act, such as appropriate counseling provided by a health care provider pursuant to WAC 296-30-080, the department shall consider applications for benefits under chapter 7.68 RCW without requiring information to determine probable eligibility for other services.))~~

AMENDATORY SECTION (Amending WSR 94-02-015, filed 12/23/93, effective 1/24/94)

WAC 296-30-081 Acceptance of rules and fees for medical and mental health services. Providing medical or counseling services to an injured crime victim whose claim for crime victims compensation benefits has been accepted by the department constitutes acceptance of the department's medical aid rules and compliance with its rules and fees. Maximum allowable fees shall be those fees contained in the publications entitled *Medical Aid Rules and Fee Schedules and Crime Victims Compensation Program Mental Health Treatment Rules and Fees*, less any available benefits of public or private collateral resources, except as follows:

The percentage of allowed charges authorized by WAC 296-23A-105: Payment for hospital inpatient and outpatient services, WAC 296-23A-155: New hospitals, WAC 296-23A-160(3): Excluded and included services, and WAC 296-23A-165: Out-of-state hospitals shall be equal to the percentage of allowed charges established by the department of social and health services under Title 74 RCW and WAC 388-87-070(6): Payment hospital inpatient services.

If any of the maximum allowable fees in the publications entitled *Medical Aid Rules and Fee Schedules and Crime Victims Compensation Program Mental Health Treatment Rules and Fees* is lower than the maximum

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allowable fees for those procedures established by the department of social and health services under Title 74 RCW, the Title 74 RCW fees are the maximum allowable fees for those procedures.

Prior to the establishment or amendment of the fee schedules, the department will give at least thirty calendar days notice by mail to interested persons who have made timely request for advance notice of the establishment or amendment of the fee schedules. To request advance notice of the establishment or amendment of the medical fee schedules, interested persons must contact the department at the following address:

Department of Labor and Industries
 Health Services Analysis
 P.O. Box 44322
 Olympia, WA 98504-4322

To request advance notice of the establishment or amendment of the mental health fee schedules, interested persons must contact the department at the following address:

Department of Labor and Industries
 Crime Victims Compensation Section
 P.O. Box 44520
 Olympia, WA 98504-4520

An injured victim shall not be billed for his or her accepted injury. The department shall be billed only after available benefits of public or private insurance have been determined. Bills must be submitted within ninety days from the date of service to be considered for payment. If insurance or public agency collateral resources exist, bills must be received within ninety days following payment or rejection by the resource. A copy of the payment or rejection must accompany the bill.

If the service provider has billed the injured victim and is later notified that the department has accepted the victim's claim, the provider shall refund to the injured victim any amounts paid that are in excess of the amounts that the victim is entitled to from public or private insurers, and bill the department for services rendered at ~~((fee schedule rates))~~ their usual and customary fees if such rates are in excess of the public or private insurance entitlements.

AMENDATORY SECTION (Amending WSR 92-23-033, filed 11/13/92, effective 12/14/92)

WAC 296-31-010 Mental health treatment overview.

(1) The crime victim compensation program provides mental health treatment to victims of crime, except for the provisions of WAC 296-30-025 (6)(b), secondary to treatment available from any other public or private insurance, who are eligible for compensation under the provisions of chapter 7.68 RCW. Eligible claimants are entitled to receive proper and necessary mental health treatment.

(2) Services and treatment are limited to those procedures which are proper and necessary, and at the least cost, consistent with accepted standards of mental health care which will enable the claimant to obtain maximum recovery and/or:

(3) In the case of a permanent partial disability, treatment or services are not to extend beyond the date when

permanent partial impairment or disability compensation is awarded. No treatment or services will be authorized beyond the point that the accepted condition is fixed and stable.

(4) In the case of a permanent total disability, treatment is not to extend beyond the date on which the claimant is placed upon a permanent pension roll except that in the sole discretion of the department continued treatment for conditions previously accepted by the department may be allowed when such treatment is deemed necessary to protect the claimant's life or to provide for the administration of therapeutic measures. This includes payment of prescription medications necessary to alleviate continuing pain resulting from the accepted condition but does not include those controlled substances scheduled by the state board of pharmaceuticals as schedule I, II, III, IV substances under chapter 69.50 RCW.

(5) Mental health treatment requiring preauthorization:
 Inpatient hospitalization;

~~((Therapy involving a regular single session exceeding one hour per week;))~~ Individual therapy exceeding one hour per week;

Group therapy exceeding one session per week;

Concurrent treatment;

Family therapy (including all therapy provided to family members) beyond twelve sessions;

~~((Multiple family group therapy beyond twelve sessions;))~~

Therapy for survivors of victims of homicide beyond twelve sessions;

Electroconvulsive therapy;

Neuropsychological evaluation (testing);

Day treatment for seriously ill persons less than eighteen years of age;

Referrals to special programs.

Requests for authorization must be in writing and include a statement of:

(a) The condition(s) diagnosed;

(b) ~~((ICD-9-CM))~~ ICD-10-CM and/or DSM-III-R or DSM-IV codes;

(c) The relationship of the condition(s) diagnosed to the assault, if any;

(d) An outline of the proposed treatment program, its length and components, procedure codes, and expected prognosis.

(6) Rejected and closed claims. Therapy for eligible survivors of victims of homicide can be provided on closed claims:

No payment will be made for treatment or medication on rejected claims or for services rendered after the date of closure of a claim.

When the department has denied responsibility for an alleged crime victim injury or condition, the only services which will be paid are those which were carried out at the specific request of the department and/or those assessment or diagnostic services which served as a basis for the adjudication decision. Following the date of the order and notice of claim closure, the department will be responsible only for those services specifically requested or those assessments and/or diagnostic services necessary to complete and file a reopening application.

AMENDATORY SECTION (Amending WSR 94-02-015, filed 12/23/93, effective 1/24/94)

WAC 296-31-020 Definitions. This section explains the department's definitions of terms used throughout the sections as they apply to claimants.

Acceptance, accepted condition: Determination, in writing, by a qualified representative of the department, that reimbursement for the diagnosis and rehabilitative treatment of a claimant's mental health condition are the responsibility of the department. The condition being accepted must be specified by one or more diagnostic codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM), or by DSM III-R, or DSM IV and by use of words to describe the symptoms connected to or citing ICD-CM or DSM III-R or DSM IV diseases.

Authorization: Notification, in writing or by telephone, by a qualified representative of the department, that specific necessary treatment, services, or equipment recommended by a provider for the diagnosis or rehabilitative treatment of an accepted condition will be reimbursed by the department. Providers must insure they maintain records indicating the name of the qualified representative who authorizes treatment or equipment.

Claimant: A person who submits, or on whose behalf is submitted, an application for benefits under the Crime Victims Act.

Consultation: The services rendered by a mental health provider whose opinion or advice is requested by the attending (treating) mental health provider, or agency, or by the department in the evaluation and/or treatment of a claimant. Case management or case staffing does not constitute a consultation. Treatment of a claimant is not a consultation.

Crisis intervention: Therapy to alleviate the most pressing problems and attempt to use the crisis as an opportunity for positive change; the vital mental and safety functions of the client are stabilized by providing support, structure and, if necessary, restraint.

Disability awards for mental health conditions: Direct monetary compensation that may be provided to an eligible claimant who is either totally temporarily disabled, permanently partially disabled, or totally permanently disabled resulting from an accepted condition. Under Washington law, permanent disability awards are based solely on mental impairment due to the accepted injury or conditions without consideration of economic factors. Disability rating exams must be provided by a physician.

Elective nonemergent hospital admission: Placement of the claimant in an acute care hospital or residential treatment facility for mental health treatment of a claim related mental health condition which may be safely scheduled in advance without jeopardizing the claimant's health or treatment outcome.

Emergent hospital admission: Placement of the claimant in an acute care hospital, psychiatric hospital, or residential treatment facility for treatment of a claim related mental health condition of an unforeseen or rapidly progressing nature which, if not treated in an inpatient setting, is likely to jeopardize the claimant's health or treatment outcome.

Family therapy: Therapy involving the therapist, and one or more members of the claimant's family (excluding

the perpetrator if also a family member) and which centers on issues resulting from the claimant's sexual assault pursuant to WAC 296-30-080.

Group therapy: Therapy involving the claimant, the therapist, and one or more clients who are not related to the claimant and which includes issues both related to the claimant's assault and pertinent to other group members, not necessarily related to the claimant's assault.

Homicide survivor: An immediate family member of a homicide victim as the result of a criminal act committed on or after July 1, 1992. Homicide survivors may receive appropriate counseling to assist them with the immediate, near term consequences of the related effects of the homicide. Family members applying for survivor counseling benefits must complete and submit a Request for Homicide Survivor Counseling Benefits form (F800-057-000) once a claim has been established and allowed by the department. Maximum allowable fees shall be those fees contained in the publication entitled Crime Victims Compensation Program Mental Health Treatment Rules and Fees, less any benefits of public or private collateral resources available to each eligible family member.

Immediate family members: Any claimant's parents, spouse, child(ren), siblings, grandparents, and those members of the same household who have assumed the rights and duties commonly associated with a family and who hold themselves out as a family unit.

Individual therapy: Therapy provided on a one to one basis between a therapist and claimant.

Mental health services provider: Any person, firm, corporation, partnership, association, agency, institution, or other entity providing any kind of mental health services related to the treatment of a claimant. This includes, but is not limited to, hospitals, psychiatrists, psychologists, advanced registered nurse practitioners with a specialty in psychiatric and mental health nursing, registered and/or certified master level counselors, and other qualified service providers licensed, registered and/or certified with the department of health and registered with the crime victims program. (Refer to WAC 296-31-030 for specific details.)

Modified work status: When the claimant is not able to return to previous work, but is capable of carrying out work of a lighter, or otherwise different nature.

Necessary treatment: Those health services or treatments which, in the opinion of the director or his or her designee are:

Proper and necessary for the diagnosis or rehabilitative treatment of an accepted condition;

Reflective of accepted standards of good practice within the scope of the provider's license, certification, or registration;

Not delivered primarily for the convenience of the claimant, the claimant's attending provider, or any other provider; and

Provided at the least cost and in the least intensive setting of care consistent with accepted standards of care/accepted therapeutic practice and with the other provisions of this definition. Services which are inappropriate to the accepted condition, or which present hazards in excess of the expected mental health benefits, are not considered necessary. Services which are obsolete are not authorized. Services which are controversial, experimental, or investiga-

tional are presumed not to be consistent with accepted standards of care and shall only be authorized on an individual case basis with written authorization for the service from the department.

Office notes: Written records of treatment, or other work products, documenting specific charges billed, as opposed to reports of evaluation and progress independently submitted to the department or to other parties.

Permanent partial disability: Providers are required to notify the department of any claimant's accepted condition where permanent functional impairment or loss is indicated after maximum rehabilitation has been achieved, which is determined to be stable and fixed at the time the evaluation is made. The department will arrange to have impairments rated using the category system under WAC 296-20-200 et al.

Regular work status: When the injured claimant is capable of returning to his/her regular work, the attending provider must notify the claimant and the department of the specific date of release to return to regular work. Time loss compensation will be terminated on the release date. Further treatment may be allowed as requested by the attending provider if the condition is not stable or fixed and treatment is needed for the accepted condition.

Repressed memory: A condition of not having or had conscious memory of an act. For the purpose of these rules describing this condition under this section the definition means that a claimant regained conscious memory of victimization caused by a criminal act committed against them as a minor.

Temporary partial disability: Partial time loss may be paid when the claimant can return to work on a limited basis, or, return to a lesser paying job is necessitated by the accepted condition. However, the claimant must have a reduction in wages of at least five percent before loss of earning power can be paid.

Termination of treatment: When treatment is no longer required because the accepted condition for which the claim was allowed has become stable, the provider must submit a report indicating the date the condition became stable to the department. This is necessary to initiate closure of the crime victim's compensation claim.

Time loss certification: Certification from a physician based upon findings which are specific symptoms that an accepted condition of a claimant either partially or totally incapacitates the claimant from returning to work. Such symptoms may include, but are not limited to: Anxiety, depression, loss of appetite, weight loss, flat affect, inability to concentrate, inability to complete tasks. The department requires that all claims for time loss compensation must be certified by a physician.

Total permanent disability: A condition permanently incapacitating a claimant from performing any work at any gainful occupation.

Total temporary disability (time loss): The claimant is temporarily unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted condition. Time loss compensation will be paid if the victim was employed on the date of their criminal injury, or, if not, if the victim was employed three or more consecutive months during the twelve months immediately preceding the date of the assault.

Utilization review: The assessment of a claimant's mental health care for assurance that it is necessary and of good quality. Assessments typically consider the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

Victim: A person who suffers bodily injury or death as the proximate result of a criminal act of another person, the claimant's own good faith and reasonable effort to prevent a criminal act, or his or her good faith effort to apprehend a person reasonably suspected of engaging in a criminal act. For the purposes of receiving benefits, "victim" is interchangeable with "employee" or "worker" as defined in the Industrial Insurance Act. For the purpose of these rules "bodily injury" means any harmful or offensive touching, and includes severe emotional distress where no touching takes place as defined and under the conditions outlined in WAC 296-30-010(2).

AMENDATORY SECTION (Amending WSR 92-23-033, filed 11/13/92, effective 12/14/92)

WAC 296-31-030 General provider requirements—
Who may treat. (1) Mental health providers who may treat claimants under the Crime Victims Act must register with the crime victims compensation program and qualify as an approved provider under these rules. The department must register the mental health provider before the mental health provider is eligible for payment for services.

(2) Washington permanently licensed psychiatrists, psychologists and advanced registered nurse practitioners with a specialty in psychiatric and mental health nursing, and registered and/or certified master level counselors whose master's degree is in a field of study related to mental health services including but not limited to, social work, marriage and family therapy or mental health counseling, who are registered with the crime victims program are authorized to provide treatment in accordance with these rules to claimants.

Out-of-state providers must be licensed, registered and/or certified in accordance to the licensing requirements within the state in which they practice. Copies of license, registration and/or certification must be provided when applying for approval to treat Washington state crime victims.

In areas where the department has determined licensed, registered and/or certified providers are not available, the department may consider registration exceptions on an individual case basis.

(3) The department has a duty to supervise provision of proper and necessary mental health care that is delivered promptly, efficiently, and economically. The department may deny, revoke, suspend, limit, or impose conditions on a mental health care provider's authorization to treat victims under the Crime Victims Act. Reasons for imposing any of the above restrictions include, but are not limited to the following:

(a) Negligence or incompetence which results in injury to a claimant or which creates an unreasonable risk that a claimant may be harmed.

(b) The illegal possession, use, prescription for use, or distribution of controlled substances, legend drugs, or

addictive, habituating, or dependency-inducing substances in any way other than for therapeutic purposes.

(c) Any temporary or permanent probation, suspension, revocation, or other relevant type of limitation of a provider's license, certification or registration to practice by any court, board, or administrative agency.

(d) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the provider's profession. The act need not constitute a crime. If a conviction or finding of such an act is reached by a court or other tribunal pursuant to plea, hearing, or trial, a certified copy of the conviction or finding is conclusive evidence of the violation.

(e) Failure to comply with the department's orders, rules, or policies.

(f) Failure, neglect, or refusal to:

(i) Submit copies of license, certification and/or registration and degree to the department.

(ii) Maintain and provide records requested by the department pursuant to a health care services review or an audit.

(iii) Submit complete, adequate, and detailed reports or additional reports requested or required by the department regarding the treatment and condition of a claimant.

(g) The submission of, or collusion in the submission of, false or misleading reports or bills to any government agency.

(h) Billing a claimant for:

(i) Treatment of a condition for which the department has accepted responsibility; or

(ii) Any amount more than the amount paid by the department under the maximum allowable fee set forth in these rules and any other charge with the exception of "no show" appointment charges. The department has no provision to pay charges for missed appointments, except for independent assessments arranged by the department. Claimants may be billed directly for missed or "no show" appointments.

(i) Repeated failure to recognize emotional and social factors impeding recovery of a claimant who is being treated under the Crime Victims Act.

(j) Repeated unreasonable refusal to comply with the recommendations of board certified or qualified consultants who have examined or reviewed a claim for the department.

(k) Repeated use of:

(i) Treatment of controversial or experimental nature;

(ii) Contraindicated or hazardous treatment; or

(iii) Treatment past stabilization of the condition or after maximum mental health improvement has been obtained.

(l) Declaration of mental incompetency by a court or other tribunal.

(m) Failure to comply with the applicable code of professional conduct or ethics.

(n) Failure to inform the department of any disciplinary action issued by order or formal letter taken against the provider's license, certification or registration to practice.

(o) The finding of any peer group review body of reason to take action against the provider's practice privileges.

(p) Misrepresentation or omission of any material information in the application for authorization to treat claimants.

(q) Repeated billing of the department for services that are available to claimants from public or private insurance sources. The crime victims compensation program is a secondary insurer. Providers should bill the department only after all benefits available to the claimant from public or private insurance are exhausted.

(4) If the department finds reason to take corrective action, the department may also order one or more of the following:

(a) Recoupment of payments made to the provider, including interest; at the rate of one percent per month or portion of a month beginning on the thirty-first day after payment was made.

(b) Denial or reduction of payment;

(c) Placement of the provider on a prepayment review status requiring the submission of supporting documents prior to payment;

(d) Requirement to satisfactorily complete education courses and/or programs; and

(e) Imposition of other appropriate restrictions or conditions on the provider to include revocation of the privilege to be reimbursed for treating victims under the Crime Victims Act.

(5) The department shall forward a copy of any corrective action taken against a provider to the applicable disciplinary authority.

(6) Appeal and protest rights: A provider may file a written protest to any department order, decision, or award. An appeal or protest to an order or decision demanding repayment of sums must be submitted to the department or the board of industrial insurance appeals within twenty days from receipt of the order or decision. An appeal or protest to an order or decision regarding other issues, e.g., ongoing treatment or provider eligibility, must be filed within sixty days from receipt of the order or decision. Appeal and protest rights are governed under chapter 51.52 RCW and RCW 7.68.110.

AMENDATORY SECTION (Amending WSR 92-23-033, filed 11/13/92, effective 12/14/92)

WAC 296-31-050 Initial treatment and application for benefits. (1) It is the responsibility of the crime victim to notify the provider if the claimant has reason to believe his or her condition is related to a criminal assault. If the attending provider discovers a condition which he or she believes to be crime related or has reason to believe a condition is crime related, he or she must so notify the claimant. It is the provider's responsibility to ascertain whether he or she is the first attending provider. If so, the following action shall be taken by the attending provider:

(a) Provide crisis intervention if necessary.

(b) Immediately complete the provider portion of the application for benefits.

(c) Instruct and give assistance to the crime victim in completing his or her portion of the application for benefits.

In completing a claim or application, the following information is necessary so there is no delay in adjudication of the claim or payment of compensation:

(i) Complete history of the condition, physical findings if appropriate, and symptomatology resulting from the crime.

(ii) Specific diagnosis with ~~((ICD-9-CM))~~ ICD 10 CM or DSM III-R or DSM IV code(s), including axes 1 through 5, or a description of symptoms, consistent with and connected to the diagnostic criteria contained within DSM III-R, or DSM IV, relating to the injury.

(iii) Type of treatment rendered.

(iv) Known emotional, or social conditions which may influence recovery or cause complications.

(v) Estimate of time loss (if any) due to the injury.

(2) If the claimant remains under the provider's care, continue with necessary treatment in accordance with mental health rules.

If the provider is not the original attending provider, he or she should question the claimant to determine whether an application for benefits has been filed for the condition. If no application has been previously filed, it should be completed immediately and forwarded to the department with information as to the name and address of the original provider if known, so that he/she may be contacted for necessary information. If an application has been filed, it is necessary to have the claimant submit in writing a request for transfer as outlined in WAC 296-31-065, if the claimant and provider agree that a change of provider is desirable.

AMENDATORY SECTION (Amending WSR 94-02-015, filed 12/23/93, effective 1/24/94)

WAC 296-31-060 Reporting requirements. The department may require reports at any time as is necessary in order to determine initial or continued authorization of benefits or services. However, the department requires the following reports at various stages of a claim in order to authorize mental health treatment or services, time loss compensation, and bill payments for innocent victims of crime:

(1) **Initial report of injury:** To establish a claim, an application for benefits must be completed and submitted to the department. The provider may bill under code ~~((90001))~~ 1040M for the filing of the application. In addition, the examination or assessment charge may be billed. Reimbursement of these services will be paid if the claim is allowed by the department. Billing for an extended or comprehensive visit of more than one hour may require submission of additional reports.

(2) **Initial evaluation report:** This report ~~((may))~~ must be submitted ~~((with the application for benefits))~~ by ~~((either))~~ the provider ~~((or claimant, or))~~ no later than thirty days from the date of first treatment or the date the claim is allowed, whichever is later. The report must include the preliminary diagnosis and symptoms, proposed treatment plan and treatment goals, including the treatment modality or modalities to be employed, and expected length of treatment. It must also include a diagnosis of any preexisting conditions and their potential effect on the condition resulting from the assault. Any change in ~~((session frequency from that stated in this report will require authorization))~~ the treatment plan must be addressed either in a modified treatment plan submitted to the department or in a ninety-day narrative report. Absence of a response from the department to the proposed treatment plan or modification within fourteen days shall constitute authorization to proceed with the plan as

long as the treatment plan does not contain measures requiring preauthorization per WAC 296-31-010(5).

(3) **Office notes and follow-up visits:** Legible copies of office or progress notes or other work products may be, as determined by the department, required documentation to substantiate all follow-up visits or treatment following the initial evaluation. Office notes are not acceptable in lieu of requested narrative reports.

(4) **Ninety-day narrative reports:** When treatment is to continue beyond ninety days from the first date of treatment, submission of a narrative report is required every ninety days to substantiate the need for continued care. A narrative report must contain the basic information outlined in these rules. A narrative report should be billed under code ~~((99080))~~ 0100C and described as a ninety-day report. Treatment in excess of ninety days may be authorized by the department only after receipt and review of the ninety-day narrative report. Absence of a response from the department to a report shall constitute authorization for continued treatment. When treatment beyond ninety days will not be authorized or is authorized with limits on frequency or provider type, notification will be sent by the department giving a thirty-day transition period. In the case of a contested decision, a claimant or a provider may file a written protest to the department or appeal to the board of industrial insurance appeals. ~~((The information required for the narrative report is contained under WAC 296-31-090.))~~ Ninety-day progress reports must include current DSM III, DSM IV, and/or ICD-9-CM diagnosis(es), their relationship (if any) to the conditions sustained as the result of the criminal act, a summary of the progress made toward therapy goals or issue resolutions established in the initial evaluation, an estimate of the duration and frequency of further sessions and an updated prognosis for recovery.

(5) **Hospital reports:** When the claimant is hospitalized, it is the responsibility of the attending mental health provider to submit his or her reports to the hospital for submission with the hospital billing. The attending mental health provider may bill for hospital visits without attaching copies of the reports.

(6) **Consultation reports:** To substantiate treatment of more than one hundred eighty days, a consultation with a consultant chosen by the attending mental health provider is required. The department may require the claimant to be examined by the consultant as part of the consultation process with supervisory approval. Although no prior authorization is required for such consultations, the consultant must meet crime victims compensation program's provider registration requirements and the department must be notified when such consultation is arranged. The consultant is responsible for submitting a copy of the report ~~((as outlined in these rules)),~~ following guidelines developed by the department, within fifteen days from the date of the consultation. Treatment may only be authorized to extend beyond one hundred eighty days in mental health cases after the department has received this report. Absence of response, by the department upon receipt of the report shall constitute authorization for additional treatment. When extended treatment will not be authorized or will be terminated, notification will be sent by the department giving a thirty-day transition period. ~~((See WAC 296-20-01002 for consultation report requirements.))~~ The department may

request additional consultations and/or independent assessments as warranted by the individual case.

~~(7) ((Ninety-day follow-up reports: Following the one hundred eighty-day report and consultation, additional narrative reports are still required at ninety-day intervals. The department may request additional consultations and/or independent assessments as warranted by the individual case.~~

~~(8)) Termination reports: When a mental health practitioner discontinues treatment of a claimant because the condition for which treatment was provided is fixed and stable or for any other reason, a termination report shall be completed and provided to the program within sixty days of the last visit.~~

~~((9)) (8) Reopening application: On claims closed over sixty days, the department will pay for completion of a reopening application (Code ((90097)) 1041M), an office visit and diagnostic studies necessary to complete the application((see WAC 296-20-01002)). No other benefits will be paid until the adjudication decision is rendered. When reopening is granted, the department can pay benefits for a period not to exceed sixty days prior to the date the reopening application is received by the department.~~

AMENDATORY SECTION (Amending WSR 94-02-015, filed 12/23/93, effective 1/24/94)

WAC 296-31-065 Ongoing treatment. (1) Cases that remain open more than one hundred eighty days: When the claimant requires treatment beyond one hundred eighty days, a ~~((consult with another mental health provider is necessary to determine and/or establish the need for continued treatment and/or payment of time-loss compensation. This may be accomplished by the attending mental health provider in consultation with a provider who also satisfies the department requirements))~~ consultation with another mental health provider who meets the department's provider registration requirements, is necessary to determine and/or establish the need for continued treatment and/or payment of time-loss compensation. A detailed consultation report must be provided to the department.

Three levels of consultation are recognized: Limited, extensive and complex. Detailed descriptions of each type of consultation are included under procedure codes 0108C, 0109C and 0110C in the publication entitled *Crime Victims Compensation Mental Health Treatment Rules and Fees*.

(2) Procedures and/or continued treatment requiring consultation: In the event of complication, controversy, or dispute over the treatment aspects of any claim, the department will not authorize continued treatment until the complication, controversy, or dispute has been resolved and the department has received notification of any findings and reviewed any recommendations.

(a) The department may consider claims as complicated, controversial or disputed when involving treatment or conditions as follows:

(i) All ~~((individual))~~ counseling or psychotherapy, pertaining to immediate family members, requiring treatment sessions of more than twelve visits.

(ii) All family therapy visits, not including the claimant, requiring more than twelve visits.

(iii) All conditions not related to the accepted condition involving emotional, psychiatric, or social problems which are likely to complicate recovery.

(iv) All therapeutic procedures of a controversial nature or type not in common use for the specific condition.

(v) Cases where there are complications or unfavorable circumstances such as age, preexisting conditions, or, because of occupational requirements, etc.

(vi) Elective nonemergent hospital admission.

(vii) Any other circumstance that the department may define.

(b) The department may resolve issues of claim complication, controversy, or dispute using consultants, independent assessments and/or requesting a review of policies or procedures by the department's mental health advisory committee. The committee may recommend courses of action to resolve these issues to including, but not limited to, recommendation of an independent assessment.

(c) In cases presenting diagnostic or therapeutic problems difficult to resolve to the attending mental health provider (psychiatrist, psychologist and/or counselor), consultation with a specialist will be allowed without prior authorization. The consultant must submit his or her findings and recommendations immediately to the attending provider and the department. ~~((See WAC 296-31-095 and 296-20-035 for report contents and requirements.))~~

(i) Whenever possible, the referring mental health provider should make his or her records available to the consultant to avoid unnecessary duplication. Consultants may proceed with indicated and reasonable diagnostic studies as permitted within their scope of practice.

(ii) Consultations must be held within the local geographic area of the claimant's residence, if possible, and with a consultant not having a mutual proprietary or business interest with the attending mental health provider. Exceptions to this requirement may be made only with department preauthorization. The department does not prohibit the use of members of the same professional or social associations.

(iii) The mental health provider will not arrange a consultation if notification has been received that an independent assessment is being arranged by the department. If a recent consultation has been completed and the attending mental health provider is notified that the department is arranging an assessment, the department must be advised immediately of the consultation.

(iv) The consultation fee will be paid only if a consultation report is complete ~~((see WAC 296-20-035))~~ and contains all psychological findings as well as all pertinent negative or normal findings. The report must be received in the department within fifteen days from the date of the consultation. No fee may be paid to the consultant, by the department, if the claimant misses/fails to attend the appointment. However, the claimant may be billed directly.

(v) The consultant may not order, prescribe, or provide treatment without the consent of the claimant. No transfer will be made to the consultant without the written request of the claimant.

(3) Concurrent treatment: In some cases, treatment by more than one provider may be allowed. The department will consider authorization of concurrent treatment when the accepted condition requires specialty or multidisciplinary care. (Individual and group counseling sessions provided by

more than one provider is not concurrent treatment.) When requesting consideration of concurrent treatment, the attending mental health provider must provide the department with the following: The name, address, discipline, and specialty of all other providers requested to assist in the treatment of the claimant and an outline of their responsibility in the case and an estimate of the length of the period of concurrent care. When concurrent care is allowed, the department will recognize one primary attending mental health provider, who will be responsible for directing the over-all treatment program; providing copies of all reports and other data received from the involved providers and, in time loss cases, providing the adequate certification evidence of the claimant's inability to work. The department will approve concurrent care on an individual case basis.

(4) Transfer of attending provider: All transfers from one provider to another must be approved by the department. Normally transfers will be allowed only after the claimant has been under the care of the attending mental health provider for sufficient time for the provider to: Complete the necessary diagnostic studies, establish an appropriate treatment regimen, and evaluate the efficacy of the therapeutic program. Under RCW 51.36.010 claimants are entitled to free choice of attending provider subject to the limitations of RCW 7.68.130. Except as provided under (a) through (g) of this subsection, no reasonable request for transfer will be denied. The claimant must be advised when and why a transfer is denied. The department reserves the right to require a claimant to select another provider for treatment, under the following conditions:

(a) When more conveniently located providers, qualified to provide the necessary treatment, are available.

(b) When the attending provider fails to cooperate in observance and compliance with the department rules.

(c) In time loss cases where reasonable progress towards return to work is not shown.

(d) Cases requiring specialized treatment, which the attending provider's authority is not qualified to render, or is outside the scope of the attending provider's authority to practice.

(e) Where the department finds a transfer of provider to be appropriate and has requested the claimant to transfer in accordance with this rule, the department may select a new attending provider if the claimant unreasonably refuses or delays in selecting another attending provider.

(f) In cases where the attending provider is not qualified to treat each of several accepted conditions. This does not preclude concurrent care where indicated.

(g) No transfer will be approved to a consultant without the written request of the claimant. Transfers will be authorized for the foregoing reasons or where the department in its discretion finds that a transfer is in the best interest of returning the claimant to a productive role in society.

AMENDATORY SECTION (Amending WSR 92-23-033, filed 11/13/92, effective 12/14/92)

WAC 296-31-069 Independent assessments. (1) Independent assessments may be ordered by the department or requested of the department by the attending provider. Such assessments are usually ordered or requested after consultations for one of the following purposes:

(a) To establish a diagnosis. Prior diagnoses may be controversial or ill-defined.

(b) To outline the treatment rationale, where treatment or progress is vague or controversial.

(c) To establish therapeutic data to determine if the condition requiring treatment is related to conditions sustained and allowed by the department as a result of a specific criminal act.

(d) To determine the extent and duration of aggravation of any preexisting mental health condition.

(e) To establish when the claimant has reached maximum benefit from treatment.

(f) To establish a percentage rating of any permanent impairment, for mental health conditions when maximum recovery is reached.

(g) To determine indications for reopening of a claim for further treatment on basis of the aggravation of the accepted condition.

(h) To determine eligibility qualifications of claimants applying under RCW 7.68.060(3), the repressed memory provision of the Crime Victims Act.

(2) Independent assessments for mental health conditions may be ordered by claims adjudicators without supervisory approval to rate permanent impairment when treatment has been completed, to determine the department's responsibility for treatment that has been rendered retroactively where significant causal relationship questions exist and to determine eligibility qualifications of claimants applying under RCW 7.68.060(3), the repressed memory provision of the Crime Victims Act. All other reasons for ordering independent assessments for mental health conditions require supervisory approval.

(3) The following shall be reported by the assessing practitioner:

(a) Independent assessments must be specific and factual.

(b) The claimant's medical and mental health history must be checked for accuracy, variation or exaggeration compared to documented history provided to the examiner for this assessment.

(c) Diagnosis: Must be specific and describe the mental health condition and symptomatology found using DSM III-R, or DSM IV, and be substantiated by history.

(d) Conclusions: Must be specific and must definitely express an opinion concerning the purpose for which the assessment was requested, and should be consistent with the history and diagnosis reported.

(e) Permanent disability: Ratings must be supported by sufficient data to establish the category disability rating; also the report must demonstrate and articulate a definite causal relationship to the accepted condition(s) on a more probable than not basis.

AMENDATORY SECTION (Amending WSR 92-23-033, filed 11/13/92, effective 12/14/92)

WAC 296-31-070 Provider obligations—Acceptance of rules and fees. (1) The filing of a crime victims compensation claim, or the rendering of treatment to a victim who comes under the department's jurisdiction constitutes acceptance of the department's crime victims compensation mental health rules and mental health fees and compliance

with its rules and fees. In accordance with RCW 7.68.-060(1) of the Crime Victims Act, when a mental health provider renders treatment to a victim entitled to benefits under the law, it shall be the duty of the mental health provider to inform the victim of his or her rights under this title and to lend all necessary assistance in making the application for compensation and such proof of other matters as required by the rules of the department without charge to the victim; a victim shall not be billed for treatment rendered for his or her accepted condition. The department may be contacted to obtain brochures and copies of the act.

When there is questionable eligibility, (e.g., service is not usually allowed for crime victims when a investigation or claim determination is pending), the provider may require the claimant to pay for the treatment rendered. In cases of questionable eligibility where the provider has billed the claimant or other insurance, and the claim is subsequently allowed, the provider shall refund the claimant in full within thirty days of notification of allowance of claim and bill the department for services rendered at usual and customary charges. Cases in which there is a question of ethics or quality of care will be referred to the department of health.

(2) The department must be notified immediately when an unrelated condition is being treated concurrently with an accepted condition. ~~((See WAC 296-20-055 for specific information required.))~~

(3) Penalties. The reporting requirements and penalty provision for physicians contained in RCW 51.36.060 and 51.48.060 shall be the same for physicians under these rules pursuant to RCW 7.68.100.

(4) Conditions preexisting the accepted condition are not the responsibility of the department. When an unrelated condition is being treated concurrently with the accepted condition, the attending practitioner must notify the department immediately and submit the following:

- (a) Diagnosis and/or nature of unrelated condition.
- (b) Treatment being rendered.
- (c) The effect, if any, on accepted condition.

Temporary treatment of an unrelated condition may be allowed, upon prior approval by the department, provided these conditions directly retard recovery of the accepted condition. The department will not approve or pay for treatment for a known preexisting unrelated condition for which the claimant was receiving treatment prior to his or her crime victims claim, which is not retarding recovery from his or her accepted condition.

A thorough explanation of how the unrelated condition is affecting the accepted condition must be included with the request for authorization.

The department will not pay for treatment of an unrelated condition when it no longer exerts any influence upon the accepted condition. When treatment of an unrelated condition is being rendered, reports must be submitted monthly outlining the effect of treatment on both the unrelated and the accepted conditions.

The department will not pay for treatment of unrelated conditions unless specifically authorized, including purchases of drugs or medicines.

AMENDATORY SECTION (Amending WSR 92-23-033, filed 11/13/92, effective 12/14/92)

WAC 296-31-075 Excess recoveries. In cases where a recovery has been made resulting in an excess recovery subject to offset from the future benefits or compensation due, the department is not liable for payment for services rendered by providers. The claimant is responsible for payment at department fee schedule rates. The claimant should be treated and the department billed in accordance with these mental health treatment rules and instructions ~~((and in accordance with the rules and instructions contained in chapters 296-20 through 296-23A WAC))~~. When bills are processed against the amount of the excess recovery, the department will notify the provider. The department will resume financial responsibility to or on behalf of the claimant when the amount of such excess has been reduced to zero.

AMENDATORY SECTION (Amending WSR 94-02-015, filed 12/23/93, effective 1/24/94)

WAC 296-31-080 Billing procedures. (1) All services rendered must be in accordance with these mental health treatment rules. The department may reject bills for services rendered in violation of these rules. The claimant may not be billed for services rendered in violation of these rules. However, claimants may be billed if they fail to keep or miss a properly scheduled appointment.

Providers shall bill their usual and customary fee for services. If a usual and customary fee for any particular service is lower to the general public than listed in the fee schedules, the practitioner shall bill the department at the lower rate.

(a) Bills must be itemized on department forms or other forms which have been approved by the department. Physicians, advanced registered nurse practitioners, psychologists, and masters level mental health counselors may use the National Standard HCFA 1500 Health Insurance Claim Form or the department's statement for crime victim services. When billing for treatment of a family member other than the claimant, you must identify the family member by name and relationship to the claimant. Hospitals use the UB-92 billing form for institution services and the National Standard HCFA 1500 Health Insurance Claim Form for professional services.

(b) Bills must specify the date and type of service, the appropriate procedure code, the condition treated, and the charges for each service.

(c) Every bill submitted to the department must be completed to include the following:

- (i) Claimant's name and address;
- (ii) Claimant's claim number;
- (iii) Date of injury;
- (iv) Referring provider's name;
- (v) Dates of service;
- (vi) Place of service;
- (vii) Type of service;

(A) Psychiatrists and psychologists use type of service

3.

(B) Master level counselors use type of service M.

(C) Advanced registered nurse practitioners (ARNP) use type of service N.

(viii) Appropriate procedure code or hospital revenue code,

(ix) Description of service; if mental health patient is not the claimant, give name and relationship to the claimant;

(x) Charge;

(xi) Units of service;

(xii) Total bill charge;

(xiii) Provider of service;

(xiv) Group, clinic, center, or facility name;

(xv) Billing address;

(xvi) Federal tax information;

(A) Federal tax identification number; or

(B) Social Security number.

(xvii) Date of billing;

(xviii) Submission of supporting documentation required under (f) of this subsection;

(xix) Private or public insurance eligibility and amounts paid.

(d) Responsibility for the completeness and accuracy of the description of services and charges billed rests with the provider rendering the service, regardless of who actually completes the bill form.

(e) Providers are urged to bill on a monthly basis. Bills must be submitted within ninety days from the date of service to be considered for payment. If insurance or public agency collateral resources exist bills must be received within ninety days following payment or rejection by the resource. A copy of the payment or rejection must accompany the bill.

(f) The following supporting documentation must be maintained and submitted when billing for services, as may be appropriate:

(i) Intake evaluation;

(ii) Progress reports;

(iii) Consultation reports;

(iv) Special or diagnostic study reports;

(v) Independent assessment or closing exam reports;

(vi) For BR procedures - see WAC 296-31-090 for requirements;

(vii) Claimant public or private insurance information.

(g) The claim number must be placed in the upper right hand corner on each bill and on each page of reports and other correspondence.

(h) Rebills. If a provider does not receive payment or notification from the department within ninety days, services may be rebilled. Rebills must be submitted for services denied if a claim is closed or rejected and subsequently reopened or allowed. Rebills should be identical to the original bill: Same charges, codes, and billing date. The statement "rebill" must appear on the bill.

(i) Any inquiries regarding adjustment of charges must be submitted within ninety days from the date of payment to be considered.

(j) Any denied charge may be protested in writing to the department or appealed to the board of industrial insurance appeals.

(2) Allowance and payment for medication. The department will pay for medications or supplies dispensed for the treatment of conditions resulting from a crime victim injury and/or conditions which are retarding the recovery from the claimant's condition, for which the department has accepted temporary responsibility. Specific information

governing allowance and payment for medication is contained in WAC 296-20-17001.

(3) Payment of out-of-state providers.

(a) Providers of mental health services in the bordering states of Oregon and Idaho shall bill and be paid according to Washington state rules.

(b) Providers of health services in other states and other countries shall be paid at rates which take into account:

(i) Payment levels allowed under the state of Washington crime victims compensation program rules;

(ii) Payment levels allowed under crime victims compensation or workers compensation programs in the state of the provider's place of business; and

(iii) The usual, customary, and reasonable charges in the state and city of the provider's place of business.

(c) In all cases these payment levels are the maximum allowed to providers of services to claimants. Should a provider's charge exceed the payment amount allowed under the state of Washington crime victim compensation program rules, the provider is prohibited from charging the claimant for the difference between the provider's charge and the allowable rate. Providers violating this provision are ineligible to treat claimants as provided by these mental health rules and are subject to other applicable penalties.

(d) Only those diagnostic and treatment services authorized under the state of Washington mental health rules may be allowed by the department. As determined by the department, the scope of practice of providers in bordering states may be recognized for payment purposes, except that in all cases WAC 296-20-03002 (treatment not authorized) shall apply. Specifically, services permitted under crime victims compensation programs in the provider's place of business, but which are not allowed chapters 296-20, 296-30, and 296-31 WAC of the state of Washington, may not be reimbursed. When in doubt, the provider should verify coverage of a service with the department.

(e) Out-of-state hospitals will be paid according to WAC 296-30-081.

AMENDATORY SECTION (Amending WSR 94-02-015, filed 12/23/93, effective 1/24/94)

WAC 296-31-090 Mental health fees. (1) Rules and billing procedures are presented in detail in the previous sections, some commonalities are repeated here for the convenience of mental health providers referring to the mental health fee section. Definitions and items unique to billing procedures and fees are also included.

Psychiatric care may be billed without time dimensions according to the procedure or service as are medical or surgical procedures. In billing psychotherapy procedures, time is only one aspect and may be expressed as is customary in the local area. For example, the usual appointment length of an individual psychotherapy procedure may be signified by the procedure code alone. The modifier '-52' may be used to signify a service that is reduced or less extensive than the usual procedure. The modifier '-22' may be used to indicate a more extensive service. ~~((For example procedure code 90801 may be billed with modifier '-22' if the evaluation and report writing take more than an hour to complete.))~~ Thus, psychotherapy procedures may be

reported by the procedure code alone or by the procedure code with a modifier.

Facility charges are not payable when a provider elects to use hospital facilities or other outpatient facilities in lieu of maintaining a private practice office.

(2) Definitions.

By report - BR (by report) in the value column indicates that the value of this service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

(a) Diagnosis - ((ICD9)) ICD10 - DSM III or DSM IV.

(b) Whenever possible, list the nearest similar procedure by number according to this schedule.

The department may adjust BR procedures when such action is indicated.

Maximum fees - The maximum allowable fee for a procedure is the fee contained in the publication entitled Crime Victims Compensation Program Mental Health Treatment Rules and Fees. Prior to the establishment or amendment of the fee schedules, the department will give at least thirty calendar days notice by mail to interested persons who have made timely request for advance notice of the establishment or amendment of the fee schedules. To request advance notice of the establishment or amendment of the fee schedules, interested persons must contact the department at the following address:

Department of Labor and Industries
Crime Victims Compensation Section
P.O. Box 44520
Olympia, WA 98504-4520

No fee is payable by the department for missed appointments unless the appointment is for an examination arranged by the department. Claimants may be billed directly for missed or "no show" appointments.

Mental health modifiers - Listed values for most procedures may be modified under certain circumstances. When applicable, the modifying circumstance should be identified by the addition of the appropriate "modifier code number" after the usual procedure number. The value should be listed as a single modified total for the procedure.

Report required - The values for procedures for which a report is required include the report fee. Do not bill separately for these reports.

Unusual or unlisted procedure - Value of unlisted services or procedures should be substantiated "by report" (BR). Refer to the definition of By report for reporting requirements.

(3) Advanced registered nurse practitioners are reimbursed at ninety percent of values listed for psychologists or psychiatrists.

(4) Mental health services. The following graduated listing of services is an attempt to reflect the relative values of the time and skills required at the various service levels. The listed values apply only when performed by mental health providers registered with and authorized by the department to provide services to claimants through this program.

Modifier Unit Value

-22 UNUSUAL SERVICES: When the services provided are greater than those usually required for the listed procedure, identify by adding this modifier to the usual procedure number. Requires written justification BR

-52 REDUCED VALUES: Under certain circumstances, the listed value for a procedure is reduced or eliminated because of ground rules, common practice, or at the mental health provider's election. Under these or similar circumstances, the services provided can be identified by their usual procedure numbers and the use of a reduced value indicated by adding this modifier to the procedure number. (Use of this modifier provides a means of reporting services at a reduced charge without disturbing usual relative values.) BR

-8N CONCURRENT CARE, SERVICES RENDERED BY MORE THAN ONE PROVIDER: When the claimant's condition requires the additional services of more than one provider, each provider may identify his or her services by adding this modifier to the service procedure code BR

-96 SPECIAL AGREEMENT WITH CRIME VICTIMS COMPENSATION PROGRAM: This modifier is to be used by providers who have a special agreement with the crime victims compensation program for certain designated procedures. Any request for special agreement should be directed to:

Crime Victims Compensation Program
Special Claim Unit
PO Box 44523
Olympia WA 98504-4523

THE VALUES FOR PROCEDURES FOR WHICH A REPORT IS REQUIRED INCLUDE THE REPORT FEE. DO NOT BILL SEPARATELY FOR THESE REPORTS.

WSR 95-10-092
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed May 3, 1995, 11:05 a.m.]

Original Notice.

Title of Rule: The proposed changes apply to WAC 296-20-01002 Definitions and 296-20-17003 Fees.

Purpose: To repeal WAC 296-20-17003 in the medical aid rules pertaining to fees for drugs and medications including fees for all oral over the counter (OTC) drugs. To revise WAC 296-20-01002 in the medical aid rules pertaining to definitions.

Statutory Authority for Adoption: RCW 51.04.030, 70.14.050, 41.05.021, and 51.04.020(4).

Statute Being Implemented: RCW 51.04.030, 70.14.050, 41.05.021, and 51.04.020(4).

Summary: The department is proposing to revise WAC 296-20-01002 by adopting definitions for "average wholesale price (AWP) base line pricing (BLP)" and including them

PROPOSED

under "fee schedules or maximum fee schedule." The department also intends to repeal WAC 296-20-17003 Fees. These revisions are needed to bring the department in line with the method of purchasing medications currently used by other state agencies; to clarify terms and definitions used in the medical aid rules; and to implement consistent departmental internal administrative procedure for updating pharmacy fees as adopted for the medical fee schedule.

Reasons Supporting Proposal: Changes to WAC rules typically require five months or longer. By repealing the WAC pharmacy fee rule the department could implement an internal policy on pharmacy reimbursement. The internal policy would allow the department to readily and easily adopt cost containment measures in response to market demand.

Name of Agency Personnel Responsible for Drafting: Tamrat Anebo, Tumwater, Washington, (360) 902-6793; **Implementation:** Joseph G. Bell, Tumwater, Washington, (360) 902-6696; and **Enforcement:** Mark Brown, Tumwater, Washington, (360) 902-4200.

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: The proposed rule change would repeal WAC 296-20-17003 in the medical aid rules pertaining to fees for drugs and medications including fees for all oral over the counter (OTC) drugs. In addition the proposed rule change would revise WAC 296-20-01002 in the medical aid rules pertaining to definitions. The main effect of the proposed rule change is that it would allow the department to establish an internal policy on pharmacy reimbursement. The internal policy would allow the department to readily and easily adopt cost containment measures in response to market demand and to align its purchasing method with other state agencies. In accordance with WAC 296-20-010, advance notice would be provided to interested parties prior to making any changes in fee schedules.

Proposal Changes the Following Existing Rules: The department is proposing to revise WAC 296-20-01002 by inserting definitions for "average wholesale price (AWP) and base line pricing (BLP)" and including them under "fee schedules or maximum fee schedules." The department also intends to repeal WAC 296-20-17003 Fees.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Repealing the WAC and replacing it with an internal administrative policy in and of itself imposes no costs or loss of revenues on the pharmacies. The current fee schedule would remain in effect until changed by the department. The addition of definitions relating to the pharmacy fee schedule also will not impose any costs or lost revenue. Note: After the hearing on June 13, 1995, the department will be available to discuss our proposed pharmacy payment policy. Copies of our proposal were sent with the hearing notice. In addition, an analysis of the economic effect of the proposed policy on large and small businesses will be made available after the hearing or sent to interested parties upon request. This will fulfill the requirement to give interested parties thirty days notice prior to establishing or amending fee schedules. WAC 296-20-010.

A copy of the statement may be obtained by writing to: Tamrat Anebo, Department of Labor and Industries, Health Services Analysis, P.O. Box 44322, Tumwater, WA 98504-4322, phone (360) 902-6793, or FAX (360) 902-4249.

Hearing Location: Department of Labor and Industries, 7273 Linderson Way S.W., Tumwater, WA 98504-4322, on June 13, 1995, at 1:00 p.m. to 3:00 p.m.

Assistance for Persons with Disabilities: Contact Tamrat Anebo, (360) 902-6793 by June 10, 1995.

Submit Written Comments to: Tamrat Anebo, P.O. Box 4322, Olympia, WA 98504-4322, FAX (360) 902-4249, by June 20, 1995.

Date of Intended Adoption: July 21, 1995.

May 3, 1995
Mark O. Brown
Director

AMENDATORY SECTION (Amending WSR 93-16-072, filed 8/1/93, effective 9/1/93)

WAC 296-20-01002 Definitions. Termination of treatment: When treatment is no longer required and/or the industrial condition is stabilized, a report indicating the date of stabilization should be submitted to the department or self-insurer. This is necessary to initiate closure of the industrial claim. The patient may require continued treatment for conditions not related to the industrial condition; however, financial responsibility for such care must be the patient's.

Unusual or unlisted procedure: Value of unlisted services or procedures should be substantiated "by report" (BR).

"By report": BR (by report) in the value column of the fee schedules indicates that the value of this service is to be determined by report (BR) because the service is too unusual, variable or new to be assigned a unit value. The report shall provide an adequate definition or description of the services or procedures that explain why the services or procedures (e.g., operative, medical, radiological, laboratory, pathology, or other similar service report) are too unusual, variable, or complex to be assigned a relative value unit, using any of the following as indicated:

- (1) Diagnosis;
- (2) Size, location and number of lesion(s) or procedure(s) where appropriate;
- (3) Surgical procedure(s) and supplementary procedure(s);
- (4) Whenever possible, list the nearest similar procedure by number according to the fee schedules;
- (5) Estimated follow-up;
- (6) Operative time;
- (7) Describe in detail any service rendered and billed using an "unlisted" procedure code.

The department or self-insurer may adjust BR procedures when such action is indicated.

"Independent or separate procedure": Certain of the fee schedule's listed procedures are commonly carried out as an integral part of a total service, and as such do not warrant a separate charge. When such a procedure is carried out as a separate entity, not immediately related to other services, the indicated value for "independent procedure" is applicable.

Chart notes: This type of documentation may also be referred to as "office" or "progress" notes. Providers must maintain charts and records in order to support and justify the services provided. "Chart" means a compendium of medical records on an individual patient. "Record" means dated reports supporting bills submitted to the department or self-insurer for medical services provided in an office, nursing facility, hospital, outpatient, emergency room, or other place of service. Records of service shall be entered in a chronological order by the practitioner who rendered the service. For reimbursement purposes, such records shall be legible, and shall include but are not limited to:

- (1) Date(s) of service;
- (2) Patient's name and date of birth;
- (3) Claim number;
- (4) Name and title of the person performing the service;
- (5) Chief complaint or reason for each visit;
- (6) Pertinent medical history;
- (7) Pertinent findings on examination;
- (8) Medications and/or equipment/supplies prescribed or provided;
- (9) Description of treatment (when applicable);
- (10) Recommendations for additional treatments, procedures, or consultations;
- (11) X-rays, tests, and results; and
- (12) Plan of treatment/care/outcome.

Attending doctor report: This type of report may also be referred to as a "60 day" or "special" report. The following information must be included in this type of report. Also, additional information may be requested by the department as needed.

- (1) The condition(s) diagnosed including ICD-9-CM codes and the objective and subjective findings.
- (2) Their relationship, if any, to the industrial injury or exposure.
- (3) Outline of proposed treatment program, its length, components, and expected prognosis including an estimate of when treatment should be concluded and condition(s) stable. An estimated return to work date should be included. The probability, if any, of permanent partial disability resulting from industrial conditions should be noted.
- (4) If the worker has not returned to work, the attending doctor should indicate whether a vocational assessment will be necessary to evaluate the worker's ability to return to work and why.
- (5) If the worker has not returned to work, a doctor's estimate of physical capacities should be included with the report. If further information regarding physical capacities is needed or required, a performance-based physical capacities evaluation can be requested. Performance-based physical capacities evaluations should be conducted by a licensed occupational therapist or a licensed physical therapist. Performance-based physical capacities evaluations may also be conducted by other qualified professionals who provided performance-based physical capacities evaluations to the department prior to May 20, 1987, and who have received written approval to continue supplying this service based on formal department review of their qualifications.

Consultation examination report: The following information must be included in this type of report. Additional information may be requested by the department as needed.

- (1) A detailed history to establish:
 - (a) The type and severity of the industrial injury or occupational disease.
 - (b) The patient's previous physical and mental health.
 - (c) Any social and emotional factors which may effect recovery.
- (2) A comparison history between history provided by attending doctor and injured worker, must be provided with exam.
- (3) A detailed physical examination concerning all systems affected by the industrial accident.
- (4) A general physical examination sufficient to demonstrate any preexisting impairments of function or concurrent condition.
- (5) A complete diagnosis of all pathological conditions including ICD-9-CM codes found to be listed:
 - (a) Due solely to injury.
 - (b) Preexisting condition aggravated by the injury and the extent of aggravation.
 - (c) Other medical conditions neither related to nor aggravated by the injury but which may retard recovery.
 - (d) Coexisting disease (arthritis, congenital deformities, heart disease, etc.).
- (6) Conclusions must include:
 - (a) Type treatment recommended for each pathological condition and the probable duration of treatment.
 - (b) Expected degree of recovery from the industrial condition.
 - (c) Probability, if any, of permanent disability resulting from the industrial condition.
 - (d) Probability of returning to work.
- (7) Reports of necessary, reasonable x-ray and laboratory studies to establish or confirm the diagnosis when indicated.

Bundled codes: When a bundled code is covered, payment for them is subsumed by the payment for the codes or services to which they are incident. (An example is a telephone call from a hospital nurse regarding care of a patient. This service is not separately payable because it is included in the payment for other services such as hospital visits.) Bundled codes and services are identified in the fee schedules.

Fee schedules or maximum fee schedule(s): The fee schedules consist of, but are not limited to the following:

- (a) Health Care Financing Administration's Common Procedure Coding System Level I and II Codes, descriptions and modifiers that describe medical and other services, supplies and materials.
 - (b) Codes, descriptions and modifiers developed by the department.
 - (c) Relative value units (RVUs), calculated or assigned dollar values, percent-of-allowed-charges (POAC), or diagnostic related groups (DRGs), that set the maximum allowable fee for services rendered.
 - (d) Billing instructions or policies relating to the submission of bills by providers and the payment of bills by the department or self-insurer.
 - (e) Average wholesale price (AWP), baseline price (BLP), and policies related to the purchase of medications.
- Average wholesale price (AWP): A pharmacy reimbursement formula by which the pharmacist is reimbursed for the cost of the product plus a mark-up. The

AWP is an industry benchmark which is developed independently by companies that specifically monitor drug pricing.

Baseline price (BLP): Is derived by calculating the mean average for all NDC's (National Drug Code) in a specific product group, determining the standard deviation, and calculating a new mean average using all prices within one standard deviation of the original mean average. "Baseline price" is a drug pricing mechanism developed and updated by First Data Bank.

Medical aid rules: The Washington Administrative Codes (WACs) that contain the administrative rules for medical and other services rendered to workers.

Modified work status: The worker is not able to return to their previous work, but is physically capable of carrying out work of a lighter nature. Workers should be urged to return to modified work as soon as reasonable as such work is frequently beneficial for body conditioning and regaining self confidence.

Under RCW 51.32.090, when the employer has modified work available for the worker, the employer must furnish the doctor and the worker with a statement describing the available work in terms that will enable the doctor to relate the physical activities of the job to the worker's physical limitations and capabilities. The doctor shall then determine whether the worker is physically able to perform the work described. The employer may not increase the physical requirements of the job without requesting the opinion of the doctor as to the worker's ability to perform such additional work. If after a trial period of reemployment the worker is unable to continue with such work, the worker's time loss compensation will be resumed upon certification by the attending doctor.

If the employer has no modified work available, the department should be notified immediately, so vocational assessment can be conducted to determine whether the worker will require assistance in returning to work.

Regular work status: The injured worker is physically capable of returning to his/her regular work. It is the duty of the attending doctor to notify the worker and the department or self-insurer, as the case may be, of the specific date of release to return to regular work. Compensation will be terminated on the release date. Further treatment can be allowed as requested by the attending doctor if the condition is not stationary and such treatment is needed and otherwise in order.

Total temporary disability: Full-time loss compensation will be paid when the worker is unable to return to any type of reasonably continuous gainful employment as a direct result of an accepted industrial injury or exposure.

Temporary partial disability: Partial time loss compensation may be paid when the worker can return to work on a limited basis or return to lesser paying job is necessitated by the accepted injury or condition. The worker must have a reduction in wages of more than five percent before consideration of partial time loss can be made. No partial time loss compensation can be paid after the worker's condition is stationary.

All time loss compensation must be certified by the attending doctor based on objective findings.

Permanent partial disability: Any anatomic or functional abnormality or loss after maximum rehabilitation has been achieved, which is determined to be stable or

nonprogressive at the time the evaluation is made. When the attending doctor has reason to believe a permanent impairment exists, the department or self-insurer should be notified. Specified disabilities (amputation or loss of function of extremities, loss of hearing or vision) are to be rated utilizing a nationally recognized impairment rating guide. Unspecified disabilities (internal injuries, spinal injuries, mental health, etc.) are to be rated utilizing the category system detailed under WAC 296-20-200 et al. for injuries occurring on or after October 1, 1974. **Under Washington law disability awards are based solely on physical or mental impairment due to the accepted injury or conditions without consideration of economic factors.**

Total permanent disability: Loss of both legs or arms, or one leg and one arm, total loss of eyesight, paralysis or other condition permanently incapacitating the worker from performing any work at any gainful employment. When the attending doctor feels a worker may be totally and permanently disabled, the attending doctor should communicate this information immediately to the department or self-insurer. A vocational evaluation and an independent rating of disability may be arranged by the department prior to a determination as to total permanent disability. Coverage for treatment does not usually continue after the date an injured worker is placed on pension.

Fatal: When the attending doctor has reason to believe a worker has died as a result of an industrial injury or exposure, the doctor should notify the nearest department service location or the self-insurer immediately. Often an autopsy is required by the department or self-insurer. If so, it will be authorized by the service location manager or the self-insurer. Benefits payable include burial stipend and monthly payments to the surviving spouse and/or dependents.

Doctor: For these rules, means a person licensed to practice one or more of the following professions: Medicine and surgery; osteopathic medicine and surgery; chiropractic; naturopathic physician; podiatry; dentistry; optometry.

Only those persons so licensed may sign report of accident forms and time loss cards except as provided in chapter 296-20 WAC.

Health services provider or provider: For these rules means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker. It includes, but is not limited to, hospitals, medical doctors, dentists, chiropractors, vocational rehabilitation counselors, osteopathic physicians, pharmacists, podiatrists, physical therapists, occupational therapists, massage therapists, psychologists, naturopathic physicians, and durable medical equipment dealers.

Practitioner: For these rules, means any person defined as a "doctor" under these rules, or licensed to practice one or more of the following professions: Audiology; physical therapy; occupational therapy; pharmacy; prosthetics; orthotics; psychology; nursing; physician or osteopathic assistant; and massage therapy.

Physician: For these rules, means any person licensed to perform one or more of the following professions: Medicine and surgery; or osteopathic medicine and surgery.

Acceptance, accepted condition: Determination by a qualified representative of the department or self-insurer that reimbursement for the diagnosis and curative or rehabilitative

treatment of a claimant's medical condition is the responsibility of the department or self-insurer. The condition being accepted must be specified by one or more diagnosis codes from the current edition of the International Classification of Diseases, Clinically Modified (ICD-CM).

Authorization: Notification by a qualified representative of the department or self-insurer that specific medically necessary treatment, services, or equipment provided for the diagnosis and curative or rehabilitative treatment of an accepted condition will be reimbursed by the department or self-insurer.

Medically necessary: Those health services are medically necessary which, in the opinion of the director or his or her designee, are:

- (a) Proper and necessary for the diagnosis and curative or rehabilitative treatment of an accepted condition; and
- (b) Reflective of accepted standards of good practice within the scope of the provider's license or certification; and
- (c) Not delivered primarily for the convenience of the claimant, the claimant's attending doctor, or any other provider; and
- (d) Provided at the least cost and in the least intensive setting of care consistent with the other provisions of this definition.

In no case shall services which are inappropriate to the accepted condition or which present hazards in excess of the expected medical benefits be considered medically necessary. Services which are controversial, obsolete, experimental, or investigational are presumed not to be medically necessary, and shall be authorized only as provided in WAC 296-20-03002(6).

Utilization review: The assessment of a claimant's medical care to assure that it is medically necessary and of good quality. This assessment typically considers the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the accepted condition being treated.

Emergent hospital admission: Placement of the worker in an acute care hospital for treatment of a work related medical condition of an unforeseen or rapidly progressing nature which if not treated in an inpatient setting, is likely to jeopardize the worker's health or treatment outcome.

Nonemergent (elective) hospital admission: Placement of the worker in an acute care hospital for medical treatment of an accepted condition which may be safely scheduled in advance without jeopardizing the worker's health or treatment outcome.

Attendant care: Those personal care services that assist a worker with dressing, feeding, and personal hygiene to facilitate self-care and are provided in order to maintain the worker in their place of temporary or permanent residence consistent with their needs, abilities, and safety. These services may be provided by but are not limited to, registered nurses, licensed practical nurses, registered nursing assistants, and other individuals such as family members.

Home nursing: Those nursing services that are medically necessary to maintain the worker in their place of temporary or permanent residence consistent with their needs, abilities, and safety. These services may be provided

by but are not limited to, home health care, and hospice agencies on either an hourly or intermittent basis.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-20-17003 Fees.

WSR 95-10-093
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed May 3, 1995, 11:06 a.m.]

Original Notice.

Title of Rule: See Purpose below.

Purpose: Chapter 296-24 WAC, General safety and health standards, state-initiated proposed amendments to WAC 296-24-13501(2) are made to be identical to the federal standard, which was previously revised in 1984. The proposed amendment deletes the last two sentences in WAC 296-24-13501(2) for clarification of the use of "yellow" color coding.

State-initiated proposed amendments are made to remove the existing March 1, 1995, effective date for applicability of the following sections to agriculture to be consistent with changes made to chapter 296-306 WAC, Safety standards for agriculture: WAC 296-24-12001, 296-24-14011, 296-24-33003, 296-24-58503, and 296-24-73501. In addition, the following amendments are proposed: An agriculture industry exemption to the shower requirements in WAC 296-24-12009(3) is added to WAC 296-24-12001; the exemption for storage of flammable and combustible liquids on farms is reinstated in WAC 296-24-33003; the exemption to agriculture operations for fire brigades, portable and fixed fire suppression equipment, fire detections systems, and fire or employee alarm systems is reinstated in WAC 296-24-58503; and the exemption for agriculture work relating to walking working surfaces is reinstated in WAC 296-24-73501.

The Department of Labor and Industries is proposing these amendments to chapter 296-24 WAC, General safety and health standards, as a result of a one year development process with agriculture industry management and labor representatives.

Chapter 296-62 WAC, General occupational health standards, federal-initiated proposed amendments to the hazard communication standards, published in Federal Register Volume 59, Number 245, dated December 12, 1994, are made to: WAC 296-62-05403 (6)(c) to indicate that chapter 296-62 WAC, Part C, does not apply to hazardous substances when the hazardous substance is the focus of remedial or removal action being conducted under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in accordance with Environmental Protection Agency regulations; the definition of "hazard warning" in WAC 296-62-05405(21) to replace the word "or" with the word "and" to indicate hazardous warning labels convey specific physical "and" health hazards; WAC

296-62-05413 to remove wording which allowed an alternative to maintaining a material safety data sheet file (providing material safety data sheets to employers buying hazardous chemicals); and to remove wording requiring wholesale distributors to notify employers of material safety data sheet availability.

Federal-initiated proposed amendments are made to make the hazard communication standard at least as effective as the federal standard. Previously adopted federal-initiated amendments, published in Federal Register Volume 59, Number 27, dated February 9, 1994, and adopted on August 30, 1994, were found to be not at least as effective as the federal rule. Proposed amendments are made to: WAC 296-62-05403(1) to clarify that employers in Washington state must use the TLVs in WAC 296-62-075 for evaluation of employee exposures and training; the note in WAC 296-62-05407 (3)(c). The note in item (c) is changed to WAC 296-62-05407 (3)(d) and is proposed to be a citable rule; WAC 296-62-05413(1) to require material safety data sheets be in the workplace; and WAC 296-62-05413(2) to clarify the need for all persons to receive safety data sheets and training. The words ". . . as one way to provide employees with effective information and training as required by WAC 296-62-05415) . . ." are deleted.

Chapter 296-304 WAC, Safety standards for ship repairing, shipbuilding and shipbreaking, federal-initiated proposed amendments are made to make chapter 296-304 WAC at least as effective as the federal standard. Federal-initiated adopted amendments which were published in Federal Register Volume 59, Number 141, dated July 25, 1994, were found, upon federal review, not to be at least as effective as the federal rule. In addition, federal-initiated proposed amendments, published in Federal Register Volume 60, Number 51, dated March 16, 1995. Proposed amendments are being made to: Delete WAC 296-304-010 (5) and (6) to be identical to the federal final rule. Currently WAC 296-304-010 (5) and (6) do not contain language to cover all areas of WISHA's jurisdiction since they apply to workplaces on navigable waters; the section title for WAC 296-304-02003 is amended and a new sentence is proposed to clarify the order of testing before employees may enter a confined or enclosed space or other dangerous atmosphere; WAC 296-304-02003 (2)(c)(ii) is amended to clarify when flammable atmospheres must be maintained above the upper explosive limit; WAC 296-304-02003 (5)(a)(iii) to correct "preforms" to "performs" in the note. The corrected sentence would read, "If the team performs an actual rescue during the twelve month period, an additional practice drill for that type of rescue is not required"; WAC 296-304-02007 to clarify the limited locations and conditions where hot work may be performed without first being certified by a marine chemist; and WAC 296-304-02009 to clarify the need for visual testing.

Federal-initiated proposed amendments to the asbestos standards, published in Federal Register Volume 59, Number 153, dated August 11, 1994, are made to add WAC 296-304-010(5) which references and requires the shipbuilding industry to follow the requirements in WAC 296-155-178 relating to removal operations, demolition, and renovation when asbestos is present. (Note: The proposed amendments to Chapter 296-304 WAC are being made prior to department proposal of amendments to chapters 296-62 and 296-

155 WAC for administrative reasons. However, final adopted amendments for all three chapters will be effective on the same date.) These amendments are made to be identical to the federal standard.

Statutory Authority for Adoption: Chapter 49.17 RCW. Statute Being Implemented: RCW 49.17.040, [49.17].050, [49.17].060.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Pat Wolheter, 7273 Linderson Way, Tumwater, WA, (360) 902-5524; Implementation and Enforcement: Frank Leuck, 7273 Linderson Way, Tumwater, WA, (360) 902-5495.

Name of Proponent: Department of Labor and Industries, governmental.

Rule is necessary because of federal law, Federal Register Volume 59, Number 153, dated August 11, 1994; Federal Register Volume 59, Number 245, dated December 12, 1994; Federal Register Volume 60, Number 51, dated March 16, 1995; OSHA not at least as effective letter dated February 16, 1995; and OSHA not at least as effective letter dated March 10, 1995.

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose above.

Proposal Changes the Following Existing Rules: See Purpose above.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Proposed amendments to chapter 296-62 WAC, General safety and health standards, and chapter 296-304 WAC, Safety standards for ship repairing, shipbuilding and shipbreaking are being amended to be identical to the federal OSHA rules. The Department of Labor and Industries is proposing these amendments to chapter 296-24 WAC, General safety and health standards, as a result of a one year development process with agriculture industry management and labor representatives. State-initiated amendments to chapter 296-24 WAC are made to be identical or at-least-as-effective-as the federal standard.

Hearing Location: Department of Labor and Industries Building, Auditorium, 7273 Linderson Way, Tumwater, WA, on June 16, 1995, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Linda Dausener by June 5, 1995, (360) 902-5516.

Submit Written Comments to: Frank Leuck, Assistant Director, Division of Consultation and Compliance, P.O. Box 44620, Olympia, WA 98507-4620, by June 16, 1995.

In addition to written comments, the department will accept comments submitted to FAX (360) 902-5529. Comments submitted by FAX must be ten pages or less.

Date of Intended Adoption: June 17, 1995.

May 3, 1995
Mark O. Brown
Director

AMENDATORY SECTION (Amending Order 82-22, filed 6/11/82)

WAC 296-24-13501 Color identification. (1) Red. Red shall be the basic color for the identification of:

(a) Fire protection equipment and apparatus, except motorized apparatus, as used on roads.

(b) **Danger.** Safety cans or other portable containers of flammable liquids having a flashpoint at or below 80°F. Portable containers of flammable liquids (open cup tester), excluding shipping containers, shall be painted red with some additional clearly visible identification either in the form of a yellow band around the can or the name of the contents conspicuously stenciled or painted on the can in yellow. Red lights shall be provided at barricades and at temporary obstructions, as specified in ANSI Safety Code for Building Construction, A10.2-1944. Danger signs shall be painted red.

(c) **Stop.** Emergency stop bars on hazardous machines such as rubber mills, wire blocks, flat work ironers, etc., shall be red. Stop buttons or electrical switches used for emergency stopping of machinery shall be red.

(2) **Yellow.** Yellow shall be the basic color for designating caution and for marking physical hazards such as: Striking against, stumbling, falling, tripping, and "caught in between." ~~((Solid yellow, yellow and black stripes, yellow and black checkers (or yellow with suitable contrasting background) should be used interchangeably, using the combination which will attract the most attention in the particular environment. Yellow shall be the basic color for designating caution, limited to warning against the starting, the use of, or the movement of equipment under repair or being worked upon.))~~

AMENDATORY SECTION (Amending Order 93-17, filed 3/2/94, effective 3/1/95)

WAC 296-24-12001 Scope. This scope includes all sections of WAC 296-24-120 in the numbering and applies to all permanent places of employment except where domestic, or mining work only is performed. ~~((This section shall apply to agriculture March 1, 1995.))~~ The shower requirements in WAC 296-24-12009(3) are not applicable to agricultural operations. Measures for the control of toxic materials are considered to be outside the scope of this section.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-24-14011 Accident prevention tags. (1) Scope and purpose.

(a) This section applies to all accident prevention tags used to identify hazardous conditions and provide a message to employees with respect to hazardous conditions as set forth in subsection (3) of this section, or to meet the specific requirements of other WAC requirements.

(b) Tags are a temporary means of warning all concerned of a hazardous condition, defective equipment, radiation hazards, etc. The tags are not to be considered as a complete warning method, but should be used until a positive means can be employed to eliminate the hazard; for example, a "do not start" tag on power equipment shall be used for a few moments or a very short time until the switch in the system can be locked out; a "defective equipment" tag shall be placed on a damaged ladder and immediate arrangements made for the ladder to be taken out of service and sent to the repair shop.

(c) This section does not apply to construction. ~~((This section shall apply to agriculture March 1, 1994.))~~

(2) **Definitions.**

(a) "Biological hazard" or "**Biohazard**" means those infectious agents presenting a risk of death, injury or illness to employees.

(b) "Major message" means that portion of a tag's inscription that is more specific than the signal word and that indicates the specific hazardous condition or the instruction to be communicated to the employee. Examples include: "High Voltage," "Close Clearance," "Do Not Start," or "Do Not Use" or a corresponding pictograph used with a written text or alone.

(c) "Pictograph" means a pictorial representation used to identify a hazardous condition or to convey a safety instruction.

(d) "Signal word" means that portion of a tag's inscription that contains the word or words that are intended to capture the employee's immediate attention.

(e) "Tag" means a device usually made of card, paper, pasteboard, plastic or other material used to identify a hazardous condition.

(3) **Use.**

(a) Tags shall be used as a means to prevent accidental injury or illness to employees who are exposed to hazardous or potentially hazardous conditions, equipment or operations which are out of the ordinary, unexpected or not readily apparent.

(b) Tags shall be used until such time as the identified hazard is eliminated or the hazardous operation is completed. Tags need not be used where signs, guarding or other positive means of protection are being used.

(c) Do not start tags shall be placed in a conspicuous location or shall be placed in such a manner that they effectively block the starting mechanism which would cause hazardous conditions should the equipment be energized. See Fig. J-11.

(4) **General tag criteria.**

(a) All required tags shall meet the following criteria:

(i) Tags shall contain a signal word and a major message.

(ii) The signal word shall be either "Danger," "Caution," or "Biological Hazard," "biohazard," or the biological hazard symbol.

(iii) The major message shall indicate the specific hazardous condition or the instruction to be communicated to the employee.

(b) The signal word shall be readable at a minimum distance of five feet (1.52 m) or such greater distance as warranted by the hazard.

(c) The tag's major message shall be presented in either pictographs, written text or both.

(d) The signal word and the major message shall be understandable to all employees who may be exposed to the identified hazard.

(e) All employees shall be informed as to the meaning of the various tags used throughout the workplace and what special precautions are necessary.

(f) Tags shall be affixed as close as safely possible to their respective hazards by a positive means such as string, wire, or adhesive that prevents their loss or unintentional removal.

(g) The tag and attachment method or device used shall be constructed of such material that they will not be likely

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to deteriorate in the environment in which the tag is used during the time period of intended use.

(5) Danger tags.

(a) Danger tags shall be used in major hazard situations where an immediate hazard presents a threat of death or serious injury to employees. Danger tags shall be used only in these situations. See Fig. J-11.

(b) All employees should be instructed that danger tags indicate immediate danger and that special precautions are necessary.

(6) Caution tags.

(a) Caution tags shall be used in minor hazard situations where a nonimmediate or potential hazard or unsafe practice presents a lesser threat of employee injury. Caution tags shall be used only in these situations. See Fig. J-12.

(b) All employees should be instructed that caution tags indicate a possible hazard against which proper precautions should be taken.

(7) Warning tags. Warning tags may be used to represent a hazard level between "Caution" and "Danger," instead of the required "Caution" tag, provided that they have a signal word of "Warning," an appropriate major message, and otherwise meet the general tag criteria of subsection (4) of this section.

(8) Out of order tags. Out of order tags should be used only for the specific purpose of indicating that a piece of equipment, machinery, etc., is out of order and to attempt to use it might present a hazard. (See Fig. J-13.)

(9) Radiation tags.

(a) The standard background for radiation tags shall be yellow; the panel shall be reddish purple. Any letters used against the yellow background shall be black. The colors shall be those of opaque glossy samples as specified in Table 1, Fundamental Specification of Safety Colors for CIE Standard Source "C" American National Standards Institute, Safety Color Code for Marking Physical Hazards and the Identification of Certain Equipment, Z53.1-1971.

(b) The method of dimension, design, and orientation of the standard symbol (one blade pointed downward and centered on the vertical axis) shall be executed as illustrated in Figure J-14. The symbol shall be prominently displayed and of a size consistent with the size of the equipment or area in which it is to be used.

(10) Biological hazard tags.

(a) Biological hazard tags shall be used to identify the actual or potential presence of a biological hazard and to identify equipment, containers, rooms, experimental animals, or combinations thereof, that contain or are contaminated with hazardous biological agents.

(b) The symbol design for biological hazard tags shall conform to the design shown in Fig. J-15.

(11) Other tags. Other tags may be used in addition to those required by this section or in other situations where this section does not require tags, provided that they do not detract from the impact or visibility of the signal word and major message of any required tag.



Fig. J-1

Danger Sign

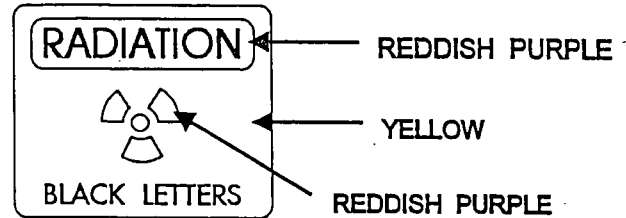


Fig. J-2

Radiation Warning Sign

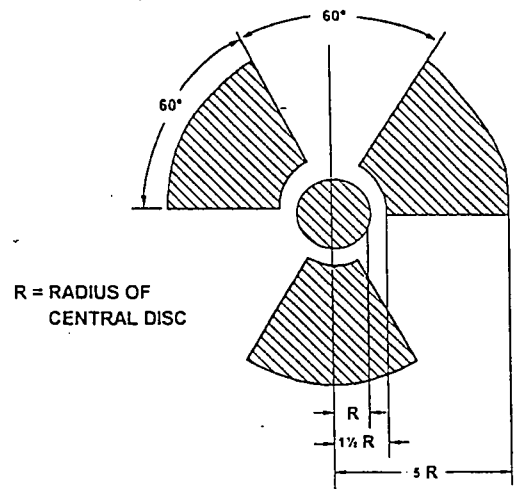


Fig. J-3

Standard Radiation Symbol

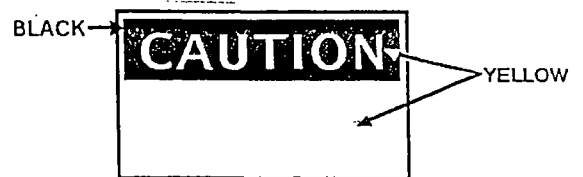


Fig. J-4

Caution Sign

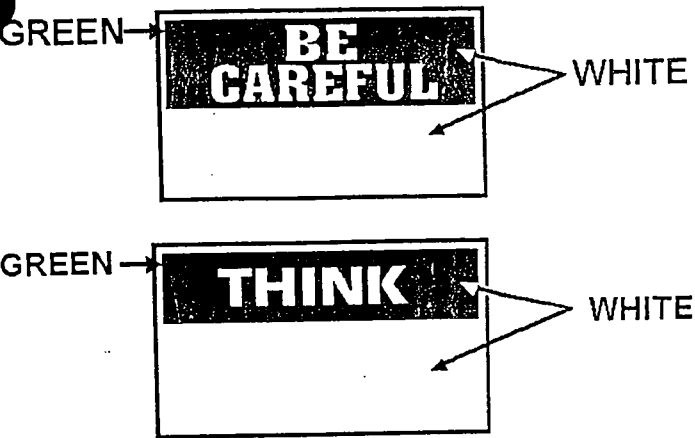


Fig. J-5

Safety Instruction Signs

(Note: The words "think" and "be careful," given here, are only illustrations. Other wordings may be used.)

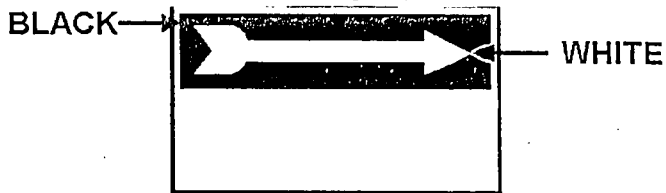


Fig. J-6

Directional Signs

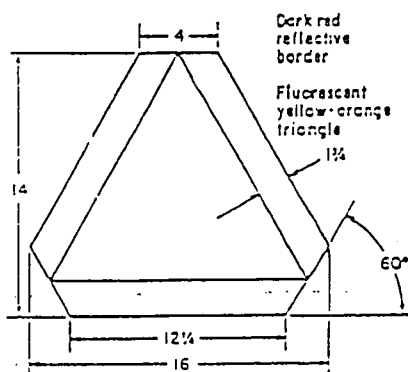


Fig. J-7

Slow-Moving Vehicle Emblem

Note: All dimensions are in inches.

POISON:



ELECTRICITY:

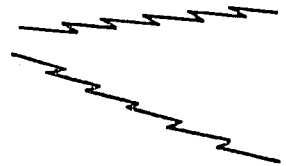
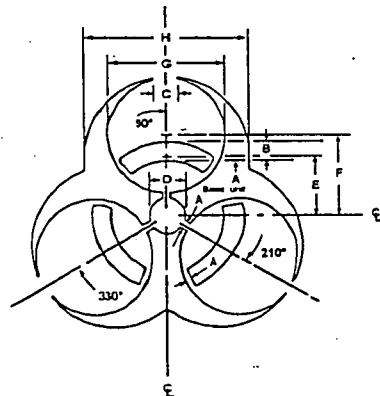


Fig. J-8

Symbols Used on Signs



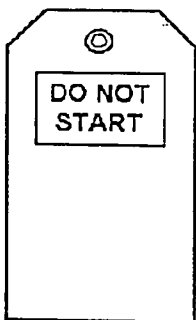
Dimension	A	B	C	D	E	F	G	H
Units	1	3/4	4	6	11	15	21	30

Fig. J-9

Symbol for Biological Hazard

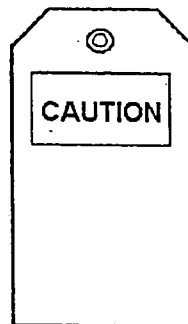
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PROPOSED



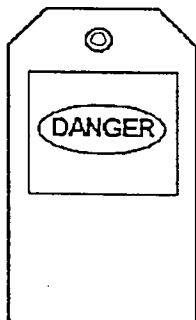
White tag
white letters on
red square

Fig. J-10
Do Not Start Tag



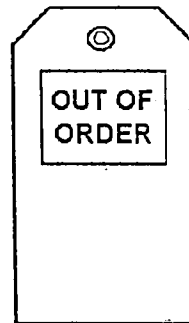
Yellow tag
yellow letters on a
black background

Fig. J-12
Caution Tag



White tag
white letters on
red oval with a
black square

Fig. J-11
Danger Tag



White tag
white letters on
black background

Fig. J-13
Out of Order Tag

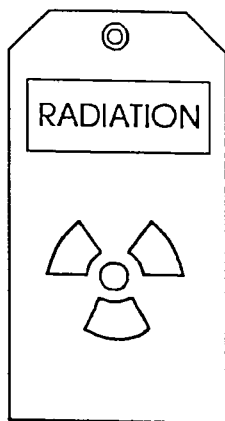


Fig. J-14
Radiation Tag

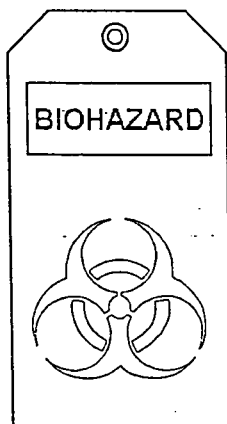


Fig. J-15
Biological Hazard Tag
TABLE J-1

STANDARD PROPORTIONS FOR DANGER SIGNS

Sign size, inches	Black rectangular panel, inches		Red oval, inches		Word danger, height inches	Maximum space available for sign wording, inches
	Height	Width	Height	Width		

HORIZONTAL PATTERN

7x10	3 1/4 x 9 3/8	2 7/8 x 8 1/2	1 7/16	2 3/4 x 9 3/8
10x14	4 5/8 x 13 3/8	4 1/8 x 11 7/8	2 1/16	4 1/4 x 13 3/8
14x20	6 1/2 x 19 3/8	5 3/4 x 17	2 7/8	6 1/4 x 19 3/8
20x28	9 1/4 x 27 3/8	8 1/4 x 23 7/8	4 1/8	9 1/2 x 27 3/8

UPRIGHT PATTERN

10x 7	2 3/8 x 6 3/8	2 1/8 x 5 7/8	1 1/16	6 3/8 x 6 3/8
14x10	3 1/4 x 9 3/8	2 7/8 x 8 1/2	1 7/16	9 1/2 x 9 3/8
20x14	4 5/8 x 13 3/8	4 1/8 x 11 7/8	2 1/16	14 x 13 3/8
28x20	6 1/2 x 19 3/8	5 3/4 x 17	2 7/8	20 1/4 x 19 3/8

TABLE J-2

STANDARD PROPORTIONS FOR CAUTION SIGNS

Sign size, inches	Black rectangular panel, inches		Word "Caution" height of letter, inches	Maximum space available for sign wording below panel inches	
	height	width		height	width

HORIZONTAL PATTERN

7 x 10	2 1/4 x 9 3/8	1 5/8	3 1/4 x 9 3/8
10 x 14	3 1/4 x 13 3/8	2 1/4	5 1/2 x 13 3/8
14 x 20	3 3/4 x 19 3/8	2 3/4	9 x 19 3/8
20 x 28	4 1/4 x 27 3/8	3 1/4	14 1/2 x 27 3/8

UPRIGHT PATTERN

10 x 7	1 5/8 x 6 3/8	1 1/8	7 x 6 3/8
14 x 10	2 1/4 x 9 3/8	1 5/8	10 1/2 x 9 3/8
20 x 14	3 1/4 x 13 3/8	2 1/4	15 1/2 x 13 3/8
28 x 20	3 3/4 x 19 3/8	2 3/4	24 x 19 3/8

TABLE J-3

STANDARD PROPORTIONS FOR SAFETY INSTRUCTION SIGNS

(TABLE J-3: PART 1—"Think" Safety Sign)

Sign size, inches	Green rectangular panel, inches	Word "Think" height letters, inches	Maximum
			Space available for sign wording below panel, inches

(TABLE J-3: PART 2—"Be Careful" Safety Sign)

Sign size, inches	Green panel, inches	Word "Be" height of letters, inches	Word "Careful" height of letters, inches	Maximum
				Space available for sign wording below panel, inches

TABLE J-4
STANDARD PROPORTIONS FOR DIRECTIONAL SIGNS

Sign size inches height	Black rectangular panel, inches height width	White arrow, inches			Maximum space for sign wording below panel height	
		Overall length	Arrow head height width	Arrow shaft height		
6 1/2x14	3 1/4 x 13 3/8	12 5/8	2 3/4 x 3	1 1/8	2 3/8 x 3 1/4	2 1/4 x 13 3/8
9x20	4 1/2 x 19 3/8	18 5/8	3 3/4 x 4 1/8	1 5/8	3 1/4 x 4 1/2	3 3/8 x 19 3/8
12x28	6 x 27 3/8	26 5/8	5 1/8 x 5 5/8	2 1/8 6	4 3/8 x 27 3/8	4 3/4 x
15x36	7 1/2 x 35 3/8	34 5/8	6 3/8 x 6 7/8	2 5/8	5 1/2 x 7 1/2	6 1/4 x 35 3/8

Appendix A—Recommended color coding.

While the standard does not specifically mandate colors to be used on accident prevention tags, the following color scheme is recommended by OSHA for meeting the requirements of this section:

"DANGER"—Red, or predominantly red, with lettering or symbols in a contrasting color.

"CAUTION"—Yellow, or predominantly yellow, with lettering or symbols in a contrasting color.

"WARNING"—Orange, or predominantly orange, with lettering or symbols in a contrasting color.

"BIOLOGICAL HAZARD"—Fluorescent orange or orange-red, or predominantly so, with lettering or symbols in a contrasting color.

Appendix B—References for further information.

The following references provide information which can be helpful in understanding the requirements contained in various sections of the standard:

1. *Bresnahan, Thomas F., and Bryk, Joseph. "The Hazard Association Values of Accident Prevention Signs", Journal of American Society of Safety Engineers: January 1975.*
2. *Dreyfuss, H., Symbol Sourcebook, McGraw Hill: New York, NY, 1972.*
3. *Glass, R. A. and others, Some Criteria for Colors and Signs in Workplaces, National Institute of Standards and Technology, Quince Orchard and Clopper Roads, Gaithersburg, MD 20899-0011, 1983.*
4. *Graphic Symbols for Public Areas and Occupational Environments, Treasury Board of Canada, Ottawa, Canada, July 1980.*
5. *Howett, G. L., Size of Letters Required for Visibility as a Function of Viewing Distance and Observer Acuity, National Institute of Standards and Technology, Quince Orchard and Clopper Roads, Gaithersburg, MD 20899-0011, July 1983.*
6. *Lerner, N. D., and Collins, B. L., The Assessment of Safety Symbol Understandability by Different Testing Methods, National Institute of Standards and Technology, Quince Orchard and Clopper Roads, Gaithersburg, MD 20899-0011, 1980.*

7. *Lerner, N. D. and Collins, B. L., Workplace Safety Symbols, National Institute of Standards and Technology, Quince Orchard and Clopper Roads, Gaithersburg, MD 20899-0011, 1980.*

8. *Modley, R. and Meyers, W. R., Handbook of Pictorial Symbols, Dover Publication, New York, NY, 1976.*

9. *Product Safety Signs and Labels, FMC Corporation, Santa Clara, CA, 1978.*

10. *Safety Color Coding for Marking Physical Hazards, Z53.1, American National Standards Institute, 11 West 42nd Street, New York, NY 10036, 1979.*

11. *Signs and Symbols for the Occupational Environment, Can. 3-Z-321-77, Canadian Standards Association, Rexdale, Ontario M9W 1R3, September 1977.*

12. *Symbols for Industrial Safety, National Institute of Standards and Technology, Quince Orchard and Clopper Roads, Gaithersburg, MD 20899-0011, April 1982.*

13. *Symbol Signs, U.S. Department of Transportation, Washington D.C., November 1974.*

AMENDATORY SECTION (Amending Order 93-17, filed 3/2/94, effective 3/1/95)

WAC 296-24-33003 Scope. This section applies to the handling, storage, and use of flammable and combustible liquids with a flash point below 200°F. This section does not apply to:

- (1) Bulk transportation of flammable and combustible liquids;
- (2) Storage, handling, and use of fuel oil tanks and containers connected with oil burning equipment;
- (3) ~~((This section shall apply to agriculture March 1, 1995.))~~ Storage of flammable and combustible liquids on farms.
- (4) Liquids without flashpoints that may be flammable under some conditions, such as certain halogenated hydrocarbons and mixtures containing halogenated hydrocarbons;
- ~~((4))~~ (5) Mists, sprays, or foams, except flammable aerosols covered in WAC 296-24-33009; or
- ~~((5))~~ (6) Installations made in accordance with requirements of the following standards:
 - (a) National Fire Protection Association Standard for Drycleaning Plants, NFPA No. 32-1970;
 - (b) National Fire Protection Association Standard for the Manufacture of Organic Coatings, NFPA No. 35-1970;
 - (c) National Fire Protection Association Standard for Solvent Extraction Plants, NFPA No. 36-1967; or
 - (d) National Fire Protection Association Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, NFPA No. 37-1970.

AMENDATORY SECTION (Amending Order 93-17, filed 3/2/94, effective 3/1/95)

WAC 296-24-58503 Scope, application and definitions applicable. (1) Scope. This section contains requirements for fire brigades, and all portable and fixed fire suppression equipment, fire detection systems, and fire or employee alarm systems installed to meet the fire protection requirements of this chapter.

(2) Application. This section applies to all employments except for maritime, ~~((and))~~ construction and agriculture. ~~((This section shall apply to agriculture March 1, 1995.))~~

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(3) Definitions applicable to this section.

(a) "After-flame," means the time a test specimen continues to flame after the flame source has been removed.

(b) "Aqueous film forming foam (AFFF)," means a fluorinated surfactant with a foam stabilizer which is diluted with water to act as a temporary barrier to exclude air from mixing with the fuel vapor by developing an aqueous film on the fuel surface of some hydrocarbons which is capable of suppressing the generation of fuel vapors.

(c) "Approved," means acceptable to the director under the following criteria:

(i) If it is accepted, or certified, or listed, or labeled or otherwise determined to be safe by a nationally recognized testing laboratory; or

(ii) With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another federal agency and found in compliance with the provisions of the applicable National Fire Protection Association Fire Code; or

(iii) With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the director; and

(iv) For the purposes of (c) of this subsection:

(A) Equipment is listed if it is of a kind mentioned in a list which is published by a nationally recognized testing laboratory which makes periodic inspections of the production of such equipment and which states that such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner;

(B) Equipment is labeled if there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which makes periodic inspections of the production of such equipment and whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner;

(C) Equipment is accepted if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes;

(D) Equipment is certified if it has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be safe for use in a specified manner or is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and if it bears a label, tag, or other record of certification; and

(E) Refer to federal regulation 29 CFR 1910.7 for definition of nationally recognized testing laboratory.

(d) "Automatic fire detection device," means a device designed to automatically detect the presence of fire by heat, flame, light, smoke or other products of combustion.

(e) "Buddy-breathing device," means an accessory to self-contained breathing apparatus which permits a second person to share the same air supply as that of the wearer of the apparatus.

(f) "Carbon dioxide," means a colorless, odorless, electrically nonconductive inert gas (chemical formula CO₂) that is a medium for extinguishing fires by reducing the

concentration of oxygen or fuel vapor in the air to the point where combustion is impossible.

(g) "Class A fire," means a fire involving ordinary combustible materials such as paper, wood, cloth, and some rubber and plastic materials.

(h) "Class B fire," means a fire involving flammable or combustible liquids, flammable gases, greases and similar materials, and some rubber and plastic materials.

(i) "Class C fire," means a fire involving energized electrical equipment where safety to the employee requires the use of electrically nonconductive extinguishing media.

(j) "Class D fire," means a fire involving combustible metals such as magnesium, titanium, zirconium, sodium, lithium and potassium.

(k) "Dry chemical," means an extinguishing agent composed of very small particles of chemicals such as, but not limited to, sodium bicarbonate, potassium bicarbonate, urea-based potassium bicarbonate, potassium chloride, or monoammonium phosphate supplemented by special treatment to provide resistance to packing and moisture absorption (caking) as well as to provide proper flow capabilities. Dry chemical does not include dry powders.

(l) "Dry powder," means a compound used to extinguish or control Class D fires.

(m) "Education," means the process of imparting knowledge or skill through systematic instruction. It does not require formal classroom instruction.

(n) "Enclosed structure," means a structure with a roof or ceiling and at least two walls which may present fire hazards to employees, such as accumulations of smoke, toxic gases and heat similar to those found in buildings.

(o) "Extinguisher classification," means the letter classification given an extinguisher to designate the class or classes of fire on which an extinguisher will be effective.

(p) "Extinguisher rating," means the numerical rating given to an extinguisher which indicates the extinguishing potential of the unit based on standardized tests developed by Underwriters' Laboratories, Inc.

(q) "Fire brigade," (private fire department, industrial fire department) means an organized group of employees who are knowledgeable, trained, and skilled in at least basic fire fighting operations.

(r) "Fixed extinguishing system," means a permanently installed system that either extinguishes or controls a fire at the location of the system.

(s) "Flame resistance," is the property of materials, or combinations of component materials, to retard ignition and restrict the spread of flame.

(t) "Foam," means a stable aggregation of small bubbles which flow freely over a burning liquid surface and form a coherent blanket which seals combustible vapors and thereby extinguishes the fire.

(u) "Gaseous agent," is a fire extinguishing agent which is in the gaseous state at normal room temperature and pressure. It has low viscosity, can expand or contract with changes in pressure and temperature, and has the ability to diffuse readily and to distribute itself uniformly throughout an enclosure.

(v) "Halon 1211," means a colorless, faintly sweet smelling, electrically nonconductive liquefied gas (chemical formula CBrClF₂) which is a medium for extinguishing fires

by inhibiting the chemical chain reaction of fuel and oxygen. It is also known as bromochlorodifluoromethane.

(w) "Halon 1301," means a colorless, odorless, electrically nonconductive gas (chemical formula CBrF_3) which is a medium for extinguishing fires by inhibiting the chemical chain reaction of fuel and oxygen. It is also known as bromotrifluoromethane.

(x) "Helmet," is a head protective device consisting of a rigid shell, energy absorption system and chin strap intended to be worn to provide protection for the head or portions thereof, against impact, flying or falling objects, electric shock, penetration, heat and flame.

(y) "Incipient stage fire," means a fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II standpipe or small hose systems without the need for protective clothing or breathing apparatus.

(z) "Inspection," means a visual check of fire protection systems and equipment to ensure that they are in place, charged, and ready for use in the event of a fire.

(aa) "Interior structural fire fighting," means the physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage.

(bb) "Lining," means a material permanently attached to the inside of the outer shell of a garment for the purpose of thermal protection and padding.

(cc) "Local application system," means a fixed fire suppression system which has a supply of extinguishing agent, with nozzles arranged to automatically discharge extinguishing agent directly on the burning material to extinguish or control a fire.

(dd) "Maintenance," means the performance of services on fire protection equipment and systems to assure that they will perform as expected in the event of a fire. Maintenance differs from inspection in that maintenance requires the checking of internal fitting, devices and agent supplies.

(ee) "Multipurpose dry chemical," means a dry chemical which is approved for use on Class A, Class B and Class C fires.

(ff) "Outer shell," is the exterior layer of material on the fire coat and protective trousers which forms the outermost barrier between the fire fighter and the environment. It is attached to the vapor barrier and liner and is usually constructed with a storm flap, suitable closures, and pockets.

(gg) "Positive-pressure breathing apparatus," means self-contained breathing apparatus in which the pressure in the breathing zone is positive in relation to the immediate environment during inhalation and exhalation.

(hh) "Predischarge employee alarm," means an alarm which will sound at a set time prior to actual discharge of an extinguishing system so that employees may evacuate the discharge area prior to system discharge.

(ii) "Quick disconnect valve," means a device which starts the flow of air by inserting of the hose (which leads from the facepiece) into the regulator of self-contained breathing apparatus, and stops the flow of air by disconnection of the hose from the regulator.

(jj) "Sprinkler alarm," means an approved device installed so that any waterflow from a sprinkler system equal to or greater than that from single automatic sprinkler will result in an audible alarm signal on the premises.

(kk) "Sprinkler system," means a system of piping designed in accordance with fire protection engineering standards and installed to control or extinguish fires. The system includes an adequate and reliable water supply, and a network of specially sized piping and sprinklers which are interconnected. The system also includes a control valve and a device for actuating an alarm when the system is in operation.

(ll) "Standpipe systems:"

(i) "Class I standpipe system," means a two and one-half-inch (6.3 cm) hose connection for use by fire departments and those trained in handling heavy fire streams.

(ii) "Class II standpipe system," means a one and one-half-inch (3.8 cm) hose system which provides a means for the control or extinguishment of incipient stage fires.

(iii) "Class III standpipe system," means a combined system of hose which is for the use of employees trained in the use of hose operations and which is capable of furnishing effective water discharge during the more advanced stages of fire (beyond the incipient stage) in the interior of workplaces. Hose outlets are available for both one and one-half-inch (3.8 cm) and two and one-half-inch (6.3 cm) hose.

(iv) "Small hose system," means a system of hose ranging in diameter from five-eighths-inch (1.6 cm) up to one and one-half-inch (3.8 cm) which is for the use of employees and which provides a means for the control and extinguishment of incipient stage fires.

(mm) "Total flooding system," means a fixed suppression system which is arranged to automatically discharge a predetermined concentration of agent into an enclosed space for the purpose of fire extinguishment or control.

(nn) "Training," means the process of making proficient through instruction and hands-on practice in the operation of equipment, including respiratory protection equipment, that is expected to be used in the performance of assigned duties.

(oo) "Vapor barrier," means that material used to prevent or substantially inhibit the transfer of water, corrosive liquids and steam or other hot vapors from the outside of a garment to the wearer's body.

AMENDATORY SECTION (Amending Order 93-17, filed 3/2/94, effective 3/1/95)

WAC 296-24-73501 General requirements. This section applies to all permanent places of employment, except where domestic ~~((or))~~ mining, or agricultural work only is performed. ~~((This section shall apply to agriculture March 1, 1995.))~~ Construction work is not to be deemed as a permanent place of employment. Measures for the control of toxic materials are considered to be outside the scope of this section.

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

WAC 296-62-05403 Scope and application. (1) This part requires chemical manufacturers or importers to assess the hazards of chemicals which they produce or import, and all employers to provide information to their employees about the hazardous chemicals to which they are exposed, by means of a hazard communication program, labels and other

forms of warning, material safety data sheets, and information and training. In addition, this part requires distributors to transmit the required information to employers.

Employers who do not produce or import chemicals need only focus on those parts of this rule that deal with establishing a workplace program and communicating information to their workers. Appendix E of this section is a general guide for such employers to help them determine their compliance obligations under the rule.

Even though the Occupational Safety and Health Administration (OSHA) PELs or American Conference of Governmental Industrial Hygienists (ACGIH) threshold limit values (TLVs) may be printed on the material safety data sheet (MSDS), employers within Washington state are required to use the permissible exposure limits (PELs) established in Washington state as listed in the general occupational health standard, WAC 296-62-075, for evaluation of employee exposures and training ((~~even though the Occupational Safety and Health Administration (OSHA) PELs or American Conference of Governmental Industrial Hygienists (ACGIH) threshold limit values (TLVs) may be printed on a material safety data sheet (MSDS))~~).

(2) This part applies to any chemical which is known to be present in the workplace in such a manner that employees may be exposed under normal conditions of use or in a foreseeable emergency.

(3) This part applies to laboratories only as follows:

(a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(b) Employers shall maintain any material safety data sheets that are received with incoming shipments of hazardous chemicals, and ensure that they are readily accessible to laboratory employees when they are in their work areas;

(c) Employers shall ensure that laboratory employees are provided information and training in accordance with WAC 296-62-05415, except for the location and availability of the written hazard communication program under WAC 296-62-05415 (1)(c); and

Note: Laboratories are not required to have a written hazard communication program, but they may be required to have a written chemical hygiene plan under WAC 296-62-400.

(d) Laboratory employers that ship hazardous chemicals are considered to be either a chemical manufacturer or a distributor under this rule, and thus must ensure that any containers of hazardous chemicals leaving the laboratory are labeled in accordance with WAC 296-62-05411, and that a material safety data sheet is provided to distributors and other employers in accordance with WAC 296-62-05413.

(4) In work operations where employees only handle chemicals in sealed containers which are not opened under normal conditions of use (such as are found in marine cargo handling, warehousing, or retail sales), this part applies to these operations only as follows:

(a) Employers shall ensure that labels on incoming containers of hazardous chemicals are not removed or defaced;

(b) Employers shall maintain copies of any material safety data sheets that are received with incoming shipments of the sealed containers of hazardous chemicals, shall obtain a material safety data sheet as soon as possible for sealed

containers of hazardous chemicals received without a material safety data sheet if an employee requests the material safety data sheet, and shall ensure that the material safety data sheets are readily accessible during each work shift to employees when they are in their work area(s); and

(c) Employers shall ensure that employees are provided with information and training in accordance with WAC 296-62-05415 (except for the location and availability of the written hazard communication program under WAC 296-62-05415 (1)(c)) to the extent necessary to protect them in the event of a spill or leak of a hazardous chemical from a sealed container.

(5) This part does not require labeling of the following chemicals:

(a) Any pesticide as such term is defined in the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136 et seq.), when subject to the labeling requirements of that act and labeling regulations issued under that act by the Environmental Protection Agency;

(b) Any chemical substance or mixture as such terms are defined in the Toxic Substance Control Act (15 U.S.C. 2601 et seq.), when subject to the labeling requirements of that act and labeling requirements issued under that act by the Environmental Protection Agency;

(c) Any food, food additive, color additive, drug, cosmetic, or medical or veterinary device or product, including materials intended for use as ingredients in such products (e.g., flavors and fragrances), as such terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.) or the Virus-Serum Toxin Act of 1913 (21 U.S.C. 151 et seq.) and regulations issued under those acts, when they are subject to the labeling requirements under those acts by either the Food and Drug Administration or the department of agriculture;

(d) Any distilled spirits (beverage alcohols), wine, or malt beverage intended for nonindustrial use, as such terms are defined in the Federal Alcohol Administration Act (27 U.S.C. 201 et seq.) and regulations issued under that act, when subject to the labeling requirements of that act and labeling regulations issued under that act by the Bureau of Alcohol, Tobacco, and Firearms;

(e) Any consumer product or hazardous substance as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substances Act (15 U.S.C. 1261 et seq.) respectively, when subject to a consumer product safety standard or labeling requirement of those acts, or regulations issued under those acts by the Consumer Product Safety Commission; and

(f) Agricultural or vegetable seed treated with pesticides and labeled in accordance with the Federal Seed Act (7 U.S.C. 1551 et seq.) and the labeling requirements issued under that act by the department of agriculture.

(6) This part does not apply to:

(a) Any hazardous waste as such term is defined by the Hazardous Waste Management Act chapter 70.105 RCW, when subject to regulations issued under that act by the department of ecology which describes specific safety, labeling, personnel training and other standards for the accumulation, handling and management of hazardous waste;

(b) Any hazardous waste as such term is defined by the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42

U.S.C. 6901 et seq.), when subject to regulations issued under that act by the Environmental Protection Agency;

(c) Any hazardous substance as such term is defined by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) (42 U.S.C. 9601 et seq.), when ~~((subject to regulations issued under that act by))~~ the hazardous substance is the focus of remedial or removal action being conducted under CERCLA in accordance with Environmental Protection Agency regulations;

(d) Tobacco or tobacco products;

(e) Wood or wood products, including lumber which will not be processed, where the chemical manufacturer or importer can establish that the only hazard they pose to the employees is the potential for flammability or combustibility (wood or wood products which have been treated with hazardous chemicals covered by this standard, and wood which may be subsequently sawed or cut, generating dust, are not exempted);

(f) Articles (as that term is defined in WAC 296-62-05405(1));

(g) Food or alcoholic beverages which are sold, used, or prepared in a retail establishment (such as grocery store, restaurant, or drinking place), and foods intended for personal consumption by employees while in the workplace;

(h) Any drug, as that term is defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), when it is in solid, final form for direct administration to the patient (e.g., tablets or pills); drugs which are packaged by the chemical manufacturer for sale to consumers in a retail establishment (e.g., over-the-counter drugs); and drugs intended for personal consumption by employees while in the workplace (e.g., first aid supplies);

(i) Cosmetics which are packaged for sale to consumers in a retail establishment, and cosmetics intended for personal consumption by employees while in the workplace;

(j) Any consumer product or hazardous substance, as those terms are defined in the Consumer Product Safety Act (15 U.S.C. 2051 et seq.) and Federal Hazardous Substance Act (15 U.S.C. 1261 et seq.) respectively, where the employer can show that it is used in the workplace for the purpose intended by the chemical manufacturer or importer of the product, and the use results in a duration and frequency of exposure which is not greater than the range of exposures that could reasonably be experienced by consumers when used for the purpose intended;

(k) Ionizing and nonionizing radiation; and

(l) Biological hazards.

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

WAC 296-62-05405 Definitions applicable to this part. (1) Article means a manufactured item other than a fluid or particle:

(a) Which is formed to a specific shape or design during manufacture;

(b) Which has end use function(s) dependent in whole or in part upon its shape or design during end use; and

(c) Which under normal conditions of use does not release more than very small quantities, e.g., minute or trace amounts of a hazardous chemical (as determined under WAC

296-62-05407), and does not pose a physical hazard or health risk to employees.

(2) Chemical means any element, chemical compound or mixture of elements and/or compounds.

(3) Chemical manufacturer means an employer with a workplace where chemical(s) are produced for use or distribution.

(4) Chemical name means the scientific designation of a chemical in accordance with the nomenclature system developed by the International Union of Pure and Applied Chemistry (IUPAC) or the Chemical Abstracts Service (CAS) rules of nomenclature, or a name which will clearly identify the chemical for the purpose of conducting a hazard evaluation.

(5) Combustible liquid means any liquid having a flashpoint at or above 100°F (37.8°C), but below 200°F (93.3°C), except any mixture having components with flashpoints of 200°F (93.3°C), or higher, the total volume of which make up ninety-nine percent or more of the total volume of the mixture.

(6) Commercial account means an arrangement whereby a retail distributor sells hazardous chemical(s) to an employer, generally in large quantities over time and/or at costs that are below the regular retail price.

(7) Common name means any designation or identification such as code name, code number, trade name, brand name or generic name used to identify a chemical other than by its chemical name.

(8) Compressed gas means:

(a) A gas or mixture of gases having, in a container, an absolute pressure exceeding 40 psi at 70°F (21.1°C); or

(b) A gas or mixture of gases having, in a container, an absolute pressure exceeding 104 psi at 130°F (54.4°C) regardless of the pressure at 70°F (21.1°C); or

(c) A liquid having a vapor pressure exceeding 40 psi at 100°F (37.8°C) as determined by ASTM D-323-72.

(9) Container means any bag, barrel, bottle, box, can, cylinder, drum, reaction vessel, storage tank, or the like that contains a hazardous chemical. For purposes of this part, pipes or piping systems are not considered to be containers.

(10) Designated representative means any individual or organization to whom an employee gives written authorization to exercise such employee's rights under this section. A recognized or certified collective bargaining agent shall be treated automatically as a designated representative without regard to written employee authorization.

(11) Director means the director of the department of labor and industries or his/her designee.

(12) Distributor means a business, other than a chemical manufacturer or importer, which supplies hazardous chemicals to other distributors or to employers.

(13) Employee means an employee of an employer who is employed in the business of his or her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is personal labor for an employer under this standard whether by way of manual labor or otherwise. However, for the purposes of this part, employee shall not mean immediate family members of the officers of any corporation, partnership, sole proprietorship, or other business entity or officers of any closely held corporation engaged in agricul-

tural production of crops or livestock. This part applies to employees who may be exposed to hazardous chemicals under normal operating conditions or in foreseeable emergencies.

(14) Employer means any person, firm, corporation, partnership, business trust, legal representative, or other business entity that engages in any business, industry, profession, or activity in this state and employs one or more employees or who contract with one or more persons, the essence of which is the personal labor of such person or persons and includes the state, counties, cities, and all municipal corporations, public corporations, political subdivisions of the state, and charitable organizations. This part applies to employers engaged in a business where chemicals are either used, distributed, or are produced for use or distribution, including a contractor or subcontractor.

(15) Explosive means a chemical that causes a sudden, almost instantaneous release of pressure, gas, and heat when subjected to sudden shock, pressure, or high temperature.

(16) Exposure or exposed means that an employee is/was subjected to a hazardous chemical in the course of employment through any route of entry (inhalation, ingestion, skin contact or absorption, etc.), and includes potential (e.g., accidental or possible) exposure.

(17) Flammable means a chemical that falls into one of the following categories:

(a) Aerosol flammable means an aerosol that, when tested by the method described in 16 CFR 1500.45 yields a flame projection exceeding eighteen inches at full valve opening, or a flashback (a flame extending back to the valve) at any degree of valve opening;

(b) Gas, flammable means:

(i) A gas that, at ambient temperature and pressure, forms a flammable mixture with air at a concentration of thirteen percent by volume or less; or

(ii) A gas that, at ambient temperature and pressure, forms a range of flammable mixtures with air wider than twelve percent by volume, regardless of the lower limit;

(c) Liquid, flammable means any liquid having a flashpoint below 100°F (37.8°C), except any mixture having components with flashpoints of 100°F (37.8°C) or higher, the total of which make up ninety-nine percent or more of the total volume of the mixture.

(d) Solid, flammable means a solid, other than a blasting agent or explosive as defined in WAC 296-52-417 or 29 CFR 1910.109(a), that is liable to cause fire through friction, absorption of moisture, spontaneous chemical change, or retained heat from manufacturing or processing, or which can be ignited readily and when ignited burns so vigorously and persistently as to create a serious hazard. A chemical shall be considered to be a flammable solid if, when tested by the method described in 16 CFR 1500.44, it ignites and burns with a self-sustained flame at a rate greater than one-tenth of an inch per second along its major axis.

(18) Flashpoint means the minimum temperature at which a liquid gives off a vapor in sufficient concentration to ignite when tested as follows:

(a) Tagliabue closed tester: (See American National Standard Method of Test for Flash Point by Tag Closed Tester, Z11.24-1979 (ASTM D 56-79)) for liquids with a viscosity of less than 45 Saybolt Universal Seconds (SUS)

at 100°F (37.8°C), that do not contain suspended solids and do not have a tendency to form a surface film under test; or

(b) Pensky-Martens closed tester: (See American National Standard Method of Test for Flash Point by Pensky-Martens Closed Tester, Z11.7-1979 (ASTM D 93-79)) for liquids with a viscosity equal to or greater than 45 SUS at 100°F (37.8°C), or that contain suspended solids, or that have a tendency to form a surface film under test; or

(c) Setaflash closed tester: (See American National Standard Method of Test for Flash Point by Setaflash Closed Tester (ASTM D 3278-78)).

Note: Organic peroxides, which undergo autoaccelerating thermal decomposition, are excluded from any of the flashpoint determination methods specified above.

(19) Foreseeable emergency means any potential occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment which could result in an uncontrolled release of a hazardous chemical into the workplace.

(20) Hazardous chemical means any chemical which is a physical hazard or a health hazard.

(21) Hazard warning means any words, pictures, symbols, or combination thereof appearing on a label or other appropriate form of warning which convey the specific physical ~~(or)~~ and health hazard(s), including target organ effects, of the chemical(s) in the container(s). (See definition for "physical hazard" and "health hazard" to determine the hazards which must be covered.)

(22) Health hazard means a chemical for which there is statistically significant evidence based on at least one study conducted in accordance with established scientific principles that acute or chronic health effects may occur in exposed employees. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes. Appendix A provides further definitions and explanations of the scope of health hazards covered by this part, and Appendix B describes the criteria to be used to determine whether or not a chemical is to be considered hazardous for purposes of this standard.

(23) Identity means any chemical or common name which is indicated on the material safety data sheet (MSDS) for the chemical. The identity used shall permit cross-references to be made among the required list of hazardous chemicals, the label and the MSDS.

(24) Immediate use means that the hazardous chemical will be under the control of and used only by the person who transfers it from a labeled container and only within the work shift in which it is transferred.

(25) Importer means the first business within the Customs Territory of the United States which receives hazardous chemicals produced in other countries, for the purpose of supplying them to distributors or employers within the United States.

(26) Label means any written, printed, or graphic material displayed on or affixed to containers of hazardous chemicals.

(27) Material safety data sheet (MSDS) means written or printed material concerning a hazardous chemical which is prepared in accordance with WAC 296-62-05413.

(28) Mixture means any combination of two or more chemicals if the combination is not, in whole or in part, the result of a chemical reaction.

(29) Organic peroxide means an organic compound that contains the bivalent-O-O-structure and which may be considered to be a structural derivative of hydrogen peroxide where one or both of the hydrogen atoms has been replaced by an organic radical.

(30) Oxidizer means a chemical other than a blasting agent or explosive as defined in WAC 296-52-417 or CFR 1910.109(a), that initiates or promotes combustion in other materials, thereby causing fire either of itself or through the release of oxygen or other gases.

(31) Permissible exposure limits (PELs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. The permissible exposure limits (PELs) shall include the following four categories:

(a) Permissible exposure limits - Time-weighted average (PEL-TWA) is the time weighted average airborne exposure to any 8-hour work shift of a 40-work week which shall not be exceeded.

(b) Permissible exposure limits - Short-term exposure limit (PEL-STEL) is the employee's 15-minute time weighted average exposure which shall not be exceeded at any time during a work day unless another time limit is specified in a parenthetical notation below the limit. If another time period is specified, the time weighted average exposure over that time period shall not be exceeded at any time during the working day.

(c) Permissible exposure limits - Ceiling (PEL-C) is the employee's exposure which shall not be exceeded during any part of the work day. If instantaneous monitoring is not feasible, then the ceiling shall be assessed as a 15-minute time weighted average exposure which shall not be exceeded at any time over a working day.

(d) "Skin" notation is the potential contribution to the overall employee exposure by the cutaneous route including mucous membranes and eye, either by airborne, or more particularly, by direct contact with the substance. These substances are identified as having a "skin" notation in the OSHA and WISHA PEL tables (29 CFR Part 1910 Subpart Z and WAC 296-62-075, respectively).

(32) Physical hazard means a chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, an organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water-reactive.

(33) Produce means to manufacture, process, formulate, blend, extract, generate, emit, or repackage.

(34) Purchaser means an employer with a workplace who purchases a hazardous chemical for use within that workplace.

(35) Pyrophoric means a chemical that will ignite spontaneously in air at a temperature of 130°F (54.4°C) or below.

(36) Responsible party means someone who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(37) Specific chemical identity means the chemical name, Chemical Abstracts Service (CAS) registry number, or any other information that reveals the precise chemical designation of the substance.

(38) Threshold limit values (TLVs) refer to airborne concentrations of substances without regard to the use of respiratory protection and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect. The TLV includes the TLV-Time weighted average (TLV-TWA), TLV-Short term exposure limit (TLV-STEL), TLV-Ceiling (TLV-Ceiling) and "skin" notation as stated in the most recent edition of the *Threshold Limit Values for Chemical Substances and Physical Agents and Biological Exposure Indices* from the American Conference of Governmental Industrial Hygienists (ACGIH).

(39) Trade secret means any confidential formula, pattern, process, device, information or compilation of information that is used in an employer's business, and that gives the employer an opportunity to obtain an advantage over competitors who do not know or use it. WAC 296-62-05427, Appendix D, provides a legal definition of trade secret and WAC 296-62-05417 sets out the criteria to be used in evaluating trade secrets.

(40) Unstable (reactive) means a chemical which in the pure state, or as produced or transported, will vigorously polymerize, decompose, condense, or will become self-reactive under conditions of shocks, pressure or temperature.

(41) Use means to package, handle, react, emit, extract, generate as a by-product, or transfer.

(42) Water-reactive means a chemical that reacts with water to release a gas that is either flammable or presents a health hazard.

(43) Work area means a room or defined space in a workplace where hazardous chemicals are produced or used, and where employees are present.

(44) Workplace means an establishment, job site, or project, at one geographical location containing one or more work areas.

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

WAC 296-62-05413 Material safety data sheets. (1) Chemical manufacturers and importers shall obtain or develop a material safety data sheet (MSDS) for each hazardous chemical they produce or import. Employers shall have a material safety data sheet in the workplace for each hazardous chemical which they use.

(2) Each material safety data sheet shall be in English (although the employer may maintain copies in other languages (~~as one way to provide employees with effective information and training as required by WAC 296-62-05415~~)) and shall contain at least the following information:

(a) The identity used on the label, and, except as provided for in WAC 296-62-05417 on trade secrets:

(i) If the hazardous chemical is a single substance, its chemical and common name(s);

(ii) If the hazardous chemical is a mixture which has been tested as a whole to determine its hazards, the chemical and common name(s) of the ingredients which contribute to these known hazards, and the common name(s) of the mixture itself; or

(iii) If the hazardous chemical is a mixture which has not been tested as a whole:

(A) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise 1% or greater of the composition, except that chemicals identified as carcinogens under WAC 296-62-05407(4) shall be listed if the concentrations are 0.1% or greater; and

(B) The chemical and common name(s) of all ingredients which have been determined to be health hazards, and which comprise less than one percent (0.1% for carcinogens) of the mixture, if there is evidence that the ingredient(s) could be released from the mixture in concentrations which would exceed an established WISHA or OSHA permissible exposure limit or ACGIH Threshold Limit Value, or could present a health risk to employees; and

(C) The chemical and common name(s) of all ingredients which have been determined to present a physical hazard when present in the mixture;

(b) Physical and chemical characteristics of the hazardous chemical (such as vapor pressure, flash point);

(c) The physical hazards of the hazardous chemical, including the potential for fire, explosion, and reactivity;

(d) The acute and chronic health hazards of the hazardous chemical, including signs and symptoms of exposure, and any medical conditions which are generally recognized as being aggravated by exposure to the chemical;

(e) The primary route(s) of entry;

(f) The WISHA or OSHA permissible exposure limit, ACGIH threshold limit value, and any other exposure limit used or recommended by the chemical manufacturer, importer, or employer preparing the material safety data sheet (the PELs and TLVs include the 8-hour TWA, STEL, ceiling value and skin notation defined in WAC 296-62-05405), where available;

(g) Whether the hazardous chemical is listed in the National Toxicology Program (NTP) Annual Report on Carcinogens (latest edition) or has been found to be a potential carcinogen in the International Agency for Research on Cancer (IARC) Monographs (latest editions), or by WISHA or OSHA;

(h) Any generally applicable precautions for safe handling and use which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, including appropriate hygienic practices, protective measures during repair and maintenance of contaminated equipment, and procedures for clean-up of spills and leaks;

(i) Any generally applicable control measures which are known to the chemical manufacturer, importer or employer preparing the material safety data sheet, such as appropriate engineering controls, work practices, or personal protective equipment;

(j) Emergency and first aid procedures;

(k) The date of preparation of the material safety data sheet or the last change to it; and

(l) The name, address and telephone number of the chemical manufacturer, importer, employer or other responsi-

ble party preparing or distributing the material safety data sheet, who can provide additional information on the hazardous chemical and appropriate emergency procedures, if necessary.

(3) If no relevant information is found for any given category on the material safety data sheet, the chemical manufacturer, importer or employer preparing the material safety data sheet shall mark it to indicate that no applicable information was found.

(4) Where complex mixtures have similar hazards and contents (i.e. the chemical ingredients are essentially the same, but the specific composition varies from mixture to mixture), the chemical manufacturer, importer or employer may prepare one material safety data sheet to apply to all of these similar mixtures.

(5) The chemical manufacturer, importer or employer preparing the material safety data sheet shall ensure that the information recorded accurately reflects the scientific evidence used in making the hazard determination. If the chemical manufacturer, importer or employer preparing the material safety data sheet becomes newly aware of any significant information regarding the hazards of a chemical, or ways to protect against the hazards, this new information shall be added to the material safety data sheet within three months. If the chemical is not currently being produced or imported the chemical manufacturer or importer shall add the information to the material safety data sheet before the chemical is introduced into the workplace again.

(6)(a) Chemical manufacturers or importers shall ensure that distributors and employers are provided an appropriate material safety data sheet with their initial shipment, and with the first shipment after a material safety data sheet is updated;

(b) The chemical manufacturer or importer shall either provide material safety data sheets with the shipped containers or send them to the distributor or employer prior to or at the time of the shipment;

(c) If the material safety data sheet is not provided with a shipment that has been labeled as a hazardous chemical, the distributor or employer shall obtain one from the chemical manufacturer or importer as soon as possible; and

(d) The chemical manufacturer or importer shall also provide distributors or employers with a material safety data sheet upon request.

(7) (a) Distributors shall ensure that material safety data sheets, and updated information, are provided to other distributors and employers with their initial shipment and with the first shipment after a material safety data sheet is updated;

(b) The distributor shall either provide material safety data sheets with the shipped containers, or send them to the other distributor or employer prior to or at the time of the shipment;

(c) Retail distributors selling hazardous chemicals to employers having a commercial account shall provide a material safety data sheet to such employers upon request, and shall post a sign or otherwise inform them that a material safety data sheet is available;

(d) Wholesale distributors selling hazardous chemicals to employers over-the-counter may also (~~as an alternative to keeping a file of material safety data sheets for all hazardous chemicals they sell,~~) provide material safety data

sheets (~~upon the request of the employer at the time of the over the counter purchase, and shall post a sign or otherwise inform such employers that a material safety data sheet is available~~);

(e) If an employer without a commercial account purchases a hazardous chemical from a retail distributor not required to have material safety data sheets on file (i.e., the retail distributor does not have a commercial account and does not use the materials), the retail distributor shall provide the employer, upon request, with the name, address, and telephone number of the chemical manufacturer, importer, or distributor from which a material safety data sheet can be obtained;

(f) Wholesale distributors shall also provide material safety data sheets to employers or other distributors upon request; and

(g) Chemical manufacturers, importers, and distributors need not provide material safety data sheets to retail distributors that have informed them that the retail distributor does not sell the product to commercial accounts or open the sealed container to use it in their own workplaces.

(8) The employer shall maintain in the workplace copies of the required material safety data sheets for each hazardous chemical, and shall ensure that they are readily accessible during each work shift to employees when they are in their work area(s). (Electronic access, microfiche, and other alternatives to maintaining paper copies of the material safety data sheets are permitted as long as no barriers to immediate employee access in each workplace are created by such options.)

(9) Where employees must travel between workplaces during a workshift, i.e., their work is carried out at more than one geographical location, the material safety data sheets may be kept at a central location at the primary workplace facility. In this situation, the employer shall ensure that employees can immediately obtain the required information in an emergency.

(10) Material safety data sheets may be kept in any form, including operating procedures, and may be designed to cover groups of hazardous chemicals in a work area where it may be more appropriate to address the hazards of a process rather than individual hazardous chemicals. However, the employer shall ensure that in all cases the required information is provided for each hazardous chemical, and is readily accessible during each work shift to employees when they are in their work area(s).

(11) Material safety data sheets shall also be made readily available, upon request, to designated representatives and to the director or his/her designee in accordance with the requirements of WAC 296-62-05209. NIOSH shall also be given access to material safety data sheets in the same manner.

(12) If a purchaser has not received a material safety data sheet within thirty calendar days after making a written request to the chemical manufacturer, importer, or distributor in accordance with WAC 296-62-05413(6), he/she may make a written request for assistance to the Department of Labor and Industries, Right-to-Know Program, P.O. Box 44610, Olympia, Washington 98504-4610. Such written request shall include:

(a) A copy of the purchaser's written request to the chemical manufacturer, importer, or distributor;

(b) The name of the product suspected of containing a hazardous chemical;

(c) The identification number of the product if available;

(d) A copy of the product label if available; and

(e) The name and address of the chemical manufacturer, importer, or distributor from whom the product was obtained.

Upon receipt of a written request for material safety data sheet, the department shall attempt to procure the material safety data sheet from the chemical manufacturer, importer or distributor and upon procurement, shall forward a copy of the material safety data sheet at no cost to the purchaser. In providing this service priority will be given to small employers.

AMENDATORY SECTION (Amending WSR 94-16-145, filed 8/3/94, effective 9/12/94)

WAC 296-62-05407 Hazard determination. (1) Chemical manufacturers and importers shall evaluate chemicals produced in their workplaces or imported by them to determine if they are hazardous. Employers are not required to evaluate chemicals unless they choose not to rely on the evaluation performed by the chemical manufacturer or importer for the chemical to satisfy this requirement.

(2) Chemical manufacturers, importers or employers evaluating chemicals shall identify and consider the available scientific evidence concerning physical and health hazards. For health hazards, evidence which is statistically significant and which is based on at least one positive study conducted in accordance with established scientific principles is considered to be sufficient to establish a hazardous effect if the results of the study meet the definitions of health hazards in this part. WAC 296-62-05421, Appendix A, shall be consulted for the scope of health hazards covered, and WAC 296-62-05423, Appendix B, shall be consulted for the criteria to be followed with respect to the completeness of the evaluation, and the data to be reported.

(3) The chemical manufacturer, importer or employer evaluating chemicals shall treat the following sources as establishing that the chemicals listed in them are hazardous:

(a) Chapter 296-62 WAC, General occupational health standard;

(b) 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration (OSHA); or

(c) *Threshold Limit Values for Chemical Substances and Physical Agents in the Work Environment*, American Conference of Governmental Industrial Hygienists (ACGIH) (latest edition).

~~(Note:)~~ (d) The chemical manufacturer, importer, or employer is ~~(still)~~ responsible for evaluating the hazards associated with the chemicals in these source lists in accordance with this requirement of the standard.

(4) Chemical manufacturers, importers and employers evaluating chemicals shall treat the following sources as establishing that a chemical is a carcinogen or potential carcinogen for hazard communication purposes:

(a) National Toxicology Program (NTP), Annual Report on Carcinogens (latest edition);

(b) International Agency for Research on Cancer (IARC) Monographs (latest editions);

(c) Chapter 296-62 WAC, General occupational health standards; or

(d) 29 CFR Part 1910, Subpart Z, Toxic and Hazardous Substances, Occupational Safety and Health Administration.

Note: The *Registry of Toxic Effects of Chemical Substances* published by the National Institute for Occupational Safety and Health indicates whether a chemical has been found by NTP or IARC to be a potential carcinogen.

(5) The chemical manufacturer, importer or employer shall determine the hazards of mixtures of chemicals as follows:

(a) If a mixture has been tested as a whole to determine its hazards, the results of such testing shall be used to determine whether the mixture is hazardous;

(b) If a mixture has not been tested as a whole to determine whether the mixture is a health hazard, the mixture shall be assumed to present the same health hazards as do the components which comprise one percent (by weight or volume) or greater of the mixture, except that the mixture shall be assumed to present a carcinogenic hazard if it contains a component in concentrations of 0.1 percent or greater which is considered to be a carcinogen under WAC 296-62-05407(4);

(c) If a mixture has not been tested as a whole to determine whether the mixture is a physical hazard, the chemical manufacturer, importer, or employer may use whatever scientifically valid data is available to evaluate the physical hazard potential of the mixture; and

(d) If the chemical manufacturer, importer, or employer has evidence to indicate that a component present in the mixture in concentrations of less than one percent (or in the case of carcinogens, less than 0.1 percent) could be released in concentrations which would exceed an established WISHA or OSHA permissible exposure limit or ACGIH threshold limit value, or could present a health risk to employees in those concentrations, the mixture shall be assumed to present the same hazard.

(6) Chemical manufacturers, importers, or employers evaluating chemicals shall describe in writing the procedures they use to determine the hazards of the chemical they evaluate. The written procedures are to be made available, upon request, to employees, their designated representatives, the director or his/her designee and the National Institute of Occupational Safety and Health (NIOSH). The written description may be incorporated into the written hazard communication program required under WAC 296-62-05409.

AMENDATORY SECTION (Amending WSR 95-04-006, filed 1/18/95, effective 3/10/95)

WAC 296-304-010 Scope and application. (1) The provisions and standards of the general safety and health standards, chapters 296-24 and 296-62 WAC, and such other codes and standards as are promulgated by the department of labor and industries which are applicable to all industries, shall be applicable in the ship repairing, shipbuilding, or shipbreaking industries whenever the employees are covered under the Washington State Industrial Safety and Health Act, chapter 49.17 RCW. The rules of this chapter and the rules of the aforementioned chapters 296-24 and 296-62 WAC are applicable to all ship repairing, shipbuilding, and shipbreaking industries and operations, provided that such rules shall

not be applicable to those operations under the exclusive safety jurisdiction of the federal government.

(2) The responsibility for compliance with these regulations is placed upon "employers" as defined in WAC 296-304-01001(3).

(3) It is not the intent of these regulations to place additional responsibilities or duties on owners, operators, agents or masters of vessels unless such persons are acting as employers, nor is it the intent of these regulations to relieve such owners, operators, agents or masters of vessels from responsibilities or duties now placed upon them by law, regulation or custom.

(4) The responsibilities placed upon the competent person herein shall be deemed to be the responsibilities of the employer.

~~((5) Safety standards for ship repairing, shipbuilding, and shipbreaking are written, promulgated, and applicable to workplace hazards found in shipyards and boatyards located on navigable waters, provided such installations are not under the exclusive safety jurisdiction of the federal government or the United States Coast Guard. Such operations shall include adjoining shore installations such as wharves, drydocks, graving docks, terminals, building ways, marine railways, and other adjoining areas customarily used by the employer in ship repairing, shipbuilding, or shipbreaking operations.~~

~~(6) Small vessel manufacturing operations not located on navigable waters shall be cited from general safety and health standards, chapters 296-24 and 296-62 WAC.))~~

(5) Asbestos exposure in all shipyard employment work as defined in subsection (1) of this section, including but not limited to the following, shall comply with and follow the requirements of WAC 296-155-178 (Asbestos):

(a) Demolition or salvage of structures, vessels, and vessel sections where asbestos is present;

(b) Removal or encapsulation of materials containing asbestos;

(c) Construction, alteration, repair, maintenance, or renovation of vessels, vessel sections, structures, substrates, or portions thereof, that contain asbestos;

(d) Installation of products containing asbestos;

(e) Asbestos spill/emergency cleanup;

(f) Transportation, disposal, storage, containment of and housekeeping activities involving asbestos or products containing asbestos, on the site or location at which construction activities are performed;

(g) Coverage under this standard shall be based on the nature of the work operation involving asbestos exposure; and

(h) These requirements shall become effective January 1, 1996.

AMENDATORY SECTION (Amending WSR 95-04-006, filed 1/18/95, effective 3/10/95)

WAC 296-304-02003 Precautions and the order of testing before entering confined and enclosed spaces and other dangerous atmospheres. The employer shall ensure that atmospheric testing is performed in the following sequence: Oxygen content, flammability, toxicity.

(1) Oxygen content.

PROPOSED

(a) The employer shall ensure that the following spaces are visually inspected and tested by a competent person to determine the atmosphere's oxygen content prior to initial entry into the space by an employee:

(i) Spaces that have been sealed, such as, but not limited to, spaces that have been coated and closed up, and nonventilated spaces that have been freshly painted;

(ii) Spaces and adjacent spaces that contain or have contained combustible or flammable liquids or gases;

(iii) Spaces and adjacent spaces that contain or have contained liquids, gases, or solids that are toxic, corrosive, or irritant;

(iv) Spaces and adjacent spaces that have been fumigated; and

(v) Spaces containing materials or residues of materials that create an oxygen-deficient atmosphere.

(b) If the space to be entered contains an oxygen deficient atmosphere, the space shall be labeled "not safe for workers" or, if oxygen-enriched, "not safe for workers—not safe for hot work." If an oxygen-deficient or oxygen-enriched atmosphere is found, ventilation shall be provided at volumes and flow rates sufficient to ensure that the oxygen content is maintained at or above 19.5 percent and below 22.0 percent by volume. The warning label may be removed when the oxygen content is equal to or greater than 19.5 and less than 22.0 percent by volume.

(c) An employee may not enter a space where the oxygen content, by volume, is below 19.5 percent or above 22.0 percent.

Exception: An employee may enter for emergency rescue or for a short duration for installation of ventilation equipment necessary to start work in the space provided:

(i) The atmosphere in the space is monitored for oxygen content, by volume, continuously; and

(ii) Respiratory protection and other appropriate personal protective equipment and clothing are provided in accordance with WAC 296-304-090 through 296-304-09007.

Note to (a): Other provisions for work in IDLH atmospheres are located in WAC 296-304-090 through 296-304-09007.

(2) Flammable atmospheres.

(a) The employer shall ensure that spaces and adjacent spaces that contain or have contained combustible or flammable liquids or gases are:

(i) Inspected visually by the competent person to determine the presence of combustible or flammable liquids; and

(ii) Tested by a competent person prior to entry by an employee to determine the concentration of flammable vapors and gases within the space.

(b) If the concentration of flammable vapors or gases in the space to be entered is equal to or greater than 10 percent of the lower explosive limit, the space shall be labeled "not safe for workers" and "not safe for hot work." Ventilation shall be provided at volumes and flow rates sufficient to ensure that the concentration of flammable vapors is maintained below 10 percent of the lower explosive limit. The warning labels may be removed when the concentration of flammable vapors is below 10 percent of the lower explosive limit.

(c) An employee may not enter a space where the concentration of flammable vapors or gases is equal to or

greater than 10 percent of the lower explosive limit. Exception: An employee may enter for emergency rescue or for a short duration for installation of ventilation equipment necessary to start work in the space, provided:

(i) No ignition sources are present;

(ii) The atmosphere in the space is monitored continuously;

(iii) ~~((The atmosphere in the space is maintained above the upper explosive limit))~~ Atmospheres at or above the upper explosive limit are maintained; and

(iv) Respiratory protection and other appropriate personal protective equipment and clothing are provided in accordance with WAC 296-304-090 through 296-304-09007.

Note 1 to (2): Additional provisions for work in IDLH atmospheres are located in WAC 296-304-090 through 296-304-09007.

Note 2 to (2): Additional provisions for work in spaces containing a flammable substance which also has a permissible exposure limit, are located in subsection (3) of this section and chapter 296-62 WAC, Part H.

(3) Toxic, corrosive, irritant or fumigated atmospheres and residues.

(a) The employer shall ensure that spaces or adjacent spaces that contain or have contained liquids, gases, or solids that are toxic, corrosive or irritant are:

(i) Inspected visually by the competent person to determine the presence of toxic, corrosive, or irritant residue contaminants; and

(ii) Tested by a competent person prior to initial entry by an employee to determine the air concentration of toxics, corrosives, or irritants within the space.

(b) If a space contains an air concentration of a material which exceeds a chapter 296-62 WAC, Part H, permissible exposure limit (PEL) or is IDLH, the space shall be labeled "not safe for workers." Ventilation shall be provided at volumes and flow rates which will ensure that air concentrations are maintained within the PEL or, in the case of contaminants for which there is no established PEL, below the IDLH. The warning label may be removed when the concentration of contaminants is maintained within the PEL or below IDLH level.

(c) If a space cannot be ventilated to within the PELs or is IDLH, a marine chemist or CIH must re-test until the space can be certified "enter with restrictions" or "safe for workers."

(d) An employee may not enter a space whose atmosphere exceeds a PEL or is IDLH.

Exception: An employee may enter for emergency rescue, or for a short duration for installation of ventilation equipment provided:

(i) The atmosphere in the space is monitored continuously;

(ii) Respiratory protection and other necessary and appropriate personal protective equipment and clothing are provided in accordance with WAC 296-304-090 through 296-304-09007.

Note to (3): Other provisions for work in IDLH atmospheres are located in WAC 296-304-090 through 296-304-09007.

(4) Training of employees entering confined and enclosed spaces or other dangerous atmospheres.

(a) The employer shall ensure that each employee that enters a confined or enclosed space and other areas with

dangerous atmospheres is trained to perform all required duties safely.

(b) The employer shall ensure that each employee who enters a confined space, enclosed space, or other areas with dangerous atmospheres is trained to:

- (i) Recognize the characteristics of the confined space;
- (ii) Anticipate and be aware of the hazards that may be faced during entry;
- (iii) Recognize the adverse health effects that may be caused by the exposure to a hazard;
- (iv) Understand the physical signs and reactions related to exposures to such hazards;
- (v) Know what personal protective equipment is needed for safe entry into and exit from the space;
- (vi) Use personal protective equipment; and
- (vii) Where necessary, be aware of the presence and proper use of barriers that may be needed to protect an entrant from hazards.

(c) The employer shall ensure that each entrant into confined or enclosed spaces or other dangerous atmospheres is trained to exit the space or dangerous atmosphere whenever:

- (i) The employer or his or her representative orders evacuation;
 - (ii) An evacuation signal such as an alarm is activated;
- or
- (iii) The entrant perceives that he or she is in danger.
- (d) The employer shall provide each employee with training:

- (i) Before the entrant begins work addressed by this chapter; and
- (ii) Whenever there is a change in operations or in an employee's duties that presents a hazard about which the employee has not previously been trained.

(e) The employer shall certify that the training required by (a) through (d) of this subsection has been accomplished.

- (i) The certification shall contain the employee's name, the name of the certifier, and the date(s) of the certification.
- (ii) The certification shall be available for inspection by the director, employees, and their representatives.

(5) Rescue teams. The employer shall either establish a shipyard rescue team or arrange for an outside rescue team which will respond promptly to a request for rescue service.

(a) Shipyard rescue teams shall meet the following criteria:

(i) Each employee assigned to the shipyard team shall be provided with and trained to use the personal protective equipment he or she will need, including respirators and any rescue equipment necessary for making rescues from confined and enclosed spaces and other dangerous atmospheres.

(ii) Each employee assigned to the shipyard rescue team shall be trained to perform his or her rescue functions including confined and enclosed and other dangerous atmosphere entry.

(iii) Shipyard rescue teams shall practice their skills at least once every 12 months. Practice drills shall include the use of mannequins and rescue equipment during simulated rescue operations involving physical facilities that approximate closely those facilities from which rescue may be needed.

Note to (5)(a)(iii): If the team (~~(performs)~~) performs an actual rescue during the 12 month period, an additional practice drill for that type of rescue is not required.

(iv) At least one person on each rescue team shall maintain current certification in basic first aid which includes maintenance of an airway, control of bleeding, maintenance of circulation and cardiopulmonary resuscitation (CPR) skills.

(b) The employer shall inform outside rescue teams of the hazards that the team may encounter when called to perform confined and enclosed space or other dangerous atmosphere rescue at the employer's facility so that the rescue team can be trained and equipped.

Note to (5): The criteria for in-house rescue, listed in (5)(a) can be used by the employer in evaluating outside rescue services.

(6) Exchanging hazard information between employers. Each employer whose employees work in confined and enclosed spaces or other dangerous atmospheres shall ensure that all available information on the hazards, safety rules, and emergency procedures concerning those spaces and atmospheres is exchanged with any other employer whose employees may enter the same spaces.

AMENDATORY SECTION (Amending WSR 95-04-006, filed 1/18/95, effective 3/10/95)

WAC 296-304-02007 Hot work. (1) Hot work requiring testing by a marine chemist or Coast Guard authorized person.

(a) The employer shall ensure that hot work is not performed in or on any of the following confined and enclosed spaces and other dangerous atmospheres, boundaries of spaces or pipelines until the work area has been tested and certified by a marine chemist or a U.S. Coast Guard authorized person as "safe for hot work":

(i) Within, on, or immediately adjacent to spaces that contain or have contained combustible or flammable liquids or gases.

(ii) Within, on, or immediately adjacent to fuel tanks that contain or have last contained fuel; and

(iii) On pipelines, heating coils, pump fittings or other accessories connected to spaces that contain or have last contained fuel.

(iv) Exception: (~~Within spaces adjacent to spaces in which the flammable~~) On dry cargo, miscellaneous and passenger vessels and in the landside operations within spaces which meet the standards for oxygen, flammability and toxicity in WAC 296-304-02003, but are adjacent to spaces containing flammable gases or liquids, as long as the gases or liquids have a flash point below 150 deg. F (65.6 deg. C) and the distance between such spaces and the work is (~~greater than~~) 25 feet (7.5 m) or greater.

Note: For flammable liquids with flash points above 150 deg. F (65.6 deg. C), see subsection (2) of this section.

Note to (1)(a): The criteria for "safe for hot work" is located in the definition section, WAC 296-304-020(2).

(b) The certificate issued by the marine chemist or Coast Guard authorized person shall be posted in the immediate vicinity of the affected operations while they are

in progress and kept on file for a period of at least three months from the date of the completion of the operation for which the certificate was generated.

(2) Hot work requiring testing by a competent person.

(a) Hot work is not permitted in or on the following spaces or adjacent spaces or other dangerous atmospheres until they have been tested by a competent person and determined to contain no concentrations of flammable vapors equal to or greater than 10 percent of the lower explosive limit:

(i) Dry cargo holds;

(ii) The bilges;

(iii) The engine room and boiler spaces for which a marine chemist or a Coast Guard authorized person certificate is not required under subsection (1)(a)(i) of this section; and

(iv) Vessels and vessel sections for which a marine chemist or Coast Guard authorized person certificate is not required under subsection (1)(a)(i) of this section; and

(v) Land-side confined and enclosed spaces or other dangerous atmospheres not covered by subsection (1)(a) of this section.

(b) If the concentration of flammable vapors or gases is equal to or greater than 10 percent of the lower explosive limit in the space or an adjacent space where the hot work is to be done, then the space shall be labeled "not safe for hot work" and ventilation shall be provided at volumes and flow rates sufficient to ensure that the concentration of flammable vapors or gases is below 10 percent by volume of the lower explosive limit. The warning label may be removed when the concentration of flammable vapors and gases are below 10 percent of the lower explosive limit.

Note to WAC 296-304-02007: See WAC 296-304-02013—Appendix A, for additional information relevant to performing hot work safely.

AMENDATORY SECTION (Amending WSR 95-04-006, filed 1/18/95, effective 3/10/95)

WAC 296-304-02009 Maintenance of safe conditions.

(1) Preventing hazardous materials from entering. Pipelines that could carry hazardous materials into spaces that have been certified "safe for workers" or "safe for hot work" shall be disconnected, blanked off, or otherwise blocked by a positive method to prevent hazardous materials from being discharged into the space.

(2) Alteration of existing conditions. When a change that could alter conditions within a tested confined or enclosed space or other dangerous atmosphere occurs, work in the affected space or area shall be stopped. Work may not be resumed until the affected space or area is visually inspected and retested and found to comply with WAC 296-304-02003, 296-304-02005, and 296-304-02007, as applicable.

Note to (2): Examples of changes that would warrant the stoppage of work include: The opening of manholes or other closures or the adjusting of a valve regulating the flow of hazardous materials.

(3) Tests to maintain the conditions of a marine chemist's or Coast Guard authorized person's certificates. A competent person shall visually inspect and test each

space certified as "safe for workers" or "safe for hot work," as often as necessary to ensure that atmospheric conditions within that space is maintained within the conditions established by the certificate after the certificate has been issued.

(4) Change in the conditions of a marine chemist's or Coast Guard authorized person's certificate. If a competent person finds that the atmospheric conditions within a certified space fail to meet the applicable requirements of WAC 296-304-02003, 296-304-02005, and 296-304-02007, work in the certified space shall be stopped and may not be resumed until the space has been retested by a marine chemist or Coast Guard authorized person and a new certificate issued in accordance with WAC 296-304-02007(1).

(5) Tests to maintain a competent person's findings. After a competent person has conducted a visual inspection and tests required in WAC 296-304-02003, 296-304-02005, and 296-304-02007 and determined a space to be safe for an employee to enter, he or she shall continue to test and visually inspect spaces as often as necessary to ensure that the required atmospheric conditions within the tested space are maintained.

(6) Changes in conditions determined by competent person's findings. After the competent person has determined initially that a space is safe for an employee to enter and he or she finds subsequently that the conditions within the tested space fail to meet the requirements of WAC 296-304-02003, 296-304-02005, and 296-304-02007, as applicable, work shall be stopped until the conditions in the tested space are corrected to comply with WAC 296-304-02003, 296-304-02005, and 296-304-02007, as applicable.

WSR 95-10-094

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed May 3, 1995, 11:17 a.m.]

Original Notice.

Title of Rule: Restrictions relating to the application of desiccants and defoliant in Walla Walla County.

Purpose: Provide protection to sensitive crops in Walla Walla County.

Statutory Authority for Adoption: RCW 17.21.030 (b)(c), 15.58.040(h).

Statute Being Implemented: Same as noted for adoption.

Summary: The rule places restrictions on the application of desiccants and defoliant within Walla Wall County. This proposal will modify the restrictions.

Reasons Supporting Proposal: By modifying the existing boundaries requiring permits, we can effectively do away with the permit process, continue the needed drift protection and reduce the restrictions on the application of desiccants and defoliant. Permits would still be required for aerial applications within a smaller area.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Cliff Weed, Program Manager, Washington State Department of Agriculture, P.O. Box 42589, Olympia, (360) 902-2040.

PROPOSED

Name of Proponent: Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In order to make better use of field resources, the department is proposing to modify the area in Walla Walla County where a permit is required for the application of desiccants and defoliant while at the same time protect the interest of the spinach growers and others who have witnessed desiccant drift. The current rule requires permits for aerial and ground applications within a specified area. The proposal would require permits in a more limited area for aerial applications. Historically the department has granted all permits requested. The department believes that many of the aerial permits required in the past will no longer be necessary.

Proposal Changes the Following Existing Rules: The proposal would delete the requirement for ground rig applications in Area 1 when using any desiccants and defoliant. All aerial applications would still require a permit prior to application. Boundaries of Areas 1 and 2 will be modified and will become smaller in size. Permits will be required in Area 2 for aerial applications.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The proposed changes will reduce regulatory burden on growers/applicators.

Hearing Location: Washington State University Extension, Walla Walla County Building, 317 West Rose, 2nd Floor Meeting Room, Walla Walla, WA, on June 8, 1995, at 1:30 p.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by June 8, 1995, 5:00 p.m., TDD (360) 902-1996, or (360) 902-1813.

Submit Written Comments to: FAX (360) 902-2093, by June 8, 1995, 5:00 p.m.

Date of Intended Adoption: June 30, 1995.

May 3, 1995

John P. Daly

Assistant Director

AMENDATORY SECTION (Amending Order 2081, filed 4/2/91, effective 5/3/91)

WAC 16-230-190 Restrictions on the use of desiccants and defoliant in Walla Walla County. The following restrictions shall apply in Walla Walla County:

(1) Area 1 description - town of Walla Walla and vicinity: This area includes all lands lying within the town of Walla Walla and vicinity beginning at the Washington-Oregon border and the west section line of Section 15, T6N, R34E; thence north along section lines and McDonald Road approximately seven miles to the southwest corner of Section 3, T7N, ~~((R34E))~~ R36E; thence east along section lines approximately twenty miles to the southeast corner of Section ~~((2))~~ 1, T7N, R37E; thence south approximately seven miles to the Washington-Oregon border; thence west approximately ~~((twenty))~~ fifteen miles to point of beginning.

(2) Area 1 restrictions:

During the period of February 15 through November 1 of any year, any aerial ~~((or ground))~~ application of restricted

use desiccants and defoliant shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

(3) Area 2 description - southern portion of Walla Walla County: This area includes all lands lying within an area encompassed by a line beginning at the Washington-Oregon border and the west section line of Section 18, T6N, R33E; thence north along section lines approximately eight miles to the ~~((intersection with Nine Mile Road in Section 6, T7N, R33E; thence northeast along Nine Mile Road and Dodd Road approximately four miles to the intersection with the Touchet North Road in Section 23, T8N, R33E; thence northerly along the Touchet North Road approximately two miles to the Touchet River near the southeast corner of Section 11, T8N, R33E; thence northeasterly along the Touchet River approximately three miles to the north section line of Section 6, T8N, R34E; thence east along section lines approximately twenty two miles to the northeast corner of Section 2, T8N, R37E; thence south along section lines approximately seven miles to the southeast corner of Section 2, T7N, R37E; thence west along section lines approximately twenty miles to the southwest corner of Section 3, T7N, R34E; thence south along section lines approximately seven miles to the Washington-Oregon border))~~ northwest corner of Section 7, T7N, R33E; thence west along section lines approximately nine miles to the southeast corner of Section 4, T7N, R34E; thence south along section lines approximately eight miles to the Washington-Oregon border; thence west along the border approximately nine miles to the point of beginning.

(4) Area 2 restrictions:

(a) Paraquat restrictions:

~~((+))~~ During the period of February 15 through November 1 of any year, any aerial application of Paraquat or any mixture containing Paraquat shall have prior approval by obtaining a written permit from the Washington state department of agriculture.

~~((ii)) Any application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature the following morning has risen at least 10 degrees above the night low temperature.))~~

(b) Diquat restrictions:

During the period of February 15 through November 1 of any year, any application of Diquat or any mixture containing Diquat is hereby restricted to ground apparatus only.

WSR 95-10-095
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed May 3, 1995, 11:18 a.m.]

Original Notice.

Title of Rule: Chapter 16-532 WAC, Hop marketing order, inspection requirements, new commercial varieties, and assessment rate.

Purpose: The rule will add clarity to the inspection requirements in compliance with the standards established by the USDA federal grain inspection service, include two new commercial hop varieties to the marketing order and deter-

May 3, 1995
William E. Brookreson
Assistant Director

mine if the affected producers want the current assessment rate to continue beyond the 1995 marketing year.

Statutory Authority for Adoption: RCW 15.65.050.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: The rule, if adapted, will allow the commission to continue the existing program at current levels beyond the 1995 marketing year. The rule will also add two new commercial varieties of hops to the marketing order and take into consideration processing technology and marketing practices in the inspection requirements.

Reasons Supporting Proposal: The Washington State Department of Agriculture received a petition from ten hop producers to amend the rule.

Name of Agency Personnel Responsible for Drafting: Walter Swenson, 1111 Washington Street, Olympia, WA, (360) 902-1928; Implementation and Enforcement: Washington Hop Commission, 504 North Naches Avenue #11, Yakima, WA, (509) 453-4749.

Name of Proponent: Washington Hop Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Affected producers must approve the rule in compliance with RCW 15.65.160, before this rule can become effective.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The annual assessment on all varieties of hops is two dollars and fifty cents per affected unit. This assessment is effective from crop year 1991 through 1995 inclusive. The annual assessment for the crop year 1996 and subsequent years will be one dollar and twenty-five cents unless the current rate of assessment is approved by a majority of the growers to remain in effect after the 1995 crop year. The rule change is intended to maintain the current level of income to fund existing research and marketing programs. The proposed changes in inspection and labeling are technical in nature and adapted to reflect changes in processing technology and marketing.

Proposal Changes the Following Existing Rules: Current assessment rates will exist in full force and effect beyond crop year 1995.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to Walter Swenson, Agricultural Programs Administrator, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, or FAX (360) 902-2089.

Hearing Location: Washington State University Irrigated Agriculture Research and Extension Center, Bunn Road, North of King Tull Road, Prosser, Washington, on June 13, 1995, at 9:30 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by June 13, 1995, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Walter Swenson, Agricultural Programs Manager, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-1928, by June 13, 1995.

Date of Intended Adoption: August 23, 1995.

AMENDATORY SECTION (Amending Order 1992, filed 12/2/88)

WAC 16-532-035 Inspection required. All varieties of hops produced in the state of Washington shall be inspected and certified by the Federal/State Hop Inspection Service for quality and condition (~~when marketed~~) of seed, leaf and stem prior to marketing or processing, pursuant to the standards established by the Federal Grain Inspection Service of the United States Department of Agriculture.

AMENDATORY SECTION (Amending Order 2090, filed 7/10/91, effective 8/10/91)

WAC 16-532-040 Assessments and collections. (1) **Assessments.**

(a) The annual assessment on all varieties of hops shall be two dollars and fifty cents per affected unit (~~for the crop years of 1991, 1992, 1993, 1994, and 1995. The annual assessment for the crop year of 1996 and subsequent years shall be one dollar and twenty-five cents~~).

(b) For the purpose of collecting assessments the board may:

(i) Require handlers to collect producer assessments from producers whose production they handle, and remit the same to the board; or

(ii) Require the person subject to the assessment to give adequate assurance or security for its payment.

(c) Subsequent to the first sale or processing, no affected units shall be transported, carried, shipped, sold, marketed, or otherwise handled or disposed of until every due and payable assessment herein provided for has been paid and the receipt issued. The foregoing shall include all affected units shipped or sold, both inside and outside the state.

(2) **Collections.** Any moneys collected or received by the board pursuant to the provisions of the order during or with respect to any season or year may be refunded on a pro rata basis at the close of such season or year or at the close of such longer period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing agreement or order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding season, year or period whenever the board finds that the same will tend to effectuate such policies and purposes.

(3) **Penalties.** Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such

person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

AMENDATORY SECTION (Amending WSR 93-09-014, filed 4/13/93, effective 5/14/93)

WAC 16-532-120 Labeling. (1) Each lot of hops must be identified by the crop year produced, grower number and lot designation, and variety stenciled on each bale.

(a) A three-digit grower number will be assigned by the Washington hop commodity board (commission) prior to the annual harvest.

(b) The first marking will consist of the last digit of the crop year, the letter "G" and a hyphen, followed by the three-digit grower number and lot designation (example: 8G-000-01).

(c) The first marking shall be affixed on the head or top of the bale and shall be in characters approximately two inches high.

(d) The second marking will consist of the hop variety, utilizing the following abbreviations:

AQ - Aquila
 BA - Banner
 BG - Brewer's Gold
 CA - Cascade
 CN - Centennial
 CH - Chinook
 CL - Cluster
 CR - Crystal
 ER - Eroica
 EX - Experimental
 FU - Fuggle
 GA - Galena
 HA - Hallertauer
 HE - Hersbrucker
 LI - Liberty
 MH - Mt. Hood
 (~~LI - Liberty~~)
 NB - Northern Brewer
 NU - Nugget
 OL - Olympic
 OT - Other
 SA - Saaz
 SP - Spalter
 PE - Perle
 TE - Tettnanger
 UL - Ultra
 WI - Willamette

(e) The second marking shall be affixed immediately below the first marking on the head or top of the bale, and shall be in characters approximately two inches high.

(2) In addition to any other brands, labels, stencils or other marks customarily used by hop handlers to identify their own trademarks, labels or firm names, all baled hops shall be branded, labeled, stenciled or marked with one distinctive identifying marking, defined or designated by the

hop commodity board (commission), which shall identify the hops as having been grown in the state of Washington.

(a) This mark or identification shall be stenciled in letters at least one inch in height and shall read: "WASHINGTON," or "GROWN IN WASHINGTON," as prescribed by the hop commodity board (commission).

(b) This mark or identification shall be affixed in a suitable position on the head or top of the bale, in the area generally used by the federal/state inspectors to stencil their own identification mark and in the same general area where the grower's "G" number and variety identification are applied.

(c) At no time shall the said identification marking appear on the face or sides of the bales, as these areas are considered to be for the use of the dealer or handler for trademarks, shipping markings, bale numbers, firm insignias, etc.

(d) The approved identification marking shall be affixed by the federal/state inspector prior to the drawing of samples for federal/state inspection, and, no hops may be sampled for this purpose unless said markings have been affixed thereto in compliance with the regulations prescribed by the hop commodity board (commission).

(e) Handlers who offer hops for sale in foreign countries where only shipping markings are permitted on the bales or containers, may apply to the hop commodity board (commission) for permission to blot out or remove the identifying marking.

WSR 95-10-096
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed May 3, 1995, 11:19 a.m.]

Original Notice.

Title of Rule: Chapter 16-580 WAC, Washington Farmed Salmon Commission marketing order.

Purpose: (1) To conduct a referendum as required for the approval of an order under chapter 15.65 RCW to determine if the affected producers desire that the order be terminated on December 31, 1995, or continue in full force and effect beyond said date; (2) to amend the number of affected producer board members from seven to five.

Statutory Authority for Adoption: RCW 15.65.050, 15.65.280.

Statute Being Implemented: Chapter 15.65 RCW.

Summary: The farmed salmon commissioner's marketing order contains a conditional sunset date on December 31, 1995. The director of agriculture must conduct a referendum to determine if the affective producers want the order to be terminated on the sunset date or continue in full force and effect beyond said date.

Reasons Supporting Proposal: Washington Farmed Salmon Commission board of directors petitioned the director of agriculture to amend the marketing order.

Name of Agency Personnel Responsible for Drafting: Walter Swenson, Washington State Department of Agriculture, 1111 Washington Street, Olympia, WA, (360) 902-1928; Implementation and Enforcement: Washington Farmed Salmon Commission, Bellingham, Washington, (360) 671-1997.

Name of Proponent: Board of Directors, Washington Farmed Salmon Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Affected producers must approve in compliance with RCW 15.65.160 before this rule can become effective.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The marketing order for farmed salmon producers became effective on October 1, 1992, and contained a conditional sunset date on December 31, 1995. The director of agriculture must conduct a referendum to determine if the affected producers want the order to be terminated on the sunset date or be continued in full force and effect beyond the sunset date. The Farmed Salmon Commission board consists of seven producer representatives. The amendment will reduce the board membership to five producer representatives.

Proposal Changes the Following Existing Rules: Unless the affected producers terminate the marketing order, the commission will continue beyond December 31, 1995. The commission board membership will change from seven affected producers to five affected producers.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? Yes. A copy of the statement may be obtained by writing to Walter Swenson, Agricultural Programs Administrator, P.O. Box 42560, Olympia, WA 98504-2560, phone (360) 902-1928, or FAX (360) 902-2089.

Hearing Location: National Marine Fisheries Service, NW Fisheries Center Room 370 W, 2725 Montlake Boulevard East, Seattle, WA, on June 6, 1995, at 10:00 a.m.

Assistance for Persons with Disabilities: Contact Cathy Jensen by June 6, 1995, TDD (360) 902-1996, or (360) 902-1976.

Submit Written Comments to: Walter Swenson, Agricultural Programs Manager, P.O. Box 42560, Olympia, WA 98504-2560, FAX (360) 902-2089, by June 6, 1995.

Date of Intended Adoption: August 23, 1995.

May 3, 1995

William E. Brookreson
Assistant Director

AMENDATORY SECTION (Amending WSR 92-22-062, filed 10/29/92, effective 12/1/92)

WAC 16-580-020 Farmed salmon commodity board.

(1) Administration. The provisions of this marketing order and the applicable provisions of chapter 15.65 RCW shall be administered and enforced by the board as the designee of the director.

(2) Board membership. The board shall consist of ~~((seven))~~ five producer representatives. The director shall appoint one additional member who is not an affected producer to represent the department and the general public.

(3) Board membership qualifications. The affected producer members of the board shall be residents of the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in the activities of an affected producer within the state of Washington for a

period of one year and has, during that time, derived a substantial portion of his/her income therefrom. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) Term of office.

(a) The term of office, for members of the board shall be three years, unless the marketing order is terminated earlier. One-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through ~~((seven))~~ five and the member appointed by the director, position ~~((eight))~~ six.

(c) Commencing on January 1, 1996, the term of office for the ~~((initial))~~ board members shall be as follows:

Position~~((s))~~ one ~~((and two))~~ - one year - shall terminate on December 31, ~~((1993))~~ 1996.

Positions two and three ~~((, four, and five))~~ - two years - shall terminate on December 31, ~~((1994))~~ 1997.

Positions ~~((six, seven, and eight))~~ four and five - three years - shall terminate on December 31, ~~((1995))~~ 1998.

(5) Nomination and election of board members. Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may nominate a representative for membership on the board at such nomination meeting.

Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

When only one nominee is nominated for any position on the board, and the director deems that said nominee satisfies the requirements of the position, then it shall be deemed that said nominee has been duly elected.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of October under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to

vote whose name appears on the list of such affected producers maintained by the director in accordance with RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) Removal of board members. A board member may be removed by a vote of the board if that member fails to attend any three consecutive meetings of the board, duly noticed.

(8) Vacancies prior to election. In the event of a vacancy on the board, the board shall appoint a qualified person to fill the unexpired term.

(9) Quorum. A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(10) Board compensation. No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meeting of the board or on special assignment for the board in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(11) Powers and duties of the board. The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the policies of the act.

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited funds with the director in order to defray the costs of formulating the order.

(f) To establish a fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not to exceed one hundred dollars, shall be deposited each day.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, disbursements, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond

or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.05 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To authorize the members of a commodity board, or their agents or designees, to participate in federal or state hearings or other proceedings concerning regulation of the manufacture, distribution, sale, or use of any pesticide as defined by RCW 15.38.030(1) or any agricultural chemical which is of use or potential use in producing the affected commodity, and may authorize the expenditure of commission funds for this purpose.

(p) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(q) To sue or be sued.

(12) Procedures for board.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meeting Act).

(b) The board shall hold an annual membership meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members.

AMENDATORY SECTION (Amending WSR 92-22-062, filed 10/29/92, effective 12/1/92)

WAC 16-580-070 Effective time. This marketing order for farmed salmon products shall become effective on or after October 1, 1992, ~~and remain in full force and effect until December 31, 1995, unless terminated prior~~

~~thereto under the provisions of chapter 15.65 RCW. Provided, That if it remains in effect until December 31, 1995, the director shall conduct a referendum as required for the approval of an order under chapter 15.65 RCW at such time prior to such date so that he may determine if the affected producers desire that the order be terminated on such date or continued in full force and effect beyond such date. All costs of conducting such election shall be defrayed from the funds of the commission).~~

WSR 95-10-098
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed May 3, 1995, 11:22 a.m.]

Original Notice.

Title of Rule: Standards for the certification of processors of organic food.

Purpose: To amend chapter 16-158 WAC and bring it up to date with currently accepted organic food processing standards.

Statutory Authority for Adoption: RCW 15.86.060 and 15.86.070.

Statute Being Implemented: Chapter 15.86 RCW.

Summary: The proposed amendments clarify and add definitions used in the rule, clarify certification procedures, update organic processing standards, clarify labeling and record-keeping requirements, list approved minor ingredients, establish new fees for late applications and additional inspections and samples, and reduce assessment fees.

Reasons Supporting Proposal: Chapter 16-158 WAC needs to be updated so that Washington state's organic food processors can continue to comply with federal organic processing standards and be competitive in domestic and export markets. The Washington State Department of Agriculture's Organic Advisory Board has helped draft the proposed amendments.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Miles McEvoy, 1111 Washington Street, Olympia, (360) 902-1924.

Name of Proponent: Organic Food Program, Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: History - Chapter 16-158 WAC, Processed organic foods—Certification and labeling, was adopted in June 1990. These rules provide standards for the processing of organic foods. Standards for the labeling of multi-ingredients and certification procedures were also included. In 1992, chapter 15.86 RCW was amended to include additional requirements regarding the labeling, recordkeeping and certification of processors of organic food. The continued development of the organic food industry has led to changes and refinements to organic food processing standards. Chapter 16-158 WAC, Processed organic food, needs to be amended in light of state statutory changes and to comply with pending federal standards.

Purpose - The purpose of amending chapter 16-158 WAC is to update the processed organic food standards, clarify certification procedures, reduce fees, and coordinate

the administration of processed organic food certification with other components of the organic food program.

Anticipated results - The amendments to chapter 16-158 WAC should help processors of organic food by clarifying and simplifying organic food processing standards. In addition, the overall effect of the amendments are to reduce fees and reduce the administrative expenses of the Organic Food Program.

Proposal Changes the Following Existing Rules: WAC 16-158-010 Purpose, amendment adds clause relating purpose to the proper administration of the Organic Food Products Act.

WAC 16-158-020 Definitions, redefines processed organic food. Deletes definitions of processed organic food certification, food processing, and food processing plant. Adds definitions of approved, department, facility, material, organic food product, person, procedure, processor, prohibited, and recognized organic certification agency.

New section WAC 16-158-025 Organic certification of processors, requires all processors who have more than 50% organic ingredients to be certified as organic food processors. This section is needed to comply with statutory changes in RCW 15.86.080 and [15.86.]090.

New section WAC 16-158-027 Application for certification—Expiration date, establishes application deadline, expiration date, and late fee of fifty dollars.

WAC 16-158-030 Organic processing standards, amendments are offered to update and clarify organic processing standards. Standards are added that require that organic food certificates are available for all ingredients. Standards are added that prohibit the storage of organic food products in controlled atmosphere with diphenylamine treated products. Standards are added that require the use of potable water for all organic food processing.

WAC 16-158-040 Labeling, clarifies labeling standards by reorganizing subsections. Changes percentage of approved minor ingredients from 2% to 5% to be consistent with federal organic standards.

WAC 16-158-050 Record-keeping requirements, record-keeping requirements are clarified. Subsection on confidential nature of business related information is added.

WAC 16-158-060 Approved minor ingredients and additives for processed organic food, amendments add specific minor ingredients and processing aids that may be used in processing organic food.

WAC 16-158-070 Processed organic food certification, section is no longer needed and is repealed.

WAC 16-158-080 Use of processed organic food certification logo, provides for the use of the processed organic food logo for processed organic food products that contain more than 95% organic ingredients.

WAC 16-158-090 Inspection, wording is amended to reflect inspection of facilities rather than organic food processors.

WAC 16-158-100 Sampling, wording is amended for clarification. Testing of samples is amended to include pesticide residues and other contaminants.

WAC 16-158-120 Decertification, amendments clarify and simplify this section.

WAC 16-158-130 Fees, application fees are reduced from \$300 per applicant to \$150 per facility. Assessment fees are reduced for processors with value of production over

one million dollars. Fees are specified for additional inspections, out-of-state inspections, and samples.

WAC 16-158-150 Processed organic food certification logo, an additional logo design is added for use on certified organic products.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Chapter 16-158 WAC affects all businesses which process organic food in the state of Washington. Businesses which process organic food may include meat packers (SIC 201), dairy processors (SIC 202), fruit and vegetable processors (SIC 203), grain and flour mills (SIC 204), bakeries (SIC 205), and other food processors (SIC 206, 207, 208, and 209). At the current time processed organic food is a very small percentage of the businesses in these standard industrial classifications (less than 2% of these businesses).

Compliance costs of proposed rule: WAC 16-158-030 Organic processing standards and 16-158-050 Record-keeping requirements. Standards for processing organic food include maintaining records and adequate segregation of product to ensure the integrity of the organic food. Records need to be kept that maintain the identity of the organic food products throughout the processing of those products. Segregation needs to be maintained that ensures that there is no commingling, contamination, or misidentification of the processed organic foods with nonorganic foods. Most food processors already maintain adequate records for the record-keeping requirements under WAC 16-158-050. Procedures to maintain the segregation of organic food products may cause additional cleaning time and some lost production time. Many processors maintain segregation for different product lines and/or different clients, so maintaining segregation for organic products does not impose any additional costs on processors than those they would normally incur for processing any other specialty item.

WAC 16-158-130 Fees, this section imposes direct costs on businesses who elect to process and sell organic food products. These fees pay for the cost of the certification program. In order to market and sell processed organic food products the processors need to be certified by a third-party agency such as the Washington State Department of Agriculture (RCW 15.86.090). By being a certified organic food processor, businesses obtain a premium of between 20 - 100% for their products which more than offsets the costs of certification.

Under the proposed amendments the cost of applying for certification is reduced.

Hearing Location: Natural Resources Building, 1111 Washington Street, Room 259, 2nd Floor, Olympia, WA 98504, on June 9, 1995, at 1:00 p.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by May 26, 1995, TDD (360) 902-1996, or (360) 902-1880.

Submit Written Comments to: Miles McEvoy, FAX (360) 902-2087, by June 9, 1995.

Date of Intended Adoption: June 19, 1995.

May 2, 1995
Candace Jacobs
Assistant Director

Chapter 16-158 WAC
((PROCESSED ORGANIC FOODS—CERTIFICATION AND LABELING)) STANDARDS FOR THE CERTIFICATION OF PROCESSORS OF ORGANIC FOOD

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act and pursuant to RCW 15.86.070 wherein the director is authorized to adopt rules establishing a certification program for processors of organic food.

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-020 Definitions. As used in this chapter:
~~((1) "Processed organic food" means food that in whole or in part is organically grown and which in its processing has not been treated with synthetically or artificially derived preservatives, colorings, flavorings, or any other artificial or synthetic additive.~~

~~(2) "Processed organic food certification" means that a food product complies with the processed organic food standards and has been inspected and tested as set forth in this chapter.~~

~~(3) "Food processing" is as defined under RCW 69.07.010 and means the handling or processing of any food in any manner in preparation for sale for human consumption. Provided, That it shall not include fresh fruit or vegetables merely washed or trimmed while being prepared for sale in their natural state.~~ (4) "Director" means the director of the department of agriculture or his or her designee.

~~(5) "Food processing plant" is as defined under RCW 69.07.010 and includes but is not limited to any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where food is prepared, handled, or processed in any manner for resale or distribution to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer. Provided, That retail outlets, as set forth herein, processing foods in any manner for resale shall be considered a food processing plant as to such processing.)~~ (1) "Approved" means any material or practice which meets the required criteria or standards for use in the processing or handling of organic agricultural products.

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

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

(4) "Facility" includes, but is not limited to, any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food is prepared, handled, or processed in any manner for resale or distribution to retail outlets, restaurants, and any such other facility selling or distributing to the ultimate consumer.

(5) "Material" means any substance or mixture of substances that is used in the processing or handling of organic agricultural products.

(6) "Organic food product" means any food product, including fruit, vegetable, meat, dairy, beverage and grocery, that is marketed using the term organic or any derivative of the term organic in its labeling or advertising.

(7) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.

(8) "Procedure" means an act, method, or manner of proceeding in some process or course of action.

(9) "Processed organic food" means food that in whole or in part is organically grown and which in its processing has not been treated with synthetically or artificially derived preservatives, colorings, flavorings, or any other artificial or synthetic additive, except as otherwise approved for use under WAC 16-158-060.

(10) "Processor" means any person engaged in the canning, freezing, drying, dehydrating, cooking, pressing, powdering, packaging, baking, heating, mixing, grinding, churning, separating, extracting, cutting, fermenting, eviscerating, preserving, jarring, or otherwise processing organic food.

(11) "Prohibited" means any material or practice which is disallowed in the processing or handling of organic agricultural products.

(12) "Recognized organic certification agency" means any third-party organization that is accepted by the director as being one which verifies compliance with standards consistent with chapter 15.86 RCW or rules adopted thereunder.

NEW SECTION

WAC 16-158-025 Organic certification of processors.

All processors must be certified by the department or through a recognized organic certification agency, except for processors who use less than fifty percent organic ingredients in their product(s). Producers who process and sell only their own product are not required to obtain certification under this chapter. Processors must complete an application for certification and submit it with the required fee to the department of agriculture on an annual basis.

Upon approval of the application by the director, the applicant shall be issued an organic food processor certification.

NEW SECTION

WAC 16-158-027 Application for certification—

Expiration date. Organic food processors must apply to the department for organic food certification by March 1 of each year. The application, accompanied by the appropriate fee shall be submitted to the department on forms furnished by the department. Organic food processor certificates shall expire on March 31st of the year following their issuance.

Applications made after the set deadline may be processed as the department can schedule the initial inspections, provided that the applicant pays a late fee of fifty dollars.

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-030 Organic processing standards. (1) Ingredients for processed organic foods:

((All processed foods and raw materials labeled as organic must comply with chapter 15.86 RCW and chapter 16-154 WAC. A copy of grower affidavits for raw materials must be placed on file at the time of purchase as part of the organic food processor's audit.)) All organic ingredients used in processed organic food must be produced in compliance with organic food production standards as required by rules adopted under chapter 15.86 RCW. Organic food producer or processor certificates for all organic ingredients used in processing must be kept on file by the processor and available to the department upon request. All organic producers or processors that supply ingredients must be certified by a recognized organic certifying agent.

All nonorganic ingredients which are used in product formulation and that are not specifically approved under WAC 16-158-060 must be approved by the director and their sources must be listed as part of the audit process.

((The source(s) of any "approved ingredients" which are not organically grown and are used as less than two percent by weight of the total product because these ingredients or additives are vital to product formulation and the organic ingredient is unavailable, extremely difficult to obtain, or impractical to substitute, must be listed as part of the organic food processor's audit.))

(2) Identification and storage:

All organic food products must be clearly identified as organic at all times on all boxes, bins, bags, or other containers that contain organic food products. All ((ingredients in an organic food processing facility)) organic food products must be stored so that there is no cross contamination from or confusion with ((a)) nonorganic food ((substance)) products.

Insect and rodent control programs must be in place for organic product storage areas. Any ((insecticides and rodenticides)) materials used in the organic product storage areas must be approved for ((organic production)) use in organic food production under chapter 16-154 WAC or this chapter.

In areas where entire ((manufacturing plants)) facilities are periodically fumigated, the processor must demonstrate that any fumigants used will not ((form toxic residues on)) contaminate organic products.

Compounds for cleaning storage areas must be used in a manner that ((leaves no contamination of organically grown or approved nonorganic products by such synthetically formulated compounds)) does not contaminate organic food products.

Organic and nonorganic food products may be stored in the same storage room as long as there is adequate separation of products and product identification assures no mixing of products.

Storage techniques may be used to alter the nitrogen, oxygen, and carbon dioxide levels in the storage room atmosphere. Organic food products shall not be stored in controlled atmosphere storage with diphenylamine treated food products.

(3) ~~((Food processing plant:))~~ Processing of organic food products:

In addition to meeting all state and federal manufacturing standards, the processor of organic foods must submit a complete description of the processing method to the director. This description should detail how all ingredients are handled, changed, and ultimately packaged. ~~((It should detail each machine, its ability to be thoroughly cleaned, the introduction of all ingredients, including water, into the product, packaging procedures, and cleanup procedures.))~~

~~The organic food processor should demonstrate that once packaged, the product has not been contaminated by any step in the process. Organic food processors must be aware of possible contamination by various forms of packaging.))~~

All packaging and products must be free of fungicides, preservatives, fumigants, and ~~((contaminants))~~ any other materials which are not approved for use on organic products under chapter 16-154 WAC or this chapter.

All water used in processing ~~((must be noted in the organic food processor's audit. Source(s) and the additives chlorine and fluoride are to be monitored and comply with all applicable state regulations.))~~

~~In any event cleaning must be accomplished with adequate sanitizers including unstable chlorine compounds to adequately clean and sanitize equipment, and as needed to maintain satisfactory sanitary practices))~~ must be potable and comply with all local, state, and federal guidelines for potable water.

Cleaning and sanitizing must be done with appropriate cleansers and sanitizers that will ensure clean and sanitary facilities and do not leave any residues of cleansers or sanitizers on the organic food products.

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-040 Labeling. All processed organic foods processed or sold in Washington state must comply with the following labeling regulations.

(1) All organically processed foods must be labeled in accordance with Title 21, C.F.R., Part 101.

(2) No organic food product may be labeled "organic when available."

(3) For foods which are composed of one hundred percent organic ingredients: The terms "organic" or "organically grown" may be used without restriction on the principal display panel of a processed food product if that product is a single or multi-ingredient food where all ingredients, excluding water and salt, are organically grown.

(4) For foods which are composed of more than ninety-five percent organic ingredients: The terms "organic" or "organically grown" may be used in the product identity on the principal display panel when less than five percent by weight of the total product contains minor ingredients or additives which are approved under WAC 16-158-060 or by the director.

(5) For foods which are composed of between fifty percent and ninety-five percent organic ingredients: In multi-ingredient food products which contain some non-organic ingredients, excluding water and salt, the use of the terms "organic" or "organically grown" can only be used to

modify the organic ingredient(s) and must restrict the type size of the words organic or organically grown etc., to not larger than three-quarters type size of the product identity.

(6) For foods which are composed of less than fifty percent organic ingredients: If organically grown ingredients comprise less than fifty percent by weight, excluding water and salt, of the ingredients in a multi-ingredient food the word organic or any derivative of the word organic can only be used on the ingredients list.

~~((5) The terms "organic" or "organically grown" may be used in the product identity when less than two percent by weight of the total product contains minor ingredients or additives which are:~~

~~From a list approved by the Washington state department of agriculture.))~~

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-050 Recordkeeping requirements. ~~((All processed organic food must be completely followed by an audit control system.~~

~~Organic food processors must keep records of products bought and sold that will enable the department to trace processed food products from the farm to the market. Such records must include but are not limited to, invoices, bill of lading, and grower affidavits of incoming raw product; repack data and production run reports; and invoices and bill of lading of processed products shipped out. These records must be kept for a minimum of two years. The audit control must be complete enough so that any product suspected of contamination can be immediately traced from point of origin to buyer.))~~ (1) All organic food products must be clearly identified through appropriate labeling on all boxes, bins, bags, or other containers that contain organic food products from the time of receiving through the sale of the final product. Records must be maintained that track product from receiving through distribution or sale. Such records must include when applicable, invoices, bills of lading, and grower certificates for incoming raw product; date and quantity of product processed; repack data and production run reports; and invoices and bills of lading of products shipped out. These records must be maintained for a minimum of five years from date of processing.

(2) All processors shall have available to the department the following documents and information for the organic ingredients used in processing:

(a) For raw ingredients a copy of the producer's organic food producer certificate.

(b) For ingredients from intermediate processors or copackers a copy of the processor's or copacker's organic food processor certificate. All organic food producer and processor certificates shall be from recognized organic certification agencies.

(3) Except for applications for organic certification or lab analysis pertaining to that certification, the department shall keep confidential any business related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying consistent with RCW 15.86.110 and 42.17.310 (1)(dd).

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

~~WAC 16-158-060 ((Permitted substances for organic food processing.)) Approved minor ingredients and additives for processed organic food. ((A list of permitted substances and good manufacturing practices will be made available by the department. In general, all substances used in organic food processing should be grown organically.))~~
The following minor ingredients and processing aids may be used in processed organic foods:

- (1) Naturally occurring organic acids.
- (2) Plant-derived gums. Must be mechanically or water extracted.
- (3) Aluminum-free anticaking agents, buffers and leavenings.
- (4) Enzymes. No preservatives allowed.
- (5) Pectins. Cannot contain copper or aluminum precipitants.
- (6) Mineral salts.
- (7) Seaweed and seaweed extracts for example carrageenin.
- (8) Yeasts and other starter cultures. No synthetic preservatives or stabilizers allowed.
- (9) Atmospheric gases including nitrogen, oxygen, and carbon dioxide.
- (10) Other additives and processing aids approved by the United States Department of Agriculture's Organic Food Program or otherwise approved by the department for use in organic food processing.

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-080 Use of processed organic food certification ((label)) logo. Organic food processors certified under the Washington department of agriculture organic food program will be able to use the words "processed ((under)) in accordance with the Washington state department of agriculture organic food certification program" in their labeling as long as their practices comply with this chapter, chapter 15.86 RCW, and chapter 16-154 WAC. Food processed and sold under this organic food processor certification program and which are composed of more than ninety-five percent organic ingredients may be identified by the use of one of the attached logos adopted in WAC 16-158-140.

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-090 Inspection. The director shall make at least one visit and any additional visits deemed necessary to each ((organic food processor under the organic food certification program)) facility each year for the purpose of inspection for compliance with this chapter and chapter 15.86 RCW and ((chapter 16-154 WAC)) rules adopted pursuant to chapter 15.86 RCW.

This inspection may entail survey of required records, examination of ((processing equipment)) handling, processing and storage areas, and any other information deemed necessary to the requirements of this chapter.

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-100 Sampling. A representative sample ((representative of a processed product processed by organic food processors under the organic food certification program)) of the product processed, packed, sold, or distributed may be tested for pesticide residues or other contaminants whenever the director deems it necessary for certification or maintenance of certification.

It shall be the processor's responsibility to arrange for and bear the costs for any additional testing which is deemed necessary by the director.

AMENDATORY SECTION (Amending WSR 91-09-028, filed 4/11/91, effective 5/12/91)

WAC 16-158-120 Decertification. Whenever the director finds that ((an organic food)) a processor who has been certified under this program has:

- (1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;
- (2) Has filed an application for certification which is false or misleading in any particular;
- (3) Has violated any of the provisions of this chapter;
- (4) Has failed to provide records as required by WAC 16-158-050((+or
- ~~(5) Has violated any provisions of chapter 69.04 or 69.07 RCW;))~~ or rules adopted under chapter 15.86 RCW.

The director may issue an order suspending or revoking that processor's certification under this program or he may issue an order directing the ((organic food)) processor to take other appropriate action to correct the violation. If the appropriate action is taken, the processor will be returned to its previous status under the program.

Any ((organic food)) processor who has received notice that its certification may be revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW. ((Such application must be in writing, addressed to the director of the Washington department of agriculture and be received in the Olympia administrative offices not later than twenty days from the date of the notice of the opportunity to apply for a hearing.

~~This shall not preclude the department of agriculture from taking whatever action they deem appropriate under chapter 69.04 or 69.07 RCW for violations of those statutes.))~~

AMENDATORY SECTION (Amending Order 2042, filed 6/5/90, effective 7/6/90)

WAC 16-158-130 Fees ((schedule)). ((Application for a license shall be on a form prescribed by the director and accompanied by a three hundred dollar annual license fee. In addition, one quarter of one percent of gross receipts of the previous years' sales of processed organic food must accompany the application.)) (1) The cost per application shall be one hundred fifty dollars per facility. In addition, an assessment fee based on the following fee schedule shall accompany the application. Gross value of production means the value of processed organic food produced during the previous calendar year. In the event that the current

calendar year's production exceeds the previous year's production, the department may bill the processor for the additional fee. In the event that the current calendar year's production is less than the previous year's production, the processor may request a refund for the reduced fee. The appropriate fee shall accompany the application.

FEE SCHEDULE

<u>GROSS VALUE OF PRODUCTION</u>	<u>ASSESSMENT RATE</u>
For up to one million dollars	0.25%
For over one million:	
1st one million dollars	0.25%
Value over one million dollars	0.10%

(2) Initial inspections within the state of Washington are provided for under the above fee schedule.

Additional inspections, (in addition to two inspections provided for), if necessary or requested, shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management. Out-of-state inspections, if necessary or requested, shall be at the rate of thirty dollars per hour plus transportation costs.

(3) Samples, (in addition to one sample provided for) if required for certification or maintenance of certification by the director, or requested by the applicant, shall be charged to the applicant at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.

NEW SECTION

WAC 16-158-150 Processed organic food certification logo.



PROPOSED

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-158-070 Processed organic food certification.

**WSR 95-10-099
PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed May 3, 1995, 11:24 a.m.]

Original Notice.

Title of Rule: Standards for the certification of handlers of organic food.

Purpose: To amend chapter 16-164 WAC and bring it up to date with currently accepted organic food handling standards.

Statutory Authority for Adoption: RCW 15.86.060 and 15.86.070.

Statute Being Implemented: Chapter 15.86 RCW.

Summary: The proposed amendments add definitions used in the rule, clarify certification procedures, update organic packing standards, clarify record-keeping requirements, and establish new fees for late applications.

Reasons Supporting Proposal: Record-keeping and certification procedures need to be clarified to simplify administration and compliance with organic handling standards and comply with pending federal standards. The Washington State Department of Agriculture's Organic Advisory Board has helped draft the proposed amendments.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Miles McEvoy, 1111 Washington Street, Olympia, (360) 902-1924.

Name of Proponent: Organic Food Program, Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: History - Chapters 16-164 and 16-166 WAC were both enacted in September 1992. These rules provided standards for the packing and handling of organic foods.

Purpose - The purpose of amending chapter 16-164 WAC are to simplify the organic food handling standards by combining all organic food handlers under an amended WAC and repealing chapter 16-166 WAC, Standards and certification for vendors of organic food. In addition, the WAC is amended to clarify certification and record-keeping procedures.

Anticipated results - The amendments will simplify compliance with organic food handling standards and reduce administrative and record-keeping expenses for both organic food handlers and the organic food program.

Proposal Changes the Following Existing Rules: Proposal would include vendors and thus eliminate the need for chapter 16-166 WAC, Standards and certification for vendors of organic food.

Changes to chapter 16-164 WAC; WAC 16-164-010 Purpose, section is amended to refer to handlers, including packers and vendors.

WAC 16-164-020 Definitions, deletes definition of packing facility. Adds definitions of facility, handler, organic food product, person, processed organic food, sale, and recognized organic certification agency.

WAC 16-164-030 Organic certification of handlers, amends section to include vendors and packers as handlers.

New section WAC 16-164-035 Application for certification—Expiration date, requires all handlers, except for retailers to apply for certification. Sets application deadline, expiration date, and establishes late fee of fifty dollars.

WAC 16-164-040 Standards for handlers, amends packer to handler and thus includes vendors under the standards for handling organic products.

WAC 16-164-060 Record-keeping requirements, record-keeping requirements are clarified.

WAC 16-164-070 Inspections, amends packer to handler and thus includes vendors as requiring annual inspections.

WAC 16-164-080 Sampling, amends packer to handler and provides the authority to sample organic products as deemed necessary for certification.

WAC 16-164-090 Decertification, amends packer to handler.

WAC 16-164-100 Fee Schedule, clarifies method for determining application fee. Adds a new fee for out-of-state inspections at a rate of thirty dollars per hour.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. Chapter 16-164 WAC affects all businesses which handle organic food in the state of Washington. Businesses which handle organic food may include groceries and related products (SIC 514), farm product raw materials (SIC 515), grocery stores (SIC 541), Meat & Fish markets (SIC 542), fruit and vegetable markets (SIC 543), candy, nut and confectionery stores (SIC 544), dairy product stores (SIC 545), and miscellaneous food stores (SIC 549). At the current time organic food is a very small percentage of the businesses in these standard industrial classifications (less than 2% of these businesses).

Compliance costs of proposed rule: WAC 16-164-040 Standards for handlers and 16-164-060 Record-keeping requirements. Standards for handling organic food include maintaining records and adequate segregation of product to ensure the integrity of the organic food. Records need to be kept that maintain the identity of the organic food products throughout the handling of those products. Segregation needs to be maintained that ensures that there is no commingling, contamination, or misidentification of the organic foods with nonorganic foods. Most food handlers already maintain adequate records for the record-keeping requirements under WAC 16-164-060. Procedures to maintain the segregation of organic food products may cause additional cleaning time and some lost production time. Many handlers maintain segregation for different product lines and/or different clients, so maintaining segregation for organic products does not impose any additional costs on handlers than those they would normally incur for handling any other specialty item.

WAC 16-164-100 Fee schedule, this section imposes direct costs on businesses who elect to handle organic food products. These fees pay for the cost of the certification program as specified in RCW 15.86.070. In order to market and sell organic food products the handlers need to be certified by a third-party agency such as the Washington State Department of Agriculture (RCW 15.86.090). By being a certified organic food handler, businesses obtain a premium of between 20 - 100% for their products which more than offsets the costs of certification.

The amendments will simplify compliance with organic food handling standards and reduce administrative and record-keeping expenses for organic food handlers.

Hearing Location: Natural Resources Building, Room 259, 2nd Floor, 1111 Washington Street, Olympia, WA 98504, on June 9, 1995, at 2:00 p.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by May 26, 1995, TDD (360) 902-1996, or (360) 902-1880.

Submit Written Comments to: Miles McEvoy, FAX (360) 902-2087, by June 9, 1995.

Date of Intended Adoption: June 19, 1995.

May 2, 1995

Candace Jacobs
Assistant Director

Chapter 16-164 WAC
STANDARDS FOR THE CERTIFICATION OF
((PACKERS)) HANDLERS OF ORGANIC FOOD

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-010 Purpose. This chapter is promulgated pursuant to RCW 15.86.060 wherein the director is authorized to adopt rules for the proper administration of the Organic Food Products Act and pursuant to RCW 15.86.070 wherein the director is authorized to establish a certification program for processors and vendors of organic food products. This chapter provides standards for the certification of ((packers)) handlers of organic food products, including packers and vendors.

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-020 Definitions. As used in this chapter:

(1) "Approved" means any material or practice which meets the required criteria or standards for use in the ~~((packing))~~ handling of organic agricultural products.

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

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

(4) ~~("Material" means any substance or mixture of substances that is used in the packing of organic agricultural products.~~

(5) ~~"Packing facility" includes but is not limited to any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food products are prepared, handled, packaged, or repackaged in any manner for eventual sale or distribution for eventual sale to the ultimate consumer.~~

(6) ~~"Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.~~

(7) ~~"Packer" means any person who receives any organic food product, either through gaining possession or through providing a service, from a producer or other party and packages or repackages that food product.~~

(8) ~~"Prohibited" means any material or practice which is disallowed in the packing of organic agricultural products.~~

(9) ~~"Packing" means to wrap, box, or put together raw or processed organic food in a container, box, or package in preparation for sale-)~~ "Facility" includes, but is not limited to, any premises, plant, establishment, facilities and the appurtenances thereto, in whole or in part, where organic food products are prepared, handled, packaged, or repackaged in any manner for eventual sale or distribution for eventual sale to the ultimate consumer.

(5) "Handler" means any person who sells, distributes, or packs organic food products.

(6) "Material" means any substance or mixture of substances that is used in the handling of organic agricultural products.

(7) "Organic food product" means any food product, including fruit, vegetable, meat, dairy, beverage and grocery, that is marketed using the term organic or any derivative of the term organic in its labeling or advertising.

(8) "Packer" means any person who receives any organic food product, either through gaining possession or through providing a service, from a producer or other party and packages or repackages that food product.

(9) "Packing" means to wrap, box, or put together raw or processed organic food in a container, box, or package in preparation for sale.

(10) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any other member, officer, or employee thereof or assignee for the benefit of creditors.

(11) "Processed organic food" means food that in whole or in part is organically grown and which in its processing has not been treated with synthetically or artificially derived preservatives, colorings, flavorings, or any other artificial or

synthetic additive, except as otherwise approved for use under chapter 16-158 WAC.

(12) "Prohibited" means any material or practice which is disallowed in the handling of organic agricultural products.

(13) "Recognized organic certification agency" means any third-party organization that is accepted by the director as being one which verifies compliance with standards consistent with chapter 15.86 RCW or rules adopted thereunder.

(14) "Sale" means selling, offering for sale, holding for sale, preparing for sale, trading, bartering, offering a gift as an inducement for sale of, and advertising for sale in any media.

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-030 Organic certification of ~~((packing facilities))~~ handlers, including packers and vendors. All ~~((packers))~~ handlers who pack, distribute or sell organic food products in Washington state must be certified by ((WSDA)) the department or through a recognized organic certification agency, except for final retailers of organic food products. Producers who pack or sell only their own product or persons certified as organic processors are not required to obtain certification under this chapter. A ((packer)) handler seeking certification must complete an application for certification and submit it with the required fee to the department of agriculture.

Upon approval of the application by the director ~~((and an inspection finds the applicant in compliance with the provisions of this chapter,))~~ the applicant ((may)) shall be issued an organic ((packer)) food handler certification.

NEW SECTION

WAC 16-164-035 Application for certification—Expiration date. Organic food handlers, except for final retailers, must apply to the department for organic food certification on an annual basis. The application deadline is March 1. The application, accompanied by the appropriate fee shall be submitted to the department on forms furnished by the department. Organic food handler certificates shall expire on March 31st of the year following their issuance.

Applications made after the set deadline may be processed as the department can schedule the initial inspections, provided that the handler pay a late fee of fifty dollars.

Except for final retailers of organic food products, it shall be unlawful for any handler to represent, label, or sell organic food products without having obtained an annual organic food handler certificate.

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-040 Standards for ~~((packing facilities))~~ handlers. (1) Identification: All organic food products must be clearly identified at all times with appropriate labeling on all boxes, bins, bags, or other containers that contain organic food products.

(2) Storage: All organic food products in a ~~((packing))~~ facility must be stored so that there is no cross contamination from or confusion with nonorganic food products.

Insect and rodent control programs must be in place for organic product storage areas. Any materials used in organic product storage areas must be approved for use in organic food production under chapter 16-154 WAC or this chapter.

In areas where entire ((~~packing~~)) facilities are periodically fumigated, the ((~~packer~~)) handler must demonstrate that any fumigants used will not contaminate organic products.

Compounds for cleaning storage areas must be used in a manner that does not contaminate organic food products.

Organic and nonorganic food products may be stored in the same storage room as long as there is adequate separation of products and product identification assures no mixing of products.

Storage techniques may be used to alter the nitrogen, oxygen, and carbon dioxide levels in the storage room atmosphere ((~~regarding nitrogen, oxygen, and carbon dioxide~~)). Organic food products shall not be stored in controlled atmosphere storage with diphenylamine treated food products.

(3) ((~~Packing~~)) Handling of organic food products:

All packaging and products must be free of fungicides, preservatives, fumigants, and any other materials which are prohibited for use on organic food products under chapter 16-154 WAC or this chapter.

All water used in ((~~packing~~)) handling must be potable and comply with all local, state, and federal guidelines for potable water.

Cleaning and sanitizing must be done with appropriate cleansers and sanitizers that will ensure clean and sanitary facilities and do not leave any residues of cleansers or sanitizers on the organic food products.

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-060 Recordkeeping requirements. All organic food must be completely followed by an audit control system.

~~((Packers must keep records of products bought and sold that will enable the department to trace food products from the farm to the market. Such records must include but are not limited to, invoices, bills of lading, and grower affidavits of incoming raw product; repack data and production run reports; and invoices and bills of lading of products shipped out. These records must be kept for a minimum of two years. The audit control must be complete enough so that any product suspected of contamination can be immediately traced from point of origin to buyer.~~

~~All packers of organic food products shall have available to the department the following documents and information:~~

~~(1) List of organic growers for whom it packed organic food products in the previous year with the following information for each grower:~~

- ~~(a) Growers name;~~
~~(b) Certified organic producer number;~~
~~(c) Copy of the grower's organic food certificate;~~
~~(d) Lot number or numbers assigned to grower;~~
~~(e) Number of bins (flats, lbs., etc.) received;~~
~~(f) Number of boxes (flats, lbs., etc.) packed as organic;~~
~~(g) Number of boxes (flats, lbs., etc.) sold as organic;~~

and

~~(h) Amount paid to grower.~~

~~(2) Information concerning total organic sales for the facility:~~

- ~~(a) Total bins (flats, lbs., etc.) received as organic;~~
~~(b) Total boxes (flats, lbs., etc.) packed as organic;~~
~~(c) Pounds of culls sold as organic; and~~
~~(d) Value of organic product sold.~~

~~(3) List of organic growers for whom it will be receiving organic food products for the current year with the following information for each grower:~~

- ~~(a) Growers name;~~
~~(b) Certified organic producer number;~~
~~(c) Copy of organic food producer certificate;~~
~~(d) Lot number assigned to grower; and~~
~~(e) Number of bins (flats, lbs., etc.) you expect to receive.~~

~~(4)) (1) Handlers must keep records of products bought and sold that will enable the department to trace food products from receiving through sale. Such records must include but are not limited to, invoices, bills of lading, and grower affidavits of incoming raw product; repack data and production run reports; and invoices and bills of lading of products shipped out.~~

~~(2) All handlers of organic food products shall have available to the department the following documents and information:~~

~~(a) For organic food products obtained directly from producers a copy of their organic food producer certificate. All organic food producer certificates shall be from recognized organic certification agencies.~~

~~(b) For organic food products obtained from another handler, a copy of that handler's organic food handler certificate, or, for handlers which are not certified, a copy of the certificate for each organic food product obtained from that handler. All organic food certificates shall be from recognized organic certification agencies.~~

~~(c) For processed organic food products a copy of the organic food processor certificate or, if the processor is not certified, a copy of a certification verification form must be on file. Certification verification forms shall include the percentage of organic ingredients contained in each product, a list of all organic ingredients, and the certification organization(s) of those ingredients. All organic food certificates shall be from recognized organic certification agencies.~~

~~(d) Recordkeeping that allows for the tracking of product from receiving through sale. Records must be kept for a minimum of two years except for final retailers which must keep records for a minimum of six months.~~

~~(e) All paperwork and labels associated with organic food products must clearly indicate that the product is an organic product.~~

~~(3) Except for applications for organic ((~~packer~~)) handler certification or lab analysis pertaining to that certification, the department shall keep confidential any business related information obtained under this chapter concerning an entity certified under this chapter or an applicant for such certification and such information shall be exempt from public inspection and copying consistent with RCW 15.86.110 and 42.17.310 (1)(dd).~~

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-070 Inspections. The director shall make at least one inspection and any additional inspections deemed necessary to each ~~((packer))~~ handler and/or each ~~((packing))~~ facility each year to determine compliance with this chapter and chapter 15.86 RCW and rules adopted pursuant to chapter 15.86 RCW. Inspections of ~~((packers))~~ handlers with multiple facilities shall entail at least one inspection at each ~~((packing))~~ facility which handles organic food products and at least one inspection of the offices ~~((of the packer))~~ where records are kept.

This inspection may entail a survey of required records, examination of ~~((packing))~~ facility and storage areas, and any other information deemed necessary by the requirements of this chapter.

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-080 Sampling. A representative sample of the product packed, sold or distributed by the ~~((packer))~~ handler may be tested for residues of prohibited materials whenever the director deems it necessary for certification or maintenance of certification.

It shall be the ~~((packer's))~~ handler's responsibility to arrange for and bear the costs for any testing which is deemed necessary by the director.

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-090 Decertification. Whenever the director finds that a ~~((packer))~~ handler who has been certified under this program has:

- (1) Violated the standards for certification which are set forth in RCW 15.86.030 or any rules adopted under chapter 15.86 RCW;
- (2) Filed an application for certification which is false or misleading in any particular;
- (3) Violated any of the provisions of this chapter; or
- (4) Failed to provide records as required by WAC 16-164-050 or rules adopted under chapter 15.86 RCW;

The director may issue an order suspending or revoking that ~~((packer's))~~ handler's certification under this program or he may issue an order directing the ~~((packer))~~ handler to take other appropriate action to correct the violation. If appropriate action is taken, the ~~((packer))~~ handler may be returned to its previous status under the program.

Any ~~((packer))~~ handler who has received notice that its certification may be suspended or revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW.

AMENDATORY SECTION (Amending WSR 92-17-018, filed 8/7/92, effective 9/7/92)

WAC 16-164-100 Fee schedule. (1) The cost per application shall be based on the following fee schedule. Gross value shall be ~~((calculated))~~ based ~~((upon))~~ on the previous calendar year's sales of organic food products ~~((to the first buyer after packing or repacking))~~. First year applicants shall base gross ~~((sales))~~ value on an estimate of

the value of organic food products which will be ~~((packed))~~ handled at the facility. In the event that first year sales of organic food products exceed the estimate, WSDA may bill the ~~((packer))~~ handler for the additional application fee. The appropriate fee shall accompany the application.

FEE SCHEDULE

Gross value of products	FEE
sales under \$25,000	\$75
25,000 - 50,000	150
50,000 - 75,000	225
75,000 - 100,000	300
100,000 - 200,000	400
200,000 - 300,000	500
300,000 - 400,000	600
400,000 - 500,000	700
500,000 - 750,000	900
750,000 - 1,000,000	1,000
1,000,000 - 1,250,000	1,250
1,250,000 - 1,500,000	1,500
1,500,000 - 2,000,000	2,000
2,000,000 - 2,500,000	2,500
2,500,000 - 3,000,000	3,000
3,000,000 - 4,000,000	3,500
4,000,000 - 5,000,000	4,000
5,000,000 - 6,000,000	5,000
6,000,000 - 7,000,000	6,000
7,000,000 - 8,000,000	7,000
8,000,000 - 9,000,000	8,000
9,000,000 - 10,000,000	9,000
over 10,000,000	10,000

(2) Additional inspections (in addition to two inspections provided for), if necessary or requested, shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management. Out-of-state inspections, if necessary or requested, shall be at the rate of thirty dollars per hour plus transportation costs.

(3) Samples and analysis for prohibited materials, if required for certification or maintenance of certification by the director, or requested by the ~~((packer))~~ handler, shall be charged to the ~~((packer))~~ handler at a rate established by the laboratory services division of the department of agriculture. If an additional visit must be arranged to obtain a sample, it shall be at the rate of thirty dollars per hour plus mileage set at the rate established by the state office of financial management.

WSR 95-10-100
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
[Filed May 3, 1995, 11:25 a.m.]

Original Notice.
Title of Rule: Standards and certification for vendors of organic food.
Purpose: To repeal chapter 16-166 WAC.
Statutory Authority for Adoption: RCW 15.86.060 and 15.86.070.
Statute Being Implemented: Chapter 15.86 RCW.
Summary: Chapter 16-166 WAC is being repealed.

PROPOSED

Reasons Supporting Proposal: The proposed amendments to chapter 16-164 WAC eliminate the need for a separate rule for vendors of organic food. Since chapter 16-166 WAC is no longer necessary or relevant it should be repealed.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Miles McEvoy, 1111 Washington Street, Olympia, (360) 902-1924.

Name of Proponent: Organic Food Program, Washington State Department of Agriculture, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: History - Chapters 16-164 and 16-166 WAC were both enacted in September 1992. These rules provided standards for the packing and handling of organic foods.

Purpose - The relevant text and standards from chapter 16-166 WAC are being incorporated into chapter 16-164 WAC. Chapter 16-166 WAC will no longer be necessary and will be repealed.

Anticipated results - Repealing chapter 16-166 WAC in combination with incorporating all handlers under an amended chapter 16-164 WAC will simplify compliance with organic food handling standards and reduce administrative and record-keeping expenses for both organic food handlers and the organic food program.

Proposal Changes the Following Existing Rules: Chapter 16-166 WAC would be repealed.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. In isolation repealing chapter 16-166 WAC would adversely affect certified organic vendors by removing the quality assurance and verification services that this WAC provides. However, in conjunction with repealing chapter 16-166 WAC, chapter 16-164 WAC is being amended to include those businesses who were serviced under chapter 16-166 WAC. The economic impact of amending chapter 16-164 WAC is addressed [in] the respective CR-102.

Hearing Location: Natural Resources Building, 1111 Washington Street, Room 259, 2nd Floor, Olympia, WA 98504, on June 9, 1995, at 2:30 p.m.

Assistance for Persons with Disabilities: Contact Julie Carlson by May 26, 1995, TDD (360) 902-1996, or (360) 902-1880.

Submit Written Comments to: Miles McEvoy, FAX (360) 902-2087, by June 9, 1995.

Date of Intended Adoption: June 19, 1995.

May 2, 1995

Candace Jacobs
Assistant Director

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- WAC 16-166-010 Purpose.
- WAC 16-166-020 Definitions.
- WAC 16-166-030 Organic certification of vendors.
- WAC 16-166-040 Standards for vendors.
- WAC 16-166-050 Recordkeeping requirements.

- WAC 16-166-060 Inspections.
- WAC 16-166-070 Sampling.
- WAC 16-166-080 Decertification.
- WAC 16-166-090 Fee schedule.

**WSR 95-10-101
PROPOSED RULES
STATE INVESTMENT BOARD**

[Filed May 3, 1995, 11:29 a.m.]

Original Notice.

Title of Rule: Regular board meetings. Describes the day, time and place for regular monthly meetings of the Washington State Investment Board.

Purpose: To provide additional notice to the public of the day, time and place of the board's regular monthly meetings.

Statutory Authority for Adoption: RCW 43.33A.110.

Statute Being Implemented: RCW 43.33A.040(2).

Summary: Gives notice that the board's regular monthly meeting is held on the third Thursday of each month, beginning at 9:30 a.m. at the Board's Olympia Offices, 2424 Heritage Court S.W., Olympia, WA 98504-0916.

Reasons Supporting Proposal: The public should have this notice to enable persons to better plan for attendance at board meetings.

Name of Agency Personnel Responsible for Drafting: Jeffrey O. C. Lane, 1125 S.E. Washington, Olympia, 98504-0100, (306) 753-2795; Implementation and Enforcement: James Parker, 2424 Heritage Court S.W., Olympia, 98504-0916, (360) 664-8264.

Name of Proponent: Washington State Investment Board, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not necessary. There is no direct fiscal impact upon the public by this rule.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed new rule gives notice to the public of the day, time and place of the Washington State Investment Board's regular monthly meetings, i.e., the third Thursday of each month beginning at 9:30 a.m. at the Board's Olympia Offices, 2424 Heritage Court S.W., Olympia, WA 98504-0916. This rule will permit more members of the public interested in the board's work to better anticipate and plan for attendance at board meetings.

Proposal does not change existing rules.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. There is no economic impact on any business as a result of this proposed rule.

Hearing Location: 2424 Heritage Court S.W., Olympia, WA 98504-0916, on June 13, 1995, at 3:30 p.m.

Assistance for Persons with Disabilities: Contact Marilyn Bowman by June 9, 1995, TDD (360) 664-8922, or (360) 664-8900.

Submit Written Comments to: Marilyn Bowman, Public Records Officer, FAX (360) 664-8266, by June 9, 1995.

PROPOSED

Date of Intended Adoption: June 15, 1995.

May 3, 1995

Jeffrey O. C. Lane
Senior Assistant Attorney
General, Counsel to the WSIB

CHAPTER 287-01 WAC

BOARD ORGANIZATION AND ADMINISTRATION

NEW SECTION

WAC 287-01-030 Regular board meetings. The regular meetings of the state investment board are held on the third Thursday of each month, beginning at 9:30 a.m. at the board's offices at 2424 Heritage Court S.W., Olympia, Washington 98504-0916.

WSR 95-10-102

PROPOSED RULES

STATE INVESTMENT BOARD

[Filed May 3, 1995, 11:33 a.m.]

Original Notice.

Title of Rule: Amendments to the Washington State Investment Board's rules of conduct, WAC 287-04-031.

Purpose: To conform the board's code of conduct to the new chapter 42.52 RCW, Ethics in Public Service Act, and update the board's code.

Statutory Authority for Adoption: RCW 43.33A.110.

Statute Being Implemented: RCW 43.33A.110.

Summary: The proposed amendments conform the board's code of conduct rules to the requirements for gifts and honorariums to board members and employees, for personal investments by board members and employees, for use of board facilities by board members and employees, for disclosure of documents, and respecting referral of alleged violations to the Executive Ethics Board, set out in chapter 42.52 RCW.

Reasons Supporting Proposal: These amendments will help ensure ethical conduct by board members and employees, as required by state law.

Name of Agency Personnel Responsible for Drafting: Roselyn Marcus, 1125 S.E. Washington, Olympia, 98504-0100, (360) 586-1913; Implementation and Enforcement: James Parker, 2424 Heritage Court S.W., Olympia, 98504-0916, (360) 664-8264.

Name of Proponent: Washington State Investment Board, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: These proposed amendments are part of the board's efforts to ensure that its members perform their functions in an ethical fashion. They have no direct fiscal impact upon others.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule establishes a code of conduct for board members and employees. The proposed amendments shown below, modify the existing rule in several ways to conform to the provisions of chapter 42.52 RCW, the state's new

Ethics in Public Service Act. The proposed amendments are intended to help ensure that the conduct of board members and employees meet the high ethical standards expected of public servants with such responsibilities as the board and its employees have.

Proposal Changes the Following Existing Rules: (1) Modifies WAC 287-04-031 (1)(a)-(d) to conform to the requirements of chapter 42.52 RCW with respect to gifts and honorariums to board members and employees; (2) modifies WAC 287-04-031(2) to conform to the requirements of chapter 42.52 RCW with respect to personal investments by board members and/or employees. Establishes a procedure for disclosure, and approval of, certain personal investments; (3) modifies WAC 287-04-031(6) to provide an affirmative duty to property release documents required to be released under chapter 42.17 RCW; (4) modifies WAC 287-04-031(8) to prohibit board members or employees from using board facilities, etc. to benefit either themselves or other persons; and (5) adds a new WAC 287-04-031(13) providing that the board may refer alleged violations to the Executive Ethics Board for further investigation.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. The rule is an internal board rule and has no direct economic impact upon any other person or entity.

Hearing Location: 2424 Heritage Court S.W., Olympia, WA 98504-0916, on June 12, 1995, at 3:30 p.m.

Assistance for Persons with Disabilities: Contact Marilyn Bowman by June 9, 1995, TDD (360) 664-8922, or (360) 664-8900.

Submit Written Comments to: Marilyn Bowman, Public Records Officer, FAX (360) 664-8266, by June 9, 1995.

Date of Intended Adoption: June 15, 1995.

May 3, 1995

Jeffrey O. C. Lane
Senior Assistant Attorney
General, Counsel to the WSIB

AMENDATORY SECTION (Amending WSR 93-04-008, filed 1/22/93)

WAC 287-04-031 Rules of conduct. This section is promulgated pursuant to RCW 43.33A.110 to ensure compliance with chapter ((42-18)) 42.52 RCW and the code of conduct, as adopted by the board. All employees of the board and board members must comply with the code of conduct.

(1) "Gifts" and "Thing of Economic Value"

(a) No employee of the board or member of the board shall receive, accept, seek or solicit, directly or indirectly, any gift as defined in ((chapter 42-18)) RCW 42.52.010(18) if such employee or member of the board has reason to believe that(=) it could be reasonably expected that the gift, gratuity, or favor would influence the vote, action, or judgment of the officer or employee, or be considered as part of a reward for action or inaction.

~~((a) The donor would not have given the gift but for the employee's or member's office or position with the board;~~

~~(b) The donor has or is seeking to obtain a contractual or other business or financial relationship with the board;~~

~~(e) The donor has interests which may be affected by the employee's or board's performance or nonperformance of its official duty;~~

~~(d) Except that gifts may be accepted as permitted by Executive Order 92-04 (1992);)~~

~~(b) No employee of the board or member of the board shall accept gifts, except those specified in RCW 432.52.150 (2) and (5), with an aggregate value in excess of fifty dollars from a single source in a calendar year or a single gift from multiple sources.~~

~~(c) Notwithstanding the above exception found in RCW 42.52.150 (2) and (5), a board member or an employee of the board who participates in the acquisition of goods and services cannot accept things of economic value from a person who seeks to provide goods or services to the board, except for those times specifically listed in RCW 42.52.150(4).~~

~~(2) No employee of the board or board member may accept honorarium under the circumstances set forth in RCW 42.52.130. An employee or board member may accept honorarium if all of the following are met:~~

~~(a) The employee or board member will not be carrying out their agency duties nor engaging in activity which focuses specifically on the board's responsibilities, policies or programs;~~

~~(b) The honorarium is not being offered because of the employee's or board member's official position in the board;~~

~~(c) The topic is such that it does not appear that the employee or board member could have used information acquired in the course of employment or membership on the board;~~

~~(d) The honorarium is not being offered by a person or entity which does business with or can reasonably be expected to seek business with the board; and~~

~~(e) No use of government time or resources was used by the employee or board member to produce the materials or prepare for the article, appearance, or item for which the honorarium is being given.~~

~~(((2))3) Personal investments.~~

~~(a) "Permissible investment" means any mutual fund or deposit account, certificate of deposit or money market fund maintained with a bank, broker, or other financial institution, any security publicly traded in an organized market if the interest in the security at acquisition is ten thousand dollars or less or an interest in real estate unless such interest involves a related party transaction.~~

~~(b) "Other investment" means any investment not defined as a permissible investment in (a) of this subsection.~~

~~(c) "Immediate family" includes the spouse, dependent children, other dependent relatives if living in the household and any other household member, whether or not related.~~

~~(d) Board members and employees may purchase "permissible investments" without prior approval.~~

~~(e) No employee of the board shall or shall permit any member of his or her immediate family to, purchase (~~or sell~~) any "other investment," without the written prior approval of the executive director or his or her designee. The executive director shall not purchase (~~or sell~~) or permit any member of his or her immediate family to purchase (~~or sell~~) any "other investment," without the prior written approval of the chair or his or her designee who shall report to the board any approval granted or denied (~~(audit commit-~~~~

~~tee of the board)). No member of the board shall or shall permit any member of his or her immediate family to purchase (~~or sell~~) any "other investment," without the prior written approval of the executive director or his or her designee, who shall report to the board any approval granted or denied (~~(audit committee of the board)).~~~~

~~(f) No employee of the board or board member shall participate in an LBO or venture capitol IPO of which the board has an interest until such shares are available to the general public.~~

~~(((3))4) No board member or employee shall participate in any discussion or shall vote in a matter before the board which involves a business, contract, property, or other substantial investment directly or indirectly held by such person if it is reasonably foreseeable that board action on the matter would confer a benefit to such person by or through the business, contract, property, or investment.~~

~~(((4))5) No board member or employee shall participate in any discussion or shall vote in a matter before the board if such participation is motivated by something other than the best interests of the board, its members and beneficiaries, in violation of that person's duty of loyalty.~~

~~(((5))6) No board member or employee shall borrow from investment managers, outside service providers, professional advisors or consultants, banks, or other financial institutions with which the board has a business relationship, except and unless such entities are normally engaged in such lending in the usual course of their business, and then only on terms offered to others under similar circumstances.~~

~~(((6))7) Confidential information shall be used solely for the board's purposes and under no circumstances revealed to unauthorized persons, except as may be otherwise required to be disclosed as a public record pursuant to the requirements of chapter 42.17 RCW. If a document is subject to disclosure pursuant to chapter 42.17 RCW, there is an affirmative duty to properly release the document upon request.~~

~~(((7))8) No board member or employee shall divulge state agency or board information or proprietary information in the board's possession, whether labeled confidential or not, to any unauthorized person or in advance of the time prescribed for its authorized issuance, or otherwise making use of, or permitting others to make use of, information not available to the general public.~~

~~(((8))9) No board member or employee shall use his or her position or employment with the board, or use board facilities, equipment, or supplies, to obtain or attempt to obtain private gain or advantage, either for themselves or for other persons (~~(especially if a detriment to the board will result)).~~~~

~~(((9))10) No board member or employee shall use his or her position or employment with the board, or use board facilities, equipment, or supplies, to assist another in a transaction involving the board, or use his or her influence over the board to obtain or attempt to obtain gain or advantage for the person or entity seeking to transact business with the board.~~

~~(((10))11) No member of the board or its staff shall, within a period of two years after termination of such service or employment, appear before the board or receive compensation for any services rendered for or on behalf of any person, firm, corporation, or association in relation to any case,~~

~~proceeding, or application with respect to which such person was directly concerned and in which that person personally participated during the period of his or her service or employment.)~~

(11) No member of the board or its staff shall accept employment or engage in business or professional activity which he or she might reasonably expect would require or induce him or her to disclose confidential information acquired by him or her by reason of his or her official position.

~~(12) ((No member of the board or its staff shall have an account with an institutional salesman serving the state.~~

~~(13))~~ A board member or employee who is found by the board to have violated this code of conduct may be subject to official reprimand by vote of the board. In the event that the board determines a violation of the code to be so egregious or apparent as to constitute malfeasance, misfeasance, inefficiency, neglect of duty, incapacity, or unfitness to perform his or her fiduciary duties and responsibilities in the exclusive interest of the board and its beneficiaries, and if the offending person is:

(a) A voting board member: The board, in its sole discretion, may refer the matter to the proper appointing authority or the attorney general, as deemed appropriate; or if

(b) A nonvoting board member: The board, in its sole discretion, may take the appropriate steps necessary to and remove the offending member from the board; or if

(c) The executive director: The board, in its sole discretion, may take the appropriate steps to remove the director in compliance with RCW 43.33A.100; or if

(d) An employee of the board governed by the Merit Systems Rules: The executive director may take such disciplinary action as authorized under Title 356 WAC up to and including termination of employment; or if

(e) An exempt employee of the board: The executive director may take whatever disciplinary action deemed appropriate, up to and including termination of employment.

(13) The board may refer the alleged violation to the executive ethics board for further investigation as provided under RCW 42.52.360.

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 95-10-105
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Fisheries)
 [Filed May 3, 1995, 11:43 a.m.]

Original Notice.

Title of Rule: Commercial fishing rules.

Purpose: Establish coastal harbor net seasons.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Set coastal harbor salmon net seasons for 1995.

Reasons Supporting Proposal: Harvestable salmon are available.

Name of Agency Personnel Responsible for Drafting: Evan Jacoby, Natural Resources Building, Olympia, 902-2930; Implementation: Bruce Crawford, Natural Resources Building, Olympia, 902-2325; and Enforcement: Dayna Matthews, Natural Resources Building, Olympia, 902-2927.

Name of Proponent: Washington State Department of Fish and Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Sets seasons for gillnet fishery for salmon in Grays Harbor and Willapa Bay.

Proposal Changes the Following Existing Rules: New seasons for 1995.

Has a Small Business Economic Impact Statement Been Prepared Under Chapter 19.85 RCW? No. This rule affects less than ten percent of the businesses in any one three digit industrial classification and does not affect twenty percent of all small businesses.

Hearing Location: Montesano City Hall, 112 North Main, Montesano, WA, on June 7, 1995, at 7:00 p.m.

Assistance for Persons with Disabilities: Contact Jeanette Russell by May 31, 1995, TDD (360) 902-2207, or (360) 902-2934.

Submit Written Comments to: Evan Jacoby, Washington State Department of Fish and Wildlife, 600 Capitol Way North, Olympia, WA 98501, FAX (360) 902-2942, by June 6, 1995.

Date of Intended Adoption: June 14, 1995.

May 3, 1995
 O. Dennis Austin
 for Robert Turner
 Director

AMENDATORY SECTION (Amending Order 94-46, filed 6/3/94, effective 7/4/94)

WAC 220-40-021 Willapa Bay salmon—Summer fishery. From July 5 through August 15 of ~~((1994))~~ 1995, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes.

AMENDATORY SECTION (Amending Order 94-61, filed 7/21/94, effective 8/21/94)

WAC 220-40-027 Salmon—Willapa Bay fall fishery. From August 16 through December 31 of each year, 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 ~~((22))~~ 28 to 6:00 p.m. August ~~((23, 6:00 p.m. August 29 to 6:00 p.m. August 31, 6:00 p.m. September 6 to 6:00 p.m. September 8,))~~ 29 and 6:00 p.m. September ~~((13))~~ 11 to 6:00 p.m. September ~~((15, 1994))~~ 14, 1995, in SMCRA 2J, 2K, 2M and that portion of SMCRA 2G east of a line drawn true north-south through Willapa

PROPOSED

Channel Entrance Buoy 12, and that portion of SMCRA 2H west of Willapa Channel Marker 35;

(b) 6:00 p.m. September 19 to 6:00 p.m. October ((5, 1994)) 14, 1995, in SMCRA 2H, 2M and that portion of SMCRA 2G east of a line drawn true north-south through Willapa Channel Entrance Buoy 12 and that part of SMCRA 2J north of an east-west line through the north entrance marker to the Nahcotta basin (red flasher no. 2);

(c) 6:00 p.m. September ((19)) 21 to 6:00 p.m. September ((20)) 22, 6:00 p.m. September ((22)) 25 to 6:00 p.m. September ((23)) 26, 6:00 p.m. September ((26)) 28 to 6:00 p.m. September ((27)) 29, 6:00 p.m. ((September 29)) October 2 to 6:00 p.m. ((September 30)) October 3, 6:00 p.m. October 5 to 6:00 p.m. October 6, 6:00 p.m. October 9 to 6:00 p.m. October 10, and 6:00 p.m. October ((3)) 12 to 6:00 p.m. October ((4, 1994)) 13, 1995, in SMCRA 2K, and that part of SMCRA 2J south of an east-west line through the north entrance marker to the Nahcotta basin (red flasher no. 2).

(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 before 6:00 p.m. September 20, the maximum mesh size is 8-1/2 inches.

AMENDATORY SECTION (Amending Order 94-46, filed 6/3/94, effective 7/4/94)

WAC 220-36-021 Salmon—Grays Harbor—Summer fishery. From July 5 through August 15 of ((1994)) 1995, it is unlawful to fish for salmon in Grays Harbor for commercial purposes or to possess salmon taken from those waters for commercial purposes.

AMENDATORY SECTION (Amending Order 94-46, filed 6/3/94, effective 7/4/94)

WAC 220-36-023 Grays Harbor salmon—Fall fishery. From August 16 through December 31 of ((1994)) each year, it is unlawful to fish for salmon in Grays Harbor for commercial purposes, except that:

Fishing period

(1) Gill net gear may be used to fish for salmon from 6:00 a.m. to 6:00 p.m. September 20, 6:00 a.m. to 6:00 p.m. September 22, 6:00 a.m. to 6:00 p.m. September 24, 6:00 a.m. to 6:00 p.m. September 26, 6:00 a.m. to 6:00 p.m. September 28, and 6:00 a.m. to 6:00 p.m. September 30, 1995, in SMCRA 2C.

(2) Gill net gear shall be used as provided for in WAC 220-36-015.

WSR 95-10-003
PERMANENT RULES
SOUTHWEST AIR
POLLUTION CONTROL AUTHORITY

[Filed April 20, 1995, 11:00 a.m.]

Date of Adoption: January 17, 1995.

Purpose: Establish limit on fees from fuel blenders and provide for refund of excess fees.

Citation of Existing Rules Affected by this Order: Amending SWAPCA 492.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Pursuant to notice filed as WSR 94-21-032 on October 10, 1994.

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

April 18, 1995

Robert D. Elliott
 Executive Director

SWAPCA 492-050 Registration Requirements.

(a) Each blender who offers for sale, sells, or dispenses gasoline in the Authority's control area shall register with the Authority each year. Each request for registration shall be on forms supplied by the Authority and shall be accompanied by a fee to compensate for the cost of administering the registration program, including on-site inspections necessary to verify compliance with these requirements. The location of each blender facility shall be included in the information provided by the blender at registration. The fee for a control area shall be based on the volume of oxygenated gasoline sold or offered for sale by the blender in that control area to comply with the provisions of SWAPCA 492-040. Applicable fees are required to be paid in full by October 1 of each year or within 30 days after becoming a blender, whichever occurs later. The following fee table shall apply to blenders:

Small Volume Blender	\$ 500
Medium Volume Blender	\$ 1,000
Large Volume Blender	\$ 10,000
Very Large Volume Blender	\$ 25,000

(b) The total annual oxygenated fuel fees collected and retained by the Authority under this program shall not exceed \$40,000. When the total fees submitted by all blenders on October 1 of each year exceeds \$40,000, there shall be a refunding of the excess fees collected by the Authority. The refund provided to each blender shall be derived by prorating the excess fees based on that company's ratio of it's volume of oxygenate blended to the total volume of all oxygenate blended. Such refund shall be issued by the Authority by December 1 of each year and is applicable to all types of oxygenates.

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 95-10-007
PERMANENT RULES
HIGHER EDUCATION
COORDINATING BOARD

[Filed April 24, 1995, 3:50 p.m.]

Date of Adoption: March 15, 1995.

Purpose: (1) Recognize the new names of three accrediting associations traditionally referenced by the board as a necessary qualification for institutional participation in the state need grant program. (This part was not adopted by the board); (2) include, as eligible for the state need grant, disadvantaged students who complete board approved early awareness programs; (3) establish a higher base grant for qualifying disadvantaged students; and (4) clarify that the 1992-93 dollar values comprising the statutory ceiling constitute an example of how the ceiling will be calculated in succeeding years.

Citation of Existing Rules Affected by this Order: Amending WAC 250-20-011 and 250-20-021.

Statutory Authority for Adoption: Chapter 28B.80 RCW.

Pursuant to notice filed as WSR 95-03-014 on January 6, 1995.

Changes Other than Editing from Proposed to Adopted Version: The proposed changes to WAC 250-20-021(3), concerning the new names of certain accrediting associations, was not adopted.

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

April 19, 1995

John Klacik
 Associate Director
 Student Financial Aid

AMENDATORY SECTION (Amending WSR 93-08-010, filed 3/25/93, effective 4/25/93)

WAC 250-20-011 Student eligibility. For a student to be eligible for a state need grant he or she must:

(1) Be a "needy student" ~~((or "disadvantaged student"))~~ as determined by the higher education coordinating board in accordance with RCW 28B.10.802 or be a "disadvantaged student" who has completed a board approved program designed to promote early awareness of, and aspiration to, higher education.

(2) Be a resident of the state of Washington.

(3) Be enrolled or accepted for enrollment as an undergraduate student at a participating postsecondary institution or be a student under an established program designed to qualify him or her for enrollment as a full-time student at a postsecondary institution in the state of Washington.

(a) For purposes of need grant eligibility, the student must be enrolled, at time of disbursement, in a course load of at least six credits per quarter or semester or, in the case of institutions which do not use credit hours, twelve clock hours per week.

(b) A student enrolled less than half time may not receive this grant for the term in question, but is eligible for reinstatement or reapplication for a grant upon return to at least a half-time status. Correspondence courses may not comprise more than one-half of the student's minimum credit load for which aid is being considered.

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(4) Maintain satisfactory progress as defined in WAC 250-20-021(19).

(5) Not be pursuing a degree in theology.

(6) Not have received a state need grant for more than the equivalent of ten full-time semesters or fifteen full-time quarters or equivalent combination of these two. Upon receipt of a bachelor's degree, a student is no longer eligible.

(7) Have made a bona fide application for a Pell grant.

(8) Certify that he or she does not owe a refund on a state need grant, a Federal Pell Grant or a Federal Supplemental Educational Opportunity Grant, and is not in default on a loan made, insured, or guaranteed under the Federal Family Education Loan Program, the Federal Perkins Loan Program, or the Federal Direct Loan Demonstration Program.

AMENDATORY SECTION (Amending WSR 93-08-010, filed 3/25/93, effective 4/25/93)

WAC 250-20-021 Program definitions. (1) The term "needy student" shall mean a post-high school student of an institution of postsecondary education who demonstrates to the higher education coordinating board the financial inability, either parental, familial, or personal, to bear the total cost of education for any semester or quarter. The determination of need shall be made in accordance with federal needs analysis formulas and provisions as recognized and modified by the board.

(2) The term "disadvantaged student" shall mean a ~~((post-high school))~~ student who by reason ~~((of))~~ of adverse cultural, educational, environmental, experiential ~~((and))~~, or familial circumstance is ~~((unable to qualify for enrollment as a full-time student in a postsecondary institution, and who otherwise qualifies as a needy student and who is attending a postsecondary educational institution under an established program designed to qualify him or her for enrollment as a full-time student))~~ unlikely to aspire to, or enroll in, higher education. Generally, this shall mean a dependent student whose parents have not attained a college education and/or whose family income is substantially below the state's median.

(3) The term "postsecondary institution" shall mean any public university, college, community college, or vocational-technical institute operated by the state of Washington political subdivision thereof, or any other university, college, school or institute in the state of Washington offering instruction beyond the high school level which is a member institution of one of the following accrediting associations: The Northwest Association of Schools and Colleges, the Career College Association, or the Cosmetology Accrediting Commission, and if such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of one of the above named accrediting associations.

(4) "Washington resident" shall be defined as an individual who satisfies the requirements of RCW 28B.15.011 through 28B.15.013 and board-adopted rules and regulations pertaining to the determination of residency.

(5) "Dependent student" shall mean any post-high school student who does not qualify as an independent student in accordance with WAC 250-20-021(6).

(6) "Independent student" shall mean any student who qualifies as an independent student for the receipt of federal aid. These qualifications include a student who has either:

(a) Reached his or her twenty-fourth birthday before January 1st of the aid year; or,

(b) Is a veteran of the U.S. Armed Forces; or,

(c) Is an orphan or ward of the court; or,

(d) Has legal dependents other than a spouse; or,

(e) Is a married student or a graduate/professional student; or,

(f) Is determined to be independent for the receipt of federal aid on the basis of the professional judgment of the aid administrator.

(7) Definitions of "undergraduate students" will be in accord with definitions adopted for institutional use by the board.

(8) "Student budgets" shall consist of that amount required to support an individual as a student for nine months and may take into consideration cost factors for maintaining the student's dependents. This should be the amount used to calculate the student's total need for all state and federal funds.

(9) "State need grant cost-of-attendance" is the standard student cost per sector, as developed by the board.

(a) The costs-of-attendance for each sector are calculated by adding together a standard maintenance allowance for books, room, board, transportation and personal items, for all undergraduate students statewide as developed by the Washington Financial Aid Association, and the sector's regular tuition and fees for full-time, resident, undergraduate students.

(b) In no case may the costs-of-attendance exceed the statutory ceiling established by RCW 28B.10.808(4). The ceiling is calculated by adding together the same standard maintenance allowance used in determining the state need grant cost-of-attendance, plus the regular tuition and fees charged for a full-time resident undergraduate student at a research university, plus the current average state appropriation per student for operating expenses in all public institutions.

(c) For example, in the 1992-93 academic year, the value of the statutory ceiling is \$13,783. This value is composed of the Washington Financial Aid Association's maintenance budget of \$6,964, plus the regular tuition and fees charged for a resident undergraduate student at a research university of \$2,274, plus the current average state appropriation per student for operating expenses in all public institutions of \$4,545.

(d) The value of each element used in the construction of the statutory ceiling will be updated annually.

The higher education coordinating board will consult with appropriate advisory committees and the representative association of student financial aid administrators, to annually review and adjust the costs-of-attendance. The costs-of-attendance for each sector will be published concurrent with annual guidelines for program administration.

(10) "Family income" is the student's family income for the calendar year prior to the academic year for which aid is being requested.

(a) Income means adjusted gross income and nontaxable income as reported on the federally prescribed application for federal student aid.

(b) For the dependent student family income means parental income.

(c) For the independent student family income means the income of the student and any other adult, if any, reported as part of the student's family.

(d) The institutional aid administrator may adjust the family's income up or down to more accurately reflect the family's financial situation during the academic year. When such adjustments are made they shall be consistent with guidelines for making changes to determine federal student aid eligibility.

(11) "Income cutoff" means the amount of family income below which a student is determined to be eligible for the state need grant. The cutoff shall be expressed as a percent of the state's median family income. The exact point of cutoff shall be determined each year by the board based on available funding. In no case will the minimum income cutoff be less than sixty-five percent of the state's median family income, regardless of program funding.

(12) "Median family income" is the median income for Washington state, adjusted by family size and reported annually in the federal register.

(13) "Maximum base grant" is a percentage of the state need grant costs-of-attendance for each sector. The percentage will be no less than fifteen percent and no more than twenty percent, dependent each year upon available funding. The maximum base grant may be further adjusted according to the student's family income level and rate of enrollment as described in WAC 250-20-041.

For certain students who have completed board approved early awareness and preparation programs such as the Washington National Early Intervention Scholarship Program or a Trio program, the base grant will be an amount fixed annually by the board. Generally the base grant, in these cases, will be no less than the current value of the federal PELL grant program.

(14) "Dependent care allowance" is a flat grant amount, to be determined by the board, which is in addition to the student's eligibility for the base grant. The allowance is awarded to those students who have dependents in need of care. The dependent must be someone (other than a spouse) living with the student. Care must be that assistance provided to the dependent which is paid to and provided by someone outside of the student's household.

(15) "State need grant award" is the maximum base grant adjusted according to level of family income, plus a dependent care allowance, if applicable.

(16) "Academic year" is that period of time between July 1 and the following June 30 during which a full-time student would normally be expected to complete the equivalent of two semesters or three quarters of instruction.

(17) "Clock hours" means a period of time which is the equivalent of either:

(a) A 50 to 60 minute class, lecture, or recitation, or

(b) A 50 to 60 minute period of faculty-supervised laboratory shop training or internship.

(18) "Gift equity packaging policy" is the institution's policy for assigning gift aid to all needy, eligible students.

(19) "Satisfactory progress" is the student's successful completion of a minimum number of credits for each term in which the grant was received. Each school's policy for measuring progress of state need grant recipients must define satisfactory as the student's completion of the minimum number of credits for which the aid was disbursed.

(a) The minimum satisfactory progress standard for full-time students is twelve credits per term or 300 clock hours per term. Satisfactory progress for three-quarter time students is nine credits per term or 225 clock hours per term. Satisfactory progress for half-time students is six credits per term or 150 clock hours per term.

(b) Each school's policy must deny further disbursements of the need grant at the conclusion of any term in which he or she fails to complete at least one-half (50%) of the minimum number of credits for which the aid was disbursed or otherwise fails to fulfill the conditions of the institution's satisfactory progress policy.

(c) The school may make disbursements to a student who is in a probationary status. "Probation" is defined as completion of at least one-half (50%), but less than all (100%) of the minimum number of credits for which the aid was calculated and disbursed. The school must have a probation policy, approved by the board, which limits the number of terms in which a student may receive the need grant while in a probationary status.

(d) The school's aid administrator may at any time, using professional judgment exercised on a case-by-case basis, reinstate a student back into a satisfactory progress status, in response to an individual student's extenuating circumstances.

WSR 95-10-011
PERMANENT RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Order 95-03—Filed April 25, 1995, 11:07 a.m.]

Date of Adoption: April 24, 1995.

Purpose: Definition of enrolled student.

Citation of Existing Rules Affected by this Order:
Amending WAC 392-121-106(4) finance - general appointment.

Statutory Authority for Adoption: RCW 28A.150.290.

Pursuant to notice filed as WSR 95-06-059 on February 28, 1995.

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

April 24, 1995
Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending WSR 95-01-013, filed 12/8/94, effective 1/8/95)

WAC 392-121-106 Definition—Enrolled student. As used in this chapter, "enrolled student" means a person residing in Washington state who:

(1) Is eligible to enroll in the school district's education programs because he or she:

- (a) Resides in the school district with or without an address (RCW 28A.225.010, 28A.225.160 and 28A.225.215);
 - (b) Resides on a United States reservation, national park, national forest, or Indian reservation contiguous to the school district (RCW 28A.225.170);
 - (c) Resides in a school district not offering the grade for which they are eligible to enroll such as a nonhigh district (RCW 28A.225.210);
 - (d) Has been released from the school district he or she resides in and has been accepted by the school district claiming enrollment (RCW 28A.225.225 and 28A.225.230);
 - (e) Will be attending the school district as part of an interdistrict cooperative program (RCW 28A.225.250); or
 - (f) Will be attending school in a school district in another state per a reciprocity agreement pursuant to RCW 28A.225.260.
- (2) After the close of the prior school year has presented himself or herself, or has been presented, to the school district's appropriate official to be entered on the school district's rolls for the purpose of attending school in grades kindergarten through twelve;
- (3) Is under twenty-one years of age at the beginning of the school year;
- (4) Actually participated on a school day during the first four school days of the current school term (semester or quarter), or on a school day during the current school term on or prior to the date being counted, in a course of study offered by the school district as defined in WAC 392-121-107; and
- (5) Does not qualify for any of the enrollment exclusions set forth in WAC 392-121-108.

WSR 95-10-013
PERMANENT RULES
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES

[Filed April 25, 1995, 11:47 a.m.]

Date of Adoption: April 19, 1995.

Purpose: Establish policies and procedures governing the running start programs. Extends running start to Central, Eastern, and Washington State universities.

Citation of Existing Rules Affected by this Order: Amending new section WAC 131-46-135 Adopting running start rules by reference.

Statutory Authority for Adoption: RCW 28.600.300.390 [28A.600.300 - 28A.600.390], 28A.150.260 and 28A.150.-290.

Other Authority: RCW 28A.600.300 - 28A.600.400 as amended by chapter 205, Laws of 1994.

Pursuant to notice filed as WSR 95-06-054 on February 27, 1995.

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

April 25, 1995
 Claire C. Krueger
 Administrative Rules Coordinator

NEW SECTION

WAC 131-46-135 Adopting running start rules by reference. WAC 392-169-005 through 392-169-125, inclusive of the 1995 amendments thereto and the repeal of WAC 392-169-035 are hereby adopted by reference.

WSR 95-10-014
PERMANENT RULES
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGES

[Filed April 25, 1995, 10:50 a.m.]

Date of Adoption: April 19, 1995.

Purpose: Bring into compliance with federal law.

Citation of Existing Rules Affected by this Order:

Repealing WAC 131-16-005.

Statutory Authority for Adoption: RCW 28B.10.400.

Pursuant to notice filed as WSR 95-06-064 on February 28, 1995.

Effective Date of Rule: Thirty-one days after filing.
 April 25, 1995

Claire C. Krueger
 Administrative Rules Coordinator

WSR 95-10-016
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed April 25, 1995, 3:20 p.m., effective October 1, 1995]

Date of Adoption: April 25, 1995.

Purpose: Chapter 296-45 WAC, Safety standards for electrical workers, federal-initiated amendments to chapter 296-45 WAC, published in Federal Register Volume 59, Number 152, dated August 9, 1994, are made to add requirements for personal fall arrest equipment to meet the requirements of the federal-initiated amendments to chapter 296-155 WAC. Federal-initiated proposed amendments establish additional compliance requirements.

Chapter 296-155 WAC, Safety standards for construction work, federal-initiated amendments to chapter 296-155 WAC, published in Federal Register Volume 59, Number 152, dated August 9, 1994, set duty and criteria requirements for fall protection. The federal-final rule expanded the scope of fall protection to include guardrails, safety nets, safety belts and harnesses. The federal-final rule repealed or amended various sections on guarding opensided floors and platforms in 29 CFR 1926, Subpart M; as well as safety belts, lifelines, lanyards, and safety nets in 29 CFR 1926, Subpart E; merged Subpart M and Subpart E into a new Subpart M; and added new requirements for fall protection equipment or systems. (The state adoption merges comparable sections in chapter 296-155 WAC, Part K, into chapter 296-155 WAC, Part C-1, to make a new Part C-1.) Federal-initiated amendments also add new training requirements and five new nonmandatory appendixes. The federal standards are performance-oriented standards which consolidate and simplify many existing provisions such as safety nets, guardrails, safety belts and harnesses. The majority of the

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federal-final rule amendments for fall protection already exist in the state standards as a result of the January 10, 1991, adopted amendments to chapter 296-155 WAC. These previously adopted amendments were proposed as a result of negotiated rule making and the construction advisory committee review of the federal fall protection proposed rule. Because the state previously adopted the majority of the federal-final rule amendments in 1991, this amendment primarily reorganizes existing requirements to be identical to the federal-final rule. For example, guarding opensided floor and platform requirements are moved from chapter 296-155 WAC, Part K, to chapter 296-155 WAC, Part C-1. State-initiated amendments are made to correct various part and section references as a result of the federal-initiated amendments. Federal-initiated amendments establish additional compliance requirements. State-initiated amendments do not establish any additional compliance requirements.

Citation of Existing Rules Affected by this Order: Amending chapter 296-45 WAC, Safety standards for electrical work, WAC 296-45-65047 Specification for lineworker's belts and similar equipment, chapter 296-155 WAC, Safety standards for construction work, WAC 296-155-24501 Scope and application, 296-155-24503 Definitions, 296-155-24505 Fall protection work plan, 296-155-24510 Fall restraint, fall arrest systems, 296-155-24515 Guarding of low-pitched roof perimeters, 296-155-24520 Leading edge control zone, 296-155-24521 Safety monitor system, 296-155-24525 Appendix to Part C-1, fall restraint and fall arrest (employer information only), WAC 296-155-325 General requirements for storage, 296-155-477 Stairways, 296-155-480 Ladders, 296-155-485 Scaffolding, 296-155-48531 Vehicle mounted elevating and rotating aerial devices, 296-155-48533 Crane or derrick suspended personnel platforms, 296-155-500 Definitions applicable to this part, 296-155-505 Guardrails, handrails and covers, 296-155-50503 Roofing brackets, 296-155-515 Ramps, runways and inclined walkways, 296-155-655 General protection requirements, 296-155-682 Requirements for equipment and tools, 296-155-715 Bolting, riveting, fitting-up and plumbing up, 296-155-740 Cofferdams and 296-155-745 Compressed air; and new sections WAC 296-155-245 Scope and application, 296-155-24507, Training requirements, 296-155-24519 Appendix A to Part C-1—Determining roof widths nonmandatory guidelines for complying with WAC 296-155-24503 (2)(j), 296-155-24522 Appendix D to Part C-1—Positioning device systems nonmandatory guidelines for complying with WAC 296-155-24505(6), 296-155-24523 Appendix E to Part C-1—Sample fall protection plan nonmandatory guidelines for complying with WAC 296-155-24505(12), and 296-155-24524 Appendix F to Part C-1, fall restraint and fall arrest (employer information only).

Statutory Authority for Adoption: Chapter 49.17 RCW.

Pursuant to notice filed as WSR 95-05-061 on February 14, 1995.

Changes Other than Editing from Proposed to Adopted Version: OSHA recently notified the department that additional amendments are required to the state hazard communication standard to be at least as effective as the federal standard. As a result, the following sections are being withdrawn and will be taken to hearing at a later date: Chapter 296-62 WAC, General occupational health standards, WAC 296-62-05403 Scope and application, 296-62-

05405 Definitions applicable to this section, and 296-62-05413 Material safety data sheets.

The following proposed amendments are adopted with the changes indicated below:

WAC 296-155-24501 Scope and application, as a result of public comment, the definitions "equivalent" and "failure" are separated into two paragraphs.

WAC 296-155-24503 Definitions, the word "full" in the title is corrected to "fall." The words "Except as otherwise provided in subsection (2) of this section" are deleted in the second sentence in WAC 296-155-24503 (2)(j) and the word "each" is capitalized. The corrected sentence reads, "Each employee engaged in roofing activities on low-slope roofs, with unprotected sides and edges 6 feet (1.8 m) or more above lower levels shall be protected from falling by guardrail systems, safety net systems . . ." These changes clarify the requirement and are made as a result of public comment.

WAC 296-155-24505 Fall protection work plan, WAC 296-155-24505 (6)(a): (.9 m) is changed to (.61 m) to correct a typographical error. WAC 296-155-24505 (7)(f): The low-pitched roof ground to eave height requirement for all protection for employees working in a roof edge materials handling or materials storage area is changed from a height greater than 10' to a height greater than 6'. This change is made to eliminate confusion and be consistent with the requirements of WAC 296-155-24503 (2)(j), the definitions of roof and roofing work, and OSHA requirements.

Effective Date of Rule: October 1, 1995.

April 25, 1995
Dorette M. Markham
for Mark O. Brown
Director

AMENDATORY SECTION (Amending Order 94-16, filed 9/30/94, effective 11/20/94)

WAC 296-45-65047 Specification for lineworker's belts and similar equipment. (1) All hardware for lineworker's body belts, safety straps and lanyards shall be drop forged or pressed steel and have a corrosive resistive finish tested to the American Society for Testing and Materials B117 as published in 1964 (50 hour test). Surfaces shall be smooth and free from sharp edges.

(a) All buckles shall be those guaranteed by the manufacturer as having at least a 2,000-pound tensile strength with a maximum permanent deformation no greater than one sixty-fourth inch.

(b) All "D" rings shall be those guaranteed by the manufacturer as having at least a 5,000-pound tensile strength without cracking or breaking.

(c) All snap hooks shall be those guaranteed by the manufacturer as having at least a 5,000-pound tensile strength without distortion sufficient to release the keeper.

(d) All fabric used for safety straps shall be guaranteed by the manufacturer as being capable of withstanding either AC or DC dielectric test of not less than 25,000 volts per foot "dry" for 3 minutes without visible deterioration.

(e) All fabric and leather used shall be that which has been represented by the manufacturer as having been tested for leakage current of 1 milliamperes with a potential 3,000

volts when applied to the electrodes positioned 12 inches apart.

(f) The cushion part of the body belt may be either leather or other material provided that it;

(i) Has no exposed rivets on the inside;

(ii) Is at least 3 inches in width;

(iii) Is at least five thirty-seconds inch thick, if made of leather; or have equivalent strength if made of other material.

(iv) Has pocket tabs that extend at least 1-1/2 inches down and three inches back of the inside of circle of each "D" ring for riveting on plier or tool pockets. On shifting "D" belts, this measurement for pocket tabs shall be taken when the "D" ring section is centered.

(v) A maximum of four tool loops shall be so situated on the body belt that four inches of the body belt in the center of the back, measuring from "D" ring to "D" ring, shall be free of tool loops and any other attachments.

(vi) All stitching shall be of minimum 42-pound weight nylon or equivalent thread and shall be lock stitched. Stitching parallel to an edge shall not be less than three-sixteenths inch from edge of narrowest member caught by the thread. The use of cross-stitching on leather is prohibited. Approved copper, steel or equivalent liners shall be used around the bar of "D" rings to reduce the wear.

(vii) The keeper of snap hooks shall have a spring tension that will not allow the keeper to begin to open with a weight of 2-1/2 pounds or less, but the keeper of snap hooks shall begin to open with a weight of four pounds, when the weight is supported on the keeper against the end of the nose.

(2) Testing lineworker's safety straps, body belts and lanyards shall be in accordance with the following procedure:

(a) Attach one end of the safety strap or lanyard to a rigid support, the other end shall be attached to a 250-pound canvas bag of sand;

(b) Allow the 250-pound canvas bag of sand to free fall 4 feet for (safety strap test) and 6 feet for (lanyard test), in each case stopping the fall of the 250-pound bag;

(c) Failure of the strap or lanyard shall be indicated by any breakage, or slippage sufficient to permit the bag to fall free of the strap or lanyard. The entire "body belt assembly" shall be tested using one "D" ring. A safety strap or lanyard shall be used that is capable of passing the "impact loading test" and attached as required in item (a) of this subdivision. The body belt shall be secured to the 250-pound bag of sand at a point to simulate the waist of a man and allowed to drop as stated in item (b) of this subdivision. Failure of the body belt shall be indicated by any breakage, or slippage sufficient to permit the bag to fall free of the body belt.

(d) ~~(Life lines and lanyards shall comply with the provisions))~~ Fall protection. Personal fall arrest equipment shall meet the requirements of Part C-1, chapter 296-155 WAC.

NEW SECTION

WAC 296-155-245 Scope and application. (1) Chapter 296-155 WAC, Part C-1 sets forth requirements for employers to provide and enforce the use of fall protection for employees in construction, alteration, repair, maintenance

(including painting and decoration), demolition workplaces, and material handling covered under chapter 296-155 WAC.

Exception: The provisions of this part do not apply when employees are making an inspection, investigation, or assessment of workplace conditions prior to the actual start of construction work or after all construction work has been completed.

(2) WAC 296-155-24503 sets forth those workplaces, conditions, operations, and circumstances for which fall protection shall be provided except requirements relating to fall protection for employees engaged in the construction of electric transmission and distribution lines and equipment are provided in chapter 296-45 WAC.

(3) WAC 296-155-24505 sets forth the requirements for the installation, construction, and proper use of fall protection required by chapter 296-155 WAC, except as follows:

(a) Performance requirements for guardrail systems used on scaffolds and performance requirements for falling object protection used on scaffolds are provided in Part J-1, of chapter 296-155 WAC.

(b) Performance requirements for stairways, stairwell systems, and handrails are provided in Part J of chapter 296-155 WAC.

(c) Additional performance requirements for personal climbing equipment, lineman's body belts, safety straps, and lanyards are provided in chapter 296-45 WAC.

(4) WAC 296-155-24507 sets forth requirements for training in the installation and use of fall protection systems.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-24501 ((Scope and application-))
Definitions. ~~((This section sets forth requirements for employers to provide and enforce the use of fall protection for employees in construction, alteration, repair, maintenance (including painting and decorating), demolition workplaces, and material handling covered under chapter 296-155 WAC-))~~ **Anchorage** means a secure point of attachment for lifelines, lanyards or deceleration devices which is capable of withstanding the forces specified in the application sections of chapter 296-155 WAC.

Body belt means a Type 1 safety belt used in conjunction with lanyard or lifeline for fall restraint only.

Body harness means straps which may be secured about the employee in a manner that will distribute the fall arrest forces over at least the thighs, pelvis, waist, chest and shoulders with means for attaching it to other components of a personal fall arrest system.

Buckle means any device for holding the body belt or body harness closed around the employee's body.

Competent person means an individual knowledgeable of fall protection equipment, including the manufacturer's recommendations and instructions for the proper use, inspection, and maintenance; and who is capable of identifying existing and potential fall hazards; and who has the authority to take prompt corrective action to eliminate those hazards; and who is knowledgeable of the rules contained in this section regarding the erection, use, inspection, and maintenance of fall protection equipment and systems.

Connector means a device which is used to couple (connect) parts of the personal fall arrest system and posi-

tioning device systems together. It may be an independent component of the system, such as a carabiner, or it may be an integral component of part of the system (such as a buckle or dee-ring sewn into a body belt or body harness, or a snap-hook spliced or sewn to a lanyard or self-retracting lanyard).

Controlled access zone (CAZ) means an area in which certain work (e.g., overhand bricklaying) may take place without the use of guardrail systems, personal fall arrest systems, or safety net systems and access to the zone is controlled.

Dangerous equipment means equipment (such as pickling or galvanizing tanks, degreasing units, machinery, electrical equipment, and other units) which, as a result of form or function, may be hazardous to employees who fall onto or into such equipment.

Deceleration device means any mechanism, such as a rope grab, rip-stitch lanyard, specially woven lanyard, tearing or deforming lanyards, automatic self-retracting lifelines/lanyards, etc., which serves to dissipate a substantial amount of energy during a fall arrest, or otherwise limit the energy imposed on an employee during fall arrest.

Deceleration distance means the additional vertical distance a falling employee travels, excluding lifeline elongation and free fall distance, before stopping, from the point at which the deceleration device begins to operate. It is measured as the distance between the location of an employee's body belt or body harness attachment point at the moment of activation (at the onset of fall arrest forces) of the deceleration device during a fall, and the location of that attachment point after the employee comes to a full stop.

Equivalent means alternative designs, materials, or methods to protect against a hazard which the employer can demonstrate will provide an equal or greater degree of safety for employees than the methods, materials or designs specified in the standard.

Failure means load refusal, breakage, or separation of component parts. Load refusal is the point where the ultimate strength is exceeded.

Fall protection work plan means a written planning document in which the employer identifies all areas on the job site where a fall hazard of 10 feet or greater exists. The plan describes the method or methods of fall protection to be utilized to protect employees, and includes the procedures governing the installation, use, inspection, and removal of the fall protection method or methods which are selected by the employer. (See WAC 296-155-24505.)

Note: See WAC 296-155-24505(12) for a fall protection plan when conventional fall protection is infeasible to provide for leading edge, precast concrete erection work, or residential construction work.

Fall-restraint system means an approved device and any necessary components that function together to restrain an employee in such a manner as to prevent that employee from falling to a lower level. When standard guardrails are selected, compliance with applicable sections governing their construction and use shall constitute approval.

Free fall means the act of falling before a personal fall arrest system begins to apply force to arrest the fall.

Free fall distance means the vertical displacement of the fall arrest attachment point on the employee's body belt or body harness between onset of the fall and just before the system begins to apply force to arrest the fall. This distance excludes deceleration distance, and lifeline/lanyard delongation, but includes any deceleration device slide distance or self-retracting lifeline/lanyard extension before the operate and fall arrest forces occur.

Guardrail system means a barrier erected to prevent employees from falling to lower levels.

Hole means a gap or void 2 inches (5.1 cm) or more in its least dimension, in a floor, roof, or other walking/working surface.

Infeasible means that it is impossible to perform the construction work using a conventional fall protection system (i.e., guardrail system, safety net system, or personal fall arrest system) or that it is technologically impossible to use any one of these systems to provide fall protection.

Lanyard means a flexible line of rope, wire rope, or strap which generally has a connector at each end for connecting the body belt or body harness to a deceleration device, lifeline, or anchorage.

Leading edge means the edge of a floor, roof, or form work for a floor or other walking/working surface (such as the deck) which changes location as additional floor, roof, decking, or form work sections are placed, formed, or constructed. A leading edge is considered to be an "unprotected side and edge" during periods when it is not actively and continuously under construction.

Lifeline means a component consisting of a flexible line for connection to an anchorage at one end to hang vertically (vertical lifeline), or for connection to anchorage's at both ends to stretch horizontally (horizontal lifeline), and which serves as a means for connecting other components of a personal fall protection system to the anchorage.

Low-slope roof means a roof having a slope less than or equal to 4 in 12 (vertical to horizontal).

Lower levels means those areas or surfaces to which an employee can fall. Such areas or surfaces include, but are not limited to, ground levels, floors, platforms, ramps, runways, excavations, pits, tanks, material, water, equipment, structures, or portions thereof.

Mechanical equipment means all motor or human propelled wheeled equipment used for roofing work, except wheelbarrows and mopcars.

Opening means a gap or void 30 inches (76 cm) or more high and 18 inches (48 cm) or more wide, in a wall or partition, through which employees can fall to a lower level.

Overhand bricklaying and related work means the process of laying bricks and masonry units such that the surface of the wall to be jointed is on the opposite side of the wall from the mason, requiring the mason to lean over the wall to complete the work. Related work includes mason tending and electrical installation incorporated into the brick wall during the overhand bricklaying process.

Personal fall arrest system means a system used to arrest an employee in a fall from a working level. It consists of an anchorage, connectors, or harness and may include a lanyard, deceleration device, lifeline, or suitable combinations of these.

Personal fall restraint system means a system used to prevent an employee from falling. It consists of ancho-

rage's, connectors, body belt/harness. It may include, lanyards, lifelines and rope grabs designed for the purpose.

Positioning device system means a body belt or body harness system rigged to allow an employee to be supported on an elevated vertical surface, such as a wall, and work with both hands free while leaning.

Rope grab means a deceleration device which travels on a lifeline and automatically, by friction, engages the lifeline and locks so as to arrest the fall of an employee. A rope grab usually employs the principle of inertial locking, cam/level locking, or both.

Roof means the exterior surface on the top of a building. This does not include floors or form work which, because a building has not been completed, temporarily become the top surface of a building.

Roofing work means the hoisting, storage, application, and removal of roofing materials and equipment, including related insulation, sheet metal, and vapor barrier work, but not including the construction of the roof deck.

Safety monitor system means a system of fall restraint used in conjunction with a warning line system only, where a competent person as defined by this part, having no additional duties, monitors the proximity of workers to the fall hazard when working between the warning line and the unprotected sides and edges, including, the leading edge of a low-sloped roof or walking/working surface.

Self-retracting lifeline/lanyard means a deceleration device containing a drum-wound line which can be slowly extracted from, or retracted onto, the drum under slight tension during normal employee movement, and which, after onset of a fall, automatically locks the drum and arrests the fall.

Snap-hook means a connector comprised of a hook-shaped member with a normally closed keeper, or similar arrangement, which may be opened to permit the hook to receive an object and, when released, automatically closes to retain the object. Snap-hooks are generally one of two types:

- The locking type with a self-closing, self-locking keeper which remains closed and locked until unlocked and pressed open for connection or disconnection; or
- The non-locking type with a self-closing keeper which remains closed until pressed open for connection or disconnection. As of January 1, 1998, the use of a non-locking snap-hook as part of personal fall arrest systems and positioning device systems is prohibited.

Steep roof means a roof having a slope greater than 4 in 12 (vertical to horizontal).

Toeboard means a low protective barrier that will prevent the fall of materials and equipment to lower levels and provide protection from falls for personnel.

Unprotected sides and edges means any side or edge (except at entrances to points of access) of a walking/working surface, e.g., floor, roof, ramp, or runway where there is no wall or guardrail system at least 39 inches (1.0 m) high.

Walking/working surface means any surface, whether horizontal or vertical on which an employee walks or works, including, but not limited to, floors, roofs, ramps, bridges, runways, but not including ladders, vehicles, or trailers, on which employees must be located in order to perform their job duties.

Warning line system means a barrier erected on a walking and working surface or a low-slope roof (4 in 12 or less), to warn employees that they are approaching an unprotected fall hazard(s).

Work area means that portion of a walking/working surface where job duties are being performed.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-24503 ((Definitions-)) Duty to have full fall protection. ((1) Anchorage means a secure point of attachment for lifelines, lanyards, or deceleration devices which is capable of withstanding the forces specified in the applicable sections of chapter 296-155 WAC.

(2) Approved means, for the purpose of this section; tested and certified by the manufacturer, or any recognized national testing laboratory, to possess the strength requirements specified in this section.

(3) Body belt means a Type I safety belt used in conjunction with lanyard or lifeline for fall restraint only.

(4) Full body harness means a configuration of connected straps to distribute a fall-arresting force over at least the thighs, shoulders and pelvis, with provisions for attaching a lanyard, lifeline, or deceleration devices.

(5) Full body harness system means a Class III full body harness and lanyard which is attached to an anchorage meeting the requirements of Part C-1 WAC 296-155; or attached to a horizontal or vertical lifeline which is properly secured to an anchorage(s) capable of withstanding the forces specified in the applicable sections of chapter 296-155 WAC.

(6) Catenary line—see horizontal lifeline.

(7) Competent person means an individual knowledgeable of fall protection equipment, including the manufacturer's recommendations and instructions for the proper use, inspection, and maintenance; and who is capable of identifying existing and potential fall hazards; and who has the authority to take prompt corrective action to eliminate those hazards; and who is knowledgeable of the rules contained in this section regarding the erection, use, inspection, and maintenance of fall protection equipment and systems.

(8) Continuous fall protection means the design and use of a fall protection system such that no exposure to an elevated fall hazard occurs. This may require more than one fall protection system or a combination of prevention or protection measures.

(9) Control zone means the area between the warning line and the unprotected sides and edges of the walking/working surface.

(10) Deceleration device means any mechanism, such as a rope grab, ripstitch lanyard, specifically woven lanyard and automatic self-retracting lifeline, which serves to dissipate more energy during a fall arrest than does a standard line or strap webbing lanyard.

(11) Drop line means a vertical lifeline secured to an upper anchorage for the purpose of attaching a lanyard or device.

(12) Fall arrest system means the use of multiple, approved safety equipment components such as; body harnesses, lanyards, deceleration devices, droplines, horizontal and/or vertical lifelines and anchorages, interconnected

and rigged as to arrest a free fall. Compliance with anchorage strength requirements specified in the applicable sections of chapter 296-155 WAC, Part C-1 shall constitute approval of the anchorage.

(13) Fall protection work plan means a written planning document in which the employer identifies all areas on the job site where a fall hazard of 10 feet or greater exists. The plan describes the method or methods of fall protection to be utilized to protect employees, and includes the procedures governing the installation, use, inspection, and removal of the fall protection method or methods which are selected by the employer. (See WAC 296-155-24505.)

(14) Fall restraint system means an approved device and any necessary components that function together to restrain an employee in such a manner as to prevent that employee from falling to a lower level. When standard guardrails are selected, compliance with applicable sections governing their construction and use shall constitute approval.

(15) Fall distance means the actual distance from the worker's support to the level where a fall would stop.

(16) Hardware means snap hooks, D-rings, buckles, carabiners, adjusters, O-rings, that are used to attach the components of a fall protection system together.

(17) Horizontal lifeline means a rail, rope, wire, or synthetic cable that is installed in a horizontal plane between two anchorages and used for attachment of a worker's lanyard or lifeline device while moving horizontally; used to control dangerous pendulum-like swing falls.

(18) Lanyard means a flexible line of webbing, rope, or cable used to secure a body belt or harness to a lifeline or an anchorage point usually 2, 4, or 6 feet long.

(19) Leading edge means the advancing edge of a floor, roof, or formwork which changes location as additional floor, roof, or formwork sections are placed, formed, or constructed. Leading edges not actively under construction are considered to be "unprotected sides and edges," and positive methods of fall arrest or fall restraint shall be required to protect exposed workers.

(20) Lifeline means a vertical line from a fixed anchorage or between two horizontal anchorages, independent of walking or working surfaces, to which a lanyard or device is secured. Lifeline as referred to in this text is one which is part of a fall protection system used as back-up safety for an elevated worker.

(21) Locking snap hook means a connecting snap hook that requires two separate forces to open the gate; one to deactivate the gatekeeper and a second to depress and open the gate which automatically closes when released; used to minimize roll-out or accidental disengagement.

(22) Low pitched roof means a roof having a slope equal to or less than 4 in 12.

(23) Positioning belt means a single or multiple strap that can be secured around the worker's body to hold the user in a work position; for example, a lineman's belt, a rebar belt, or saddle belt.

(24) Restraint line means a line from a fixed anchorage or between two anchorages to which an employee is secured in such a way as to prevent the worker from falling to a lower level.

(25) Roll-out means unintentional disengagement of a snap hook caused by the gate being depressed under torque or contact while twisting or turning; a particular concern

with single-action snap hooks that do not have a locking gatekeeper.

(26) Rope grab means a fall arrester that is designed to move up or down a lifeline suspended from a fixed overhead or horizontal anchorage point, or lifeline, to which the belt or harness is attached. In the event of a fall, the rope grab locks onto the lifeline rope through compression to arrest the fall. The use of a rope grab device is restricted for fall restraint applications. (Refer to WAC 296-155-24510 (2)(b)(iii).)

(27) Safety line—see lifeline.

(28) Safety monitor system means a system of fall restraint used in conjunction with a warning line system only, where a competent person as defined by this part, having no additional duties, monitors the proximity of workers to the fall hazard when working between the warning line and the unprotected sides and edges, including, the leading edge of a low pitched roof or walking/working surface.

(29) Self-retracting lifeline means a deceleration device which contains a drum wound line which may be slowly extracted from, or retracted onto, the drum under slight tension during normal employee movement, and which after onset of a fall, automatically locks the drum and arrests the fall.

(30) Shock absorbing lanyard means a flexible line of webbing, cable, or rope used to secure a body belt or harness to a lifeline or anchorage point that has an integral shock absorber.

(31) Single-action snap hook means a connecting snap hook that requires a single force to open the gate which automatically closes when released.

(32) Snap hook means a self-closing connecting device with a gatekeeper latch or similar arrangement that will remain closed until manually opened. This includes single action snap hooks that open when the gatekeeper is depressed and double action snap hooks that require a second action on a gatekeeper before the gate can be opened.

(33) Static line—see horizontal lifeline.

(34) Strength member means any component of a fall protection system that could be subject to loading in the event of a fall.

(35) Steep roof means a roof having a slope greater than 4 in 12.

(36) Unprotected sides and edges means any side or edge (except at entrances to points of access) of a floor, roof, ramp or runway where there is no wall or guardrail system as defined in WAC 296-155-505(6).

(37) Walking/working surface means for the purpose of this section, any area whose dimensions are 45 inches or greater in all directions, through which workers pass or conduct work.

(38) Warning line system means a barrier erected on a walking and working surface or a low pitch roof (4 in 12 or less), to warn employees that they are approaching an unprotected fall hazard(s).

(39) Work area means that portion of a walking/working surface where job duties are being performed.)) (1) General.

(a) This section sets forth requirements for employers to provide fall protection systems. All fall protection required by this section shall conform to the criteria set forth in WAC 296-155-24505.

(b) The employer shall determine if the walking/working surfaces on which its employees are to work have the strength and structural integrity to support employees safely. Employees shall be allowed to work on those surfaces only when the surfaces have the requisite strength and structural integrity.

(2) Unprotected sides and edges.

(a) Each employee on a walking/working surface (horizontal and vertical surface) with an unprotected side or edge which is 4 feet (1.2m) or more above a lower level shall be protected from falling by the use of guardrail systems, safety net systems, or personal fall arrest/fall-restraint systems.

(b) Leading edges.

(i) Each employee who is constructing a leading edge 6 feet (1.8 m) or more above lower levels shall be protected from falling by guardrail systems, safety net systems, or personal fall arrest/fall-restraint systems.

Exception: When working between a height six (1.8m) and ten (3.05) feet above the adjacent floor or ground and the employer can demonstrate that it is infeasible or creates a greater hazard to use these systems, the employer shall develop and implement a fall protection plan which meets the requirements of WAC 296-155-24505(12).

Note: There is a presumption that it is feasible and will not create a greater hazard to implement at least one of the above-listed fall protection systems. Accordingly, the employer has the burden of establishing that it is appropriate to implement a fall protection plan which complies with WAC 296-155-24505(12) for a particular workplace situation, in lieu of implementing any of those systems.

(ii) Each employee on a walking/working surface 4 feet (1.2m) or more above a lower level where leading edges are under construction, but who is not engaged in the leading edge work, shall be protected from falling by a guardrail system, safety net system, or personal fall arrest system. If a guardrail system is chosen to provide the fall protection, and a controlled access zone has already been established for leading edge work, the control line may be used in lieu of a guardrail along the edge that parallels the leading edge.

(c) Hoist areas. Each employee in a hoist area shall be protected from falling 4 feet (1.2m) or more to lower levels by guardrail systems, fall restraint, or personal fall arrest systems. If guardrail systems, (or chain, gate, or guardrail) or portions thereof, are removed to facilitate the hoisting operation (e.g., during landing of materials), and an employee must lean through the access opening or out over the edge of the access opening (to receive or guide equipment and materials, for example), that employee shall be protected from fall hazards by a personal fall arrest system.

(d) Holes.

(i) Each employee on walking/working surfaces shall be protected from falling through holes (including skylights) by personal fall arrest systems, covers, or guardrail systems erected around such holes.

(ii) Each employee on a walking/working surface shall be protected from tripping in or stepping into or through holes (including skylights) by covers.

(iii) Each employee on a walking/working surface shall be protected from objects falling through holes (including skylights) by covers.

(e) Form work and reinforcing steel. Each employee on the face of form work or reinforcing steel shall be protected

from falling 6 feet (1.8 m) or more to lower levels by personal fall arrest/fall restraint systems, safety net systems, or positioning device systems.

(f) Ramps, runways, and other walkways.

(i) Each employee on ramps, runways, and other walkways shall be protected from falling 4 feet (1.2m) or more to lower levels by guardrail systems.

(ii) Width. Ramps, runways, and inclined walkways shall be at least eighteen inches wide.

(iii) Ramp specifications. Ramps, runways and walkways shall not be inclined more than twenty degrees from horizontal and when inclined shall be cleated or otherwise treated to prevent a slipping hazard on the walking surface.

(g) Excavations.

(i) Each employee at the edge of an excavation 4 feet (1.2m) or more in depth shall be protected from falling by guardrail systems, fences, or barricades when the excavations are not readily seen because of plant growth or other visual barrier;

(ii) Each employee at the edge of a well, pit, shaft, and similar excavation 4 feet (1.2m) or more in depth shall be protected from falling by guardrail systems, fences, barricades, or covers.

(h) Regardless of height, open-sided floors, walkways, platforms or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units and similar hazards, shall be guarded with a standard railing and toeboard.

(i) Overhand bricklaying and related work.

(i) Except as otherwise provided in subsection (2) of this section, each employee performing overhand bricklaying and related work 6 feet (1.8 m) or more above lower levels, shall be protected from falling by guardrail systems, safety net systems, personal fall arrest systems, or shall work in a controlled access zone.

(ii) Each employee reaching more than 10 inches (25 cm) below the level of the walking/working surface on which they are working, shall be protected from falling by a guardrail system, safety net system, or personal fall arrest/fall-restraint system.

Note: Bricklaying operations performed on scaffolds are regulated by Part J-1, Scaffolding, of this chapter.

(j) Roofing work on low-slope roofs. Each employee engaged in roofing activities on low-slope roofs, with unprotected sides and edges 6 feet (1.8 m) or more above lower levels shall be protected from falling by guardrail systems, safety net systems, personal fall arrest/restraint systems, or a combination of warning line system and guardrail system, warning line system and safety net system, or warning line system and personal fall arrest system, or warning line system and safety monitoring system. Or, on roofs 50 feet (15.25 m) or less in width (see Appendix A to this Part), the use of a safety monitoring system alone (i.e. without the warning line system) is permitted.

(k) Steep roofs. Each employee on a steep roof with unprotected sides and edges 6 feet (1.8 m) or more above lower levels shall be protected from falling by guardrail systems with toeboards, safety net systems, or personal fall arrest/restraint systems.

(l) Precast concrete erection. Each employee engaged in the erection of precast concrete members (including, but

not limited to, the erection of wall panels, columns, beams, and floor and roof "tees") and related operations such as grouting of precast concrete members, who is 6 feet (1.8 m) or more above lower levels shall be protected from falling by guardrail systems, safety net systems, or personal fall arrest/restraint systems, unless another provision in subsection (2) of this section provides for an alternative fall protection measure.

Exception: When the employer can demonstrate that it is infeasible or creates a greater hazard to use these systems, the employer shall develop and implement a fall protection plan which meets the requirements of WAC 296-155-24505(12).

Note: There is a presumption that it is feasible and will not create a greater hazard to implement at least one of the above-listed fall protection systems. Accordingly, the employer has the burden of establishing that it is appropriate to implement a fall protection plan which complies with WAC 296-155-24505(12) for a particular workplace situation, in lieu of implementing any of those systems.

(m) Residential construction. Each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels shall be protected by guardrail systems, safety net systems, or personal fall arrest/restraint systems unless another provision in subsection (2) of this section provides for an alternative fall protection measure.

Exception: When the employer can demonstrate that it is infeasible or creates a greater hazard to use these systems, the employer shall develop and implement a fall protection plan which meets the requirements of WAC 296-155-24505(12).

Note: There is a presumption that it is feasible and will not create a greater hazard to implement at least one of the above-listed fall protection systems. Accordingly, the employer has the burden of establishing that it is appropriate to implement a fall protection plan which complies with WAC 296-155-24505(12) for a particular workplace situation, in lieu of implementing any of those systems.

(n) Wall openings. Each employee working on, at, above, or near wall openings including those with chutes attached, where the outside bottom edge of the wall opening is 4 feet (1.2m) or more above lower levels and the inside bottom edge of the wall opening is less than 39 inches (1.0 m) above the walking/working surface, shall be protected from falling by the use of a guardrail system, a safety net system, or a personal fall arrest/restraint system.

(o) Walking/working surfaces not otherwise addressed. Except as provided in WAC 296-155-245(3) or in WAC 296-155-24503 (2)(a) through (n), each employee on a walking/working surface 4 feet (1.2m) or more above lower levels shall be protected from falling by a guardrail system, safety net system, or personal fall arrest/restraint system.

(3) Protection from falling objects. When an employee is exposed to falling objects, the employer shall have each employee wear a hard hat and shall implement one of the following measures:

(a) Erect toeboards, screens, or guardrail systems to prevent objects from falling from higher levels; or

(b) Erect a canopy structure and keep potential fall objects far enough from the edge of the higher level so that those objects would not go over the edge if they were accidentally displaced; or

(c) Barricade the area to which objects could fall, prohibit employees from entering the barricaded area, and keep objects that may fall far enough away from the edge of

a higher level so that those objects would not go over the edge if they were accidentally displaced.

(4) Fall protection work plan.

(a) The employer shall develop and implement a written fall protection work plan including each area of the work place where the employees are assigned and where fall hazards of 10 feet or more exists.

(b) The fall protection work plan shall:

(i) Identify all fall hazards in the work area.

(ii) Describe the method of fall arrest or fall restraint to be provided.

(iii) Describe the correct procedures for the assembly, maintenance, inspection and disassembly of the fall protection system to be used.

(iv) Describe the correct procedures for the handling, storage, and securing of tools and materials.

(v) Describe the method of providing overhead protection for workers who may be in, or pass through the area below the work site.

(vi) Describe the method for prompt, safe removal of injured workers.

(vii) Be available on the job site for inspection by the department.

(c) Prior to permitting employees into areas where fall hazards exist the employer shall:

(i) Ensure that employees are trained and instructed in the items described in subdivision (b)(i) through (vi) of this subsection.

(ii) Inspect fall protection devices and systems to ensure compliance with WAC 296-155-24505.

(d) Training of employees as required by this subsection shall be documented and shall be available on the job site.

Note: When working between six and ten feet above the adjacent ground or floor, see WAC 296-155-24505(12).

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-24505 ((Fall protection work plan.))
Fall protection systems criteria and practices. ~~((1))~~ The employer shall develop and implement a written fall protection work plan including each area of the work place where the employees are assigned and where fall hazards of 10 feet or more exist.

(2) The fall protection work plan shall:

(a) Identify all fall hazards in the work area.

(b) Describe the method of fall arrest or fall restraint to be provided.

(c) Describe the correct procedures for the assembly, maintenance, inspection, and disassembly of the fall protection system to be used.

(d) Describe the correct procedures for the handling, storage, and securing of tools and materials.

(e) Describe the method of providing overhead protection for workers who may be in, or pass through the area below the work site.

(f) Describe the method for prompt, safe removal of injured workers.

(g) Be available on the job site for inspection by the department.

(3) Prior to permitting employees into areas where fall hazards exist the employer shall:

~~(a) Ensure that employees are trained and instructed in the items described in subsection (2)(a) through (f) of this section.~~

~~(b) Inspect fall protection devices and systems to ensure compliance with WAC 296-155-24510 (1) through (3)(e)(ii).~~

~~(4) Training of employees as required by this section shall be documented and shall be available on the job site.)~~

(1) General.

(a) Fall protection systems required by Part C-1 shall comply with the applicable provisions of this section.

(b) Employers shall provide and install all fall protection systems required by Part C-1 for an employee, and shall comply with all other pertinent requirements of Part C-1 before that employee begins the work that necessitates the fall protection.

(2) Guardrail systems. Guardrail systems and their use shall comply with the following provisions:

(a) Top edge height of top rails, or equivalent guardrail system members, shall be 42 inches (1.1 m) plus or minus 3 inches (8 cm) above the walking/working level. When conditions warrant, the height of the top edge may exceed the 45-inch height, provided the guardrail system meets all other criteria of this subsection.

Note: When employees are using stilts, the top edge height of the top rail, or equivalent member, shall be increased an amount equal to the height of the stilts.

(b) Midrails, screens, mesh, intermediate vertical members, or equivalent intermediate structural members shall be installed between the top edge of the guardrail system and the walking/working surface when there is no wall or parapet wall at least 21 inches (53 cm) high.

(i) Midrails, when used, shall be installed at a height midway between the top edge of the guardrail system and the walking/working level.

(ii) Screens and mesh, when used, shall extend from the top rail to the walking/working level and along the entire opening between top rail supports.

(iii) Intermediate members (such as balusters), when used between posts, shall be not more than 19 inches (48 cm) apart.

(iv) Other structural members (such as additional midrails and architectural panels) shall be installed such that there are no openings in the guardrail system that are more than 19 inches (.5 m) wide.

(c) Guardrail systems shall be capable of withstanding, without failure, a force of at least 200 pounds (890 N) applied within 2 inches (5.1 cm) of the top edge, in any outward or downward direction, at any point along the top edge.

(d) When the 200 pound (890 N) test load specified in subdivision (c) of this subsection is applied in a downward direction, the top edge of the guardrail shall not deflect to a height less than 39 inches (1.0m) above the walking/working level. Guardrail system components selected and constructed in accordance with the Appendix B to Part C-1 will be deemed to meet this requirement.

(e) Midrails, screens, mesh, intermediate vertical members, solid panels, and equivalent structural members shall be capable of withstanding, without failure, a force of at least 150 pounds (666 N) applied in any downward or

outward direction at any point along the midrail or other member.

(f) Guardrail systems shall be so surfaced as to prevent injury to an employee from punctures or lacerations, and to prevent snagging of clothing.

(g) The ends of all top rails and midrails shall not overhang the terminal posts, except where such overhang does not constitute a projection hazard.

(h) Steel banding and plastic banding shall not be used as top rails or midrails.

(i) Top rails and midrails shall be at least one-quarter inch (0.6 cm) nominal diameter or thickness to prevent cuts and lacerations. If wire rope is used for top rails, it shall be flagged at not more than 6-foot intervals with high-visibility material.

(j) When guardrail systems are used at hoisting areas, a chain, gate or removable guardrail section shall be placed across the access opening between guardrail sections when hoisting operations are not taking place.

(k) When guardrail systems are used at holes, they shall be erected on all unprotected sides or edges of the hole.

(l) When guardrail systems are used around holes used for the passage of materials, the hole shall have not more than two sides provided with removable guardrail sections to allow the passage of materials. When the hole is not in use, it shall be closed over with a cover, or a guardrail system shall be provided along all unprotected sides or edges.

(m) When guardrail systems are used around holes which are used as points of access (such as ladderways), they shall be provided with a gate, or be so offset that a person cannot walk directly into the hole.

(n) Guardrail systems used on ramps and runways shall be erected along each unprotected side or edge.

(o) Manila, plastic or synthetic rope being used for top rails or midrails shall be inspected as frequently as necessary to ensure that it continues to meet the strength requirements of subdivision (c) of this subsection.

(3) Safety net systems. Safety net systems and their use shall comply with the following provisions:

(a) Safety nets shall be installed as close as practicable under the walking/working surface on which employees are working, but in no case more than 30 feet (9.1 m) below such level. When nets are used on bridges, the potential fall area from the walking/working surface to the net shall be unobstructed.

(b) Safety nets shall extend outward from the outermost projection of the work surface as follows:

<u>Vertical distance from working level to horizontal plane of net</u>	<u>Minimum required horizontal distance of outer edge of net from the edge of the working surface</u>
<u>Up to 5 feet</u>	<u>8 feet</u>
<u>More than 5 feet up to 10 feet</u>	<u>10 feet</u>
<u>More than 10 feet</u>	<u>13 feet</u>

(c) Safety nets shall be installed with sufficient clearance under them to prevent contact with the surface or structures below when subjected to an impact force equal to the drop test specified in subdivision (d) of this subsection.

PERMANENT

(d) Safety nets and their installations shall be capable of absorbing an impact force equal to that produced by the drop test specified in subdivision (d) of this section.

(i) Except as provided in item (ii) of this subdivision, safety nets and safety net installations shall be drop-tested at the job site after initial installation and before being used as a fall protection system, whenever relocated, after major repair, and at 6-month intervals if left in one place. The drop-test shall consist of a 400 pound (180 kg) bag of sand 30 ± 2 inches (76 ± 5 cm) in diameter dropped into the net from the highest walking/working surface at which employees are exposed to fall hazards, but not from less than 42 inches (1.1 m) above that level.

(ii) When the employer can demonstrate that it is unreasonable to perform the drop-test required by item (i) of this subdivision, the employer (or a designated competent person) shall certify that the net and net installation is in compliance with the provisions of subsection (c) and item (i) of this subdivision by preparing a certification record prior to the net being used as a fall protection system. The certification record must include an identification of the net and net installation for which the certification record is being prepared; the date that it was determined that the identified net and net installation were in compliance with subdivision (c) of this subsection and the signature of the person making the determination and certification. The most recent certification record for each net and net installation shall be available at the job site for inspection.

(e) Defective nets shall not be used. Safety nets shall be inspected at least once a week for wear, damage, and other deterioration. Defective components shall be removed from service. Safety nets shall also be inspected after any occurrence which could affect the integrity of the safety net system.

(f) Materials, scrap pieces, equipment, and tools which have fallen into the safety net shall be removed as soon as possible from the net and at least before the next work shift.

(g) The maximum size of each safety net mesh opening shall not exceed 36 square inches (230 cm^2) nor be longer than 6 inches (15 cm) on any side, and the opening, measured center-to-center of mesh ropes or webbing, shall not be longer than 6 inches (15 cm). All mesh crossings shall be secured to prevent enlargement of the mesh opening.

(h) Each safety net (or section of it) shall have a border rope for webbing with a minimum breaking strength of 5,000 pounds (22.2 kN).

(i) Connections between safety net panels shall be as strong as integral net components and shall be spaced not more than 6 inches (15 cm) apart.

(4) Personal fall arrest systems. Personal fall arrest systems and their use shall comply with the provisions set forth below. Body belts may be used for a fall-restraining device.

Note: The use of a body belt in a positioning device system is acceptable and is regulated under subsection (5) of this section.

(a) Connectors shall be drop forged, pressed or formed steel, or made of equivalent materials.

(b) Connectors shall have a corrosion-resistant finish, and all surfaces and edges shall be smooth to prevent damage to interfacing parts of the system.

(c) Dee-rings and snap-hooks shall have a minimum tensile strength of 5,000 pounds (22.2 kN).

(d) Dee-rings and snap-hooks shall be proof-tested to a minimum tensile load of 3,600 pounds (16 kN) without cracking, breaking, or taking permanent deformation.

(e) Snap-hooks shall be sized to be compatible with the member to which they are connected to prevent unintentional disengagement of the snap-hook by depression of the snap-hook keeper by the connected member, or shall be a locking type snap-hook designed and used to prevent disengagement of the snap-hook by the contact of the snap-hook keeper by the connected member. Effective January 1, 1998, only locking type snap-hooks shall be used.

(f) Unless the snap-hook is a locking type and designed for the following connections, snap-hooks shall not be engaged:

(i) Directly to webbing, rope or wire rope;

(ii) To each other;

(iii) To a dee-ring to which another snap-hook or other connector is attached;

(iv) To a horizontal lifeline; or

(v) To any object which is incompatibly shaped or dimensioned in relation to the snap-hook such that unintentional disengagement could occur by the connected object being able to depress the snap-hook keeper and release itself.

(g) On suspended scaffolds or similar work platforms with horizontal lifelines which may become vertical lifelines, the devices used to connect to a horizontal lifeline shall be capable of locking in both directions on the lifeline.

(h) Horizontal lifelines shall be designed, installed, and used, under the supervision of a qualified person, as part of a complete personal fall arrest/fall-restraint system, which maintains a safety factor of at least two.

(i) Lanyards and vertical lifelines shall have a minimum breaking strength of 5,000 pounds (22.2 kN).

(j) Except as provided in subdivision (k) of this subsection, when vertical lifelines are used, each employee shall be attached to a separate lifeline.

(k) During the construction of elevator shafts, two employees may be attached to the same lifeline in the hoistway, provided both employees are working atop a false car that is equipped with guardrails; the strength of the lifeline is 10,000 pounds (5,000 pounds per employee attached) (44.4 kN); and all other criteria specified in this subsection for lifelines have been met.

(l) Lifelines shall be protected against being cut or abraded.

(m) Self-retracting lifelines and lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less shall be capable of sustaining a minimum tensile load of 3,000 pounds (13.3 kN) applied to the device with the lifeline or lanyard in the fully extended position.

(n) Self-retracting lifelines and lanyards which do not limit free fall distance to 2 feet (0.61 m) or less, ripstitch lanyards, and tearing and deforming lanyards shall be capable of sustaining a minimum tensile load of 5,000 pounds (22.2 kN) applied to the device with the lifeline or lanyard in the fully extended position.

(o) Ropes and straps (webbing) used in lanyards, lifelines, and strength components of body belts and body harnesses shall be made from synthetic fibers.

(p) Anchorage's used for attachment of personal fall arrest equipment shall be independent of any anchorage being used to support or suspend platforms and capable of supporting at least 5,000 pounds (22.2 kN) per employee attached, or shall be designed, installed, and used as follows:

(i) As part of a complete personal fall arrest system which maintains a safety factor of at least two; and

(ii) Under the supervision of a qualified person.

(q) Personal fall arrest systems, when stopping a fall, shall:

(i) Limit maximum arresting force on an employee to 1,800 pounds (8 kN) when used with a body harness;

(ii) Be rigged such that an employee can neither free fall more than 6 feet (1.8 m), nor contact any lower level;

(iii) Bring an employee to a complete stop and limit maximum deceleration distance an employee travels to 3.5 feet (1.07 m); and,

(iv) Have sufficient strength to withstand twice the potential impact energy of an employee free falling a distance of 6 feet (1.8 m), or the free fall distance permitted by the system, whichever is less.

Note: If the personal fall arrest system meets the criteria and protocols contained in Appendix C to Part C-1, and if the system is being used by an employee having a combined person and tool weight of less than 310 pounds (140 kg), the system will be considered to be in compliance with the provisions of this subdivision. If the system is used by an employee having a combined tool and body weight of 310 pounds (140 kg) or more, then the employer must appropriately modify the criteria and protocols of the Appendix to provide proper protection for such heavier weights, or the system will not be deemed to be in compliance with the requirements of this subdivision.

(r) The attachment point of the body harness shall be located in the center of the wearer's back near shoulder level, or above the wearer's head.

(s) Harnesses and components shall be used only for employee protection (as part of a personal fall arrest/fall-restraint system or positioning device system) and not to hoist materials.

(t) Personal fall arrest systems and components subjected to impact loading shall be immediately removed from service and shall not be used again for employee protection until inspected and determined by a competent person to be undamaged and suitable for reuse.

(u) The employer shall provide for prompt rescue of employees in the event of a fall or shall assure that employees are able to rescue themselves.

(v) Personal fall arrest systems shall be inspected prior to each use for wear, damage and other deterioration, and defective components shall be removed from service.

(w) Personal fall arrest systems shall not be attached to guardrail systems, nor shall they be attached to hoists except as specified in other parts of chapter 296-155 WAC.

(x) When a personal fall arrest system is used at hoist areas, it shall be rigged to allow the movement of the employee only as far as the edge of the walking/working surface.

(5) Personal fall restraint.

(a) Body belts or harnesses may be used for personal fall restraint.

(b) Body belts shall be at least one and five-eighths (1 5/8) inches (4.1 cm) wide.

(c) Anchorage points used for fall restraint shall be capable of supporting 4 times the intended load.

(d) Restraint protection shall be rigged to allow the movement of employees only as far as the sides of the walking/working surface.

(6) Positioning device systems. Positioning device systems and their use shall conform to the following provisions:

(a) Positioning devices shall be rigged such that an employee cannot free fall more than 2 feet (.61 m).

(b) Positioning devices shall be secured to an anchorage capable of supporting at least twice the potential impact load of an employee's fall or 3,000 pounds (13.3 kN), whichever is greater.

(c) Connectors shall be drop forged, pressed or formed steel, or made of equivalent materials.

(d) Connectors shall have a corrosion-resistant finish, and all surfaces and edges shall be smooth to prevent damage to interfacing parts of this system.

(e) Connecting assemblies shall have a minimum tensile strength of 5,000 pounds (22.2 kN)

(f) Dee-rings and snap-hooks shall be proof-tested to a minimum tensile load of 3,600 pounds (16 kN) without cracking, breaking, or taking permanent deformation.

(g) Snap-hooks shall be sized to be compatible with the member to which they are connected to prevent unintentional disengagement of the snap-hook by depression of the snap-hook keeper by the connected member, or shall be a locking type snap-hook designed and used to prevent disengagement of the snap-hook by the contact of the snap-hook keeper by the connected member. As of January 1, 1998, only locking type snap-hooks shall be used.

(h) Unless the snap-hook is a locking type and designed for the following connections, snap-hooks shall not be engaged:

(i) Directly to webbing, rope or wire rope;

(ii) To each other;

(iii) To a dee-ring to which another snap-hook or other connector is attached;

(iv) To a horizontal lifeline; or

(v) To any object which is incompatibly shaped or dimensioned in relation to the snap-hook such that unintentional disengagement could occur by the connected object being able to depress the snap-hook keeper and release itself.

(i) Positioning device systems shall be inspected prior to each use for wear, damage, and other deterioration, and defective components shall be removed from service.

(j) Body belts, harnesses, and components shall be used only for employee protection (as part of a personal fall arrest system or positioning device system) and not to hoist materials.

(7) Warning line systems. Warning line systems (see WAC 296-155-24503 (2)(i)) and their use shall comply with the following provisions:

(a) The warning line shall be erected around all sides of the roof work area or leading edge(s).

(i) When mechanical equipment is not being used, the warning line shall be erected not less than 6 feet (1.8 m) from the roof edge.

(ii) When mechanical equipment is being used, the warning line shall be erected not less than 6 feet (1.8 m) from the roof edge which is parallel to the direction of

mechanical equipment operation, and not less than 10 feet (3.1 m) from the roof edge which is perpendicular to the direction of mechanical equipment operation.

(iii) Points of access, materials handling areas, storage areas, and hoisting areas shall be connected to the work area by an access path formed by two warning lines.

(iv) When the path to a point of access is not in use, a rope, wire, chain, or other barricade, equivalent in strength and height to the warning line, shall be placed across the path at the point where the path intersects the warning line erected around the work area, or the path shall be offset such that a person cannot walk directly into the work area.

(b) Warning lines shall consist of ropes, wires, or chains, and supporting stanchions erected as follows:

(i) The rope, wire, or chain shall be flagged at not more than 6-foot (1.8m) intervals with high-visibility material;

(ii) The rope, wire, or chain shall be rigged and supported in such a way that its lowest point (including sag) is no less than 39 inches (1.0m) from the walking/working surface and its highest point is no more than 45 inches (1.3 m) from the walking/working surface.

(iii) After being erected, with the rope, wire, or chain attached, stanchions shall be capable of resisting, without tipping over, a force of at least 16 pounds (71 N) applied horizontally against the stanchion, 30 inches (.8 m) above the walking/working surface, perpendicular to the warning line, and in the direction of the floor, roof, or platform edge;

(iv) The rope, wire, or chain shall have a minimum tensile strength of 500 pounds (2.22 kN), and after being attached to the stanchions, shall be capable of supporting, without breaking, the loads applied to the stanchions as prescribed in item (iii) of this subdivision; and

(v) The line shall be attached at each stanchion in such a way that pulling on one section of the line between stanchions will not result in slack being taken up in adjacent sections before the stanchion tips over.

(c) No employee shall be allowed in the area between a roof edge/leading edge and a warning line unless the employee is performing roofing work in that area.

(d) Mechanical equipment on roofs/leading edges shall be used or stored only in areas where employees are protected by a warning line system, guardrail system, or personal fall arrest system.

(e) Warning line and safety monitor systems are prohibited on any surface whose dimensions are less than 45 inches in all directions.

(f) Roof edge materials handling areas and materials storage. Employees working in a roof edge materials handling or materials storage area location on a low-pitched roof with a ground to eave height greater than 6 feet shall be protected from falling along all unprotected roof sides and edges of the area.

(i) When guardrails are used at hoisting areas, a minimum of four feet of guardrail shall be erected on each side of the access point through which materials are hoisted.

(ii) A chain or gate shall be placed across the opening between the guardrail sections when hoisting operations are not taking place.

(iii) When guardrails are used at bitumen pipe outlets, a minimum of four feet of guardrail shall be erected on each side of the pipe.

(iv) When safety belt/harness systems are used, they shall not be attached to the hoist.

(v) When fall-restraint systems are used, they shall be rigged to allow the movement of employees only as far as the roof edge.

(vi) Materials shall not be stored within six feet of the roof edge unless guardrails are erected at the roof edge.

(8) Controlled access zones. Controlled access zones (see WAC 296-155-24503 (2)(i) and subsection (12) of this section) and their use shall conform to the following provisions:

(a) When positive means of fall restraint, or fall arrest are not utilized, a safety monitor system shall be implemented to protect employees working between the forward edge of the control/warning line and the leading edge.

(b) When used to control access to areas where leading edge and other operations are taking place the controlled access zone shall be defined by a control line or by any other means that restricts access.

(i) When control lines are used, they shall be erected not less than 6 feet (1.8 m) nor more than 25 feet (7.7 m) from the unprotected or leading edge, except when erecting precast concrete members.

(ii) When erecting precast concrete members, the control line shall be erected not less than 6 feet (1.8 m) nor more than 60 feet (18 m) or half the length of the member being erected, whichever is less, from the leading edge.

(iii) The control line shall extend along the entire length of the unprotected or leading edge and shall be approximately parallel to the unprotected or leading edge.

(iv) The control line shall be connected on each side to a guardrail system or wall.

(c) When used to control access to areas where overhand bricklaying and related work are taking place:

(i) The controlled access zone shall be defined by a control line erected not less than 10 feet (3.1 m) nor more than 15 feet (4.5 m) from the working edge.

(ii) The control line shall extend for a distance sufficient for the controlled access zone to enclose all employees performing overhand bricklaying and related work at the working edge and shall be approximately parallel to the working edge.

(iii) Additional control lines shall be erected at each end to enclose the controlled access zone.

(iv) Only employees engaged in overhand bricklaying or related work shall be permitted in the controlled access zone.

(d) Control lines shall consist of ropes, wires, tapes, or equivalent materials, and supporting stanchions as follows:

(i) Each line shall be flagged or otherwise clearly marked at not more than 6-foot (1.8 m) intervals with high-visibility material.

(ii) Each line shall be rigged and supported in such a way that its lowest point (including sag) is not less than 39 inches (1 m) from the walking/working surface and its highest point is not more than 45 inches (1.3 m) (50 inches (1.3 m) when overhand bricklaying operations are being performed) from the walking/working surface.

(iii) Each line shall have a minimum breaking strength of 200 pounds (.88 kN).

(e) On floors and roofs where guardrail systems are not in place prior to the beginning of overhand bricklaying operations, controlled access zones shall be enlarged, as

necessary, to enclose all points of access, material handling areas, and storage areas.

(f) On floors and roofs where guardrail systems are in place, but need to be removed to allow overhand bricklaying work or leading edge work to take place, only that portion of the guardrail necessary to accomplish that day's work shall be removed.

(9) Safety monitoring systems. Safety monitoring systems (see WAC 296-155-24503 (2)(j) and subsection (12) of this section) and their use shall comply with the following provisions:

(a) The employer shall designate a competent person as defined in WAC 296-155-24501 to monitor the safety of other employees and the employer shall ensure that the safety monitor complies with the following requirements:

(i) The safety monitor shall be competent to recognize fall hazards;

(ii) The safety monitor shall warn the employee when it appears that the employee is unaware of a fall hazard or is acting in an unsafe manner;

(iii) The safety monitor shall be on the same walking/working surface and within visual sighting distance of the employee(s) being monitored;

(iv) The safety monitor shall be close enough to communicate orally with the employee;

(v) The safety monitor shall not have other responsibilities which could take the monitor's attention from the monitoring function;

(vi) Be instantly distinguishable over members of the work crew;

(vii) Not supervise more than eight exposed workers at one time; and

(viii) The safety monitor system shall not be used when adverse weather conditions create additional hazards.

(b) Mechanical equipment shall not be used or stored in areas where safety monitoring systems are being used to monitor employees engaged in roofing operations on low-slope roofs.

(c) No employee, other than an employee engaged in roofing/leading edge work (on low-sloped roofs) or an employee covered by a fall protection plan, shall be allowed in an area where an employee is being protected by a safety monitoring system.

(d) Each employee working in a controlled access zone shall be directed to comply promptly with fall hazard warnings from safety monitors.

(e) Controlled (access) zone workers shall be distinguished from other members of the crew by wearing a high-visibility vest only while in the control zone.

(10) Covers. Covers for holes in floors, roofs, and other walking/working surfaces shall meet the following requirements:

(a) Covers located in roadways and vehicular aisles shall be capable of supporting, without failure, at least twice the maximum axle load of the largest vehicle exposed to cross over the cover.

(b) All other covers shall be capable of supporting, without failure, at least twice the weight of employees, equipment, and materials that may be imposed on the cover at any one time.

(c) All covers shall be secured when installed so as to prevent accidental displacement by the wind, equipment, or employees.

(d) All covers shall be color coded or they shall be marked with the word "hole" or "cover" to provide warning of the hazard.

Note: This provision does not apply to cast iron manhole covers or steel grates used on streets or roadways.

(11) Protection from falling objects. Falling object protection shall comply with the following provisions:

(a) Toeboards, when used as falling object protection, shall be erected along the edge of the overhead walking/working surface for a distance sufficient to protect employees below.

(b) Toeboards shall be capable of withstanding, without failure, a force of at least 50 pounds (222 N) applied in any downward or outward direction at any point along the toeboard.

(c) Toeboards shall be a minimum of 3 1/2 inches (9 cm) in vertical height from their top edge to the level of the walking/working surface. They shall have not more than 1/4 inch (0.6 cm) clearance above the walking/working surface. They shall be solid or have openings not over 1 inch (2.5 cm) in greatest dimension.

(d) Where tools, equipment, or materials are piled higher than the top edge of a toeboard, paneling or screening shall be erected from the walking/working surface or toeboard to the top of a guardrail system's top rail or midrail, for a distance sufficient to protect employees below.

(e) Guardrail systems, when used as falling object protection, shall have all openings small enough to prevent passage of potential falling objects.

(f) During the performance of overhand bricklaying and related work:

(i) No materials or equipment except masonry and mortar shall be stored within 4 feet (1.2m) of the working edge.

(ii) Excess mortar, broken or scattered masonry units, and all other materials and debris shall be kept clear from the work area by removal at regular intervals.

(g) During the performance of roofing work:

(i) Materials and equipment shall not be stored within 6 feet (1.8m) of a roof edge unless guardrails are erected at the edge.

(ii) Materials which are piled, grouped, or stacked near a roof edge shall be stable and self-supporting.

(h) Canopies, when used as falling object protection, shall be strong enough to prevent collapse and to prevent penetration by any objects which may fall onto the canopy.

(12) Fall protection plan. This option is available only to employers engaged in leading edge work, precast concrete erection work, or residential construction work (see WAC 296-155-24503 (2)(b), (l), and (m)) when the work being done is greater than six (6) (1.8m) feet but does not exceed ten (10) feet (3.05m) above the adjacent ground level or floor and can demonstrate that it is infeasible or it creates a greater hazard to use conventional fall protection equipment. The fall protection plan must conform to the following provisions.

Note: See WAC 296-155-24503(4) when working ten feet or more above the adjacent floor or ground level.

(a) The fall protection plan shall be prepared by a qualified person and developed specifically for the site where the leading edge work, precast concrete work, or residential construction work is being performed and the plan must be maintained up to date.

(b) Any changes to the fall protection plan shall be approved by a qualified person.

(c) A copy of the fall protection plan with all approved changes shall be maintained at the job site.

(d) The implementation of the fall protection plan shall be under the supervision of a competent person.

(e) The fall protection plan shall document the reasons why the use of conventional fall protection systems (guardrail systems, personal fall arrest systems, or safety net systems) are infeasible or why their use would create a greater hazard.

(f) The fall protection plan shall include a written discussion of other measures that will be taken to reduce or eliminate the fall hazard for workers who cannot be provided with protection from the conventional fall protection systems. For example, the employer shall discuss the extent to which scaffolds, ladders, or vehicle mounted work platforms can be used to provide a safer working surface and thereby reduce the hazard of falling.

(g) The fall protection plan shall identify each location where conventional fall protection methods cannot be used. These locations shall then be classified as controlled access zones and the employer must comply with the criteria in subsection (7) of this section.

(h) Where no other alternative measure has been implemented, the employer shall implement a safety monitoring system in conformance with subsection (8) of this section.

(i) The fall protection plan must include a statement which provides the name or other method of identification for each employee who is designated to work in controlled access zones. No other employees may enter controlled access zones.

(j) In the event an employee falls, or some other related, serious incident occurs, (e.g., a near miss) the employer shall investigate the circumstances of the fall or other incident to determine if the fall protection plan needs to be changed (e.g., new practices, procedures, or training) and shall implement those changes to prevent similar types of falls or incidents.

Note: See WAC 296-155-24523, Appendix E to this Part for guidance in completing a fall protection plan to comply with this subsection.

NEW SECTION

WAC 296-155-24507 Training requirements. The following training provisions supplement other training requirements contained in chapter 296-155 WAC. Training shall be conducted regarding the hazards addressed in this Part.

(1) Training program.

(a) The employer shall provide a training program for each employee who might be exposed to fall hazards. The program shall enable each employee to recognize the hazards of falling and shall train each employee in the procedures to be followed in order to minimize these hazards.

(b) The employer shall assure that each employee has been trained, as necessary, by a competent person qualified in the following areas:

(i) The nature of fall hazards in the work area;

(ii) The correct procedures for erecting, maintaining, disassembling, and inspecting the fall protection systems to be used;

(iii) The use and operation of guardrail systems, personal fall arrest systems, safety net systems, warning line systems, safety monitoring systems, controlled access zones, and other protection to be used;

(iv) The role of each employee in the safety monitoring system when this system is used;

(v) The limitations on the use of mechanical equipment during the performance of roofing work on low-sloped roofs;

(vi) The correct procedures for the handling and storage of equipment and materials and the erection of overhead protection;

(vii) The role of employees in fall protection plans; and

(viii) The standards contained in this Part.

(2) Certification of training.

(a) The employer shall verify compliance with subsection (1) of this section by preparing a written certification record. The written certification record shall contain the name or other identity of the employee trained, the date(s) of the training, and the signature of the person who conducted the training or the signature of the employer. If the employer relies on training conducted by another employer or completed prior to the effective date of this Part, the certification record shall indicate the date the employer determined the prior training was adequate rather than the date of actual training.

(b) The latest training certification shall be maintained.

(3) Retraining. When the employer has reason to believe that any affected employee who has already been trained does not have the understanding and skill required by subsection (1) of this section, the employer shall retrain each such employee. Circumstances where retraining is required include, but are not limited to, situations where:

(a) Changes in the workplace render previous training obsolete; or

(b) Changes in the types of fall protection systems or equipment to be used render previous training obsolete; or

(c) Inadequacies in an affected employee's knowledge or use of fall protection systems or equipment indicate that the employee has not retained the requisite understanding or skill.

AMENDATORY SECTION (Amending WSR 95-04-007, filed 1/18/95, effective 3/1/95)

WAC 296-155-24510 ((Fall restraint, fall arrest systems. (1) When employees are exposed to a hazard of falling from a location 10 feet or more in height, the employer shall ensure that fall restraint or fall arrest systems are provided, installed, and implemented according to the following requirements:

(2) Fall restraint protection shall consist of:

(a) Standard guardrails as described in chapter 296-155 WAC Part K.

(b) Safety belts and/or harness attached to securely rigged restraint lines.

(i) Safety belts and/or harness shall conform to ANSI Standard:

Class I—body belt

Class II—chest harness

Class III—full body harness

Class IV—suspension/position belt

(ii) All safety belt and lanyard hardware assemblies shall be capable of withstanding a tensile loading of 4,000 pounds without cracking, breaking, or taking a permanent deformation.

(iii) Rope grab devices are prohibited for fall restraint applications unless they are part of a fall restraint system designed specifically for the purpose by the manufacturer, and used in strict accordance with the manufacturer's recommendations and instructions.

(iv) The employer shall ensure component compatibility.

(v) Components of fall restraint systems shall be inspected prior to each use for mildew, wear, damage, and other deterioration, and defective components shall be removed from service if their function or strength have been adversely affected.

(vi) Anchorage points used for fall restraint shall be capable of supporting 4 times the intended load.

(vii) Restraint protection shall be rigged to allow the movement of employees only as far as the sides and edges of the walking/working surface.

(e) A warning line system as prescribed in WAC 296-155-24515(3) and supplemented by the use of a safety monitor system as prescribed in WAC 296-155-24521 to protect workers engaged in duties between the forward edge of the warning line and the unprotected sides and edges, including the leading edge, of a low pitched roof or walking/working surface.

(d) Warning line and safety monitor systems as described in WAC 296-155-24515 (3) through (4)(f) and 296-155-24520 respectively are prohibited on surfaces exceeding a 4 in 12 pitch, and on any surface whose dimensions are less than 45 inches in all directions.

(3) Fall arrest protection shall consist of:

(a) Full body harness.

(i) An approved Class III full body harness shall be used.

(ii) Body harness systems or components subject to impact loading shall be immediately removed from service and shall not be used again for employee protection unless inspected and determined by a competent person to be undamaged and suitable for reuse.

(iii) All safety lines and lanyards shall be protected against being cut or abraded.

(iv) Body harness systems shall be rigged to minimize free fall distance with a maximum free fall distance allowed of 6 feet, and such that the employee will not contact any lower level.

(v) Hardware shall be drop forged, pressed or formed steel, or made of materials equivalent in strength.

(vi) Hardware shall have a corrosion resistant finish, and all surfaces and edges shall be smooth to prevent damage to the attached body harness or lanyard.

(vii) When vertical lifelines (droplines) are used, not more than one employee shall be attached to any one lifeline.

(viii) Full body harness systems shall be secured to anchorages capable of supporting 5,000 pounds per employee except: When self retracting lifelines or other deceleration devices are used which limit free fall to two feet, anchorages shall be capable of withstanding 3,000 pounds.

(ix) Vertical lifelines (droplines) shall have a minimum tensile strength of 5,000 pounds (22.2kN), except that self-retracting lifelines and lanyards which automatically limit free fall distance to two feet (.61 m) or less shall have a minimum tensile strength of 3,000 pounds (13.3 kN).

(x) Horizontal lifelines shall have a tensile strength capable of supporting a fall impact load of at least 5,000 pounds (22.2 kN) per employee using the lifeline, applied anywhere along the lifeline.

(xi) Lanyards shall have a minimum tensile strength of 5,000 pounds (22.2 kN).

(xii) All components of body harness systems whose strength is not otherwise specified in subsection (3) of this section shall be capable of supporting a minimum fall impact load of 5,000 pounds (22.2 kN) applied at the lanyard point of connection.

(xiii) Snap hooks shall not be connected to loops made in webbing type lanyards.

(xiv) Snap hooks shall not be connected to each other.

(xv) Not more than one snap hook shall be connected to any one D ring unless they are the double locking type.

(xvi) Full body harness systems shall be inspected prior to each use for mildew, wear, damage, and other deterioration, and defective components shall be removed from service if their function or strength have been adversely affected.

(b) Safety nets.

(i) All new nets shall meet accepted performance standards of 17,500 foot-pounds minimum impact resistance as determined and certified by the manufacturers, and shall bear a label of proof test.

(ii) Forged steel safety hooks or shackles shall be used to fasten the net to its supports.

(iii) Safety nets shall be installed as close as practicable under the walking/working surface on which employees are working, but in no case more than 10 feet below such level.

(iv) Safety nets shall extend outward at least 8 feet from the outermost projection of the work surface.

(v) Safety nets shall be installed with sufficient clearance under them to prevent contact with the surface or structures below when subjected to an impact force equal to the drop test specified in subsection (3)(b)(vii) of this section.

(vi) Safety nets and their installations shall be capable of absorbing an impact force equal to that produced by the drop test specified in subsection (3)(b)(vii) of this section.

(vii) Safety nets and safety net installations shall be drop tested at the jobsite before used as a fall protection system. The drop test shall consist of a 400 pound (180 kg) bag of sand 30+2 inches (76+5 cm) in diameter dropped into the net from the highest walking/working surface on which employees are to be protected. Exception: When the employer can demonstrate that a drop test is not feasible or practicable, the net and net installation shall be certified by a qualified person to be in compliance with the provisions of this section.

(viii) Safety nets shall be inspected weekly for mildew, wear, damage, and other deterioration, and defective components shall be removed from service.

(ix) Materials, scrap pieces, and tools which have fallen into the safety net shall be removed as soon as possible from the net and at least before the next work shift.

(x) The maximum size of each safety net mesh opening shall not exceed 36 square inches (230 cm²) nor be longer than six inches (15 cm) on any side measured center to center of mesh ropes or webbing. All mesh crossing shall be secured to prevent enlargement of the mesh opening.

(xi) Each safety net (or section of it) shall have a border rope for webbing with a minimum breaking strength of 5,000 pounds (22.2 kN).

(xii) Connections between the safety net panels shall be as strong as integral net components and shall be spaced not more than six inches (15 cm) apart.

(e) Catch platforms:

(i) A catch platform shall be installed within 10 vertical feet of the work area.

(ii) The catch platforms width shall equal the distance of the fall but shall be a minimum of 45 inches wide and shall be equipped with standard guardrails on all open sides.

(4) Droplines or lifelines used on rock sealing operations, or in areas where the lifeline may be subjected to cutting or abrasion, shall be a minimum of 7/8 inch wire core manila rope. For all other lifeline applications, a minimum of 3/4 inch manila or equivalent, with a minimum breaking strength of 5,000 pounds, shall be used.

(5) Safety harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used while performing the following types of work when other equivalent type protection is not provided:

(a) Work performed in permit required confined spaces and other confined spaces shall follow the procedures as described in chapter 296-62 WAC Part M.

(b) Work on hazardous slopes, or dismantling safety nets, working on poles or from boatswains chairs at elevations greater than six feet (1.83 m), swinging scaffolds or other unguarded locations.

(c) Work on skips and platforms used in shafts by crews when the skip or cage does not occlude the opening to within one foot (30.5 cm) of the sides of the shaft, unless cages are provided.) Reserved.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-155-24515 ((Guarding of low-pitched roof perimeters. (1) General provisions. During the performance of work on low pitched roofs with a potential fall hazard greater than 10 feet, the employer shall ensure that employees engaged in such work be protected from falling from all unprotected sides and edges of the roof as follows:

(a) By the use of a fall restraint or fall arrest systems, as defined in WAC 296-155-24510(1) through (2)(b)(vi) and (3) through (3)(c)(ii); or

(b) By the use of a warning line system erected and maintained as provided in subsection (3) of this section and supplemented for employees working between the warning line and the roof edge by the use of a safety monitor system as described in WAC 296-155-24521.

(c) Mechanical equipment shall be used or stored only in areas where employees are protected by a warning line system, or fall restraint, or fall arrest systems as described in WAC 296-155-24510(2) through (3)(c)(ii). Mechanical equipment may not be used or stored where the only protection is provided by the use of a safety monitor.

(2) Exceptions:

(a) The provisions of subsection (1)(a) of this section do not apply at points of access such as stairways, ladders, and ramps, or when employees are on the roof only to inspect, investigate, or estimate roof level conditions. Roof edge materials handling areas and materials storage areas shall be guarded as provided in subsection (4) of this section.

(b) Employees engaged in built up roofing on low-pitched roofs less than 50 feet wide, may elect to utilize a safety monitor system without warning lines, where the use of hot tar poses an additional hazard to workers.

(3) Warning lines systems:

(a) Warning lines shall be erected around all sides of the work area:

(i) When mechanical equipment is not being used, the warning line shall be erected not less than six feet (1.8 meters) from the edge of the roof.

(ii) When mechanical equipment is being used, the warning line shall be erected not less than six feet (1.8 meters) from the roof edge which is parallel to the direction of mechanical equipment operation, and not less than 10 feet (3.1 meters) from the roof edge which is perpendicular to the direction of mechanical equipment operation.

(b) The warning line shall consist of a rope, wire, or chain and supporting stanchions erected as follows:

(i) The rope, wire, or chain shall be flagged at not more than six foot (1.8 meter) intervals with high visibility material.

(ii) The rope, wire, or chain shall be rigged and supported in such a way that its lowest point (including sag) is no less than 39 inches (.86 meters) from the roof surface and its highest point is no more than 45 inches (1 meter) from the roof surface.

(iii) After being erected, with the rope, wire or chain attached, stanchions shall be capable of resisting, without tipping over, a force of at least 16 pounds (71 Newtons) applied horizontally against the stanchion, 30 inches (0.76 meters) above the roof surface, perpendicular to the warning line, and in the direction of the roof edge.

(iv) The rope, wire, or chain shall have a minimum tensile strength of 500 pounds (227 Kilograms), and after being attached to the stanchions, shall be capable of supporting, without breaking, the loads applied to the stanchions.

(v) The line shall be attached at each stanchion in such a way that pulling on one section of the line between stanchions will not result in slack being taken up in adjacent sections before the stanchion tips over.

(c) Access paths shall be erected as follows:

(i) Points of access, materials handling areas, and storage areas shall be connected to the work area by a clear access path formed by two warning lines.

(ii) When the path to a point of access is not in use, a rope, wire or chain, equal in strength and height to the warning line, shall be placed across the path at the point where the path intersects the warning line erected around the work area.

~~(4) Roof edge materials handling areas and materials storage. Employees working in a roof edge materials handling or materials storage area located on a low pitched roof with a ground to eave height greater than 10 feet shall be protected from falling along all unprotected roof sides and edges of the area.~~

~~(a) When guardrails are used at hoisting areas, a minimum of four feet of guardrail shall be erected on each side of the access point through which materials are hoisted.~~

~~(b) A chain or gate shall be placed across the opening between the guardrail sections when hoisting operations are not taking place.~~

~~(c) When guardrails are used at bitumen pipe outlets, a minimum of four feet of guardrail shall be erected on each side of the pipe.~~

~~(d) When safety belt/harness systems are used, they shall not be attached to the hoist.~~

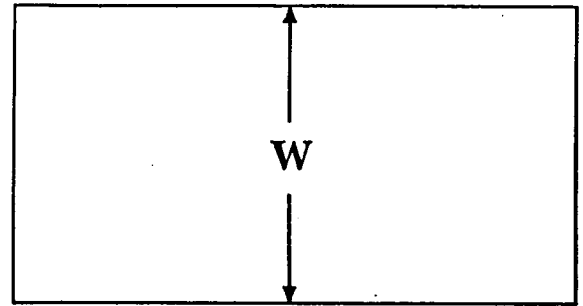
~~(e) When fall restraint systems are used, they shall be rigged to allow the movement of employees only as far as the roof edge.~~

~~(f) Materials shall not be stored within six feet of the roof edge unless guardrails are erected at the roof edge.))~~
Reserved.

non-rectangular roofs must be considered on an individual basis, as shown in Example F.

Example A

Rectangular Shaped Roof



PLAN VIEW

PERMANENT

NEW SECTION

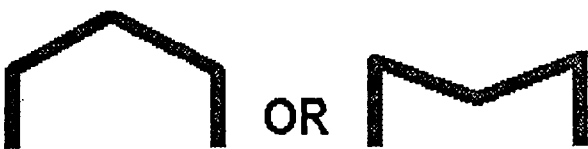
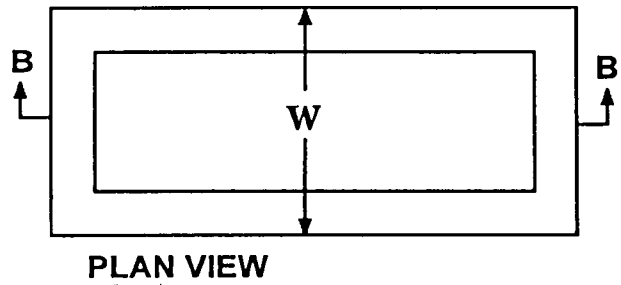
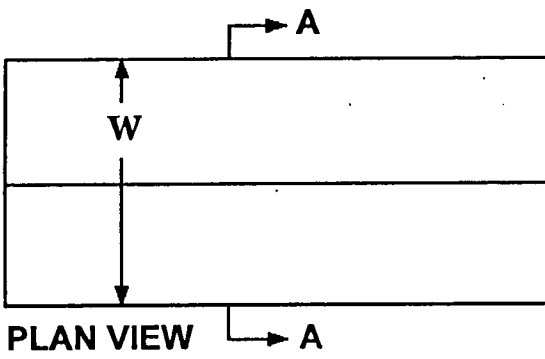
WAC 296-155-24519 Appendix A to Part C-1— Determining roof widths non-mandatory guidelines for complying with WAC 296-155-24503 (2)(j). (1) This appendix serves as a guideline to assist employers complying with the requirements of WAC 296-155-24503 (2)(j). WAC 296-24503 (2)(j) allows the use of a safety monitoring system alone as a means of providing fall protection during the performance of roofing operations on low-sloped roofs 50 feet (15.25 m) or less in width. Each example in the appendix shows a roof plan or plans and indicates where each roof or roof area is to be measured to determine its width. Section views or elevation views are shown where appropriate. Some examples show "correct" and "incorrect" subdivisions of irregularly shaped roofs divided into smaller, regularly shaped areas. In all examples, the dimension selected to be the width of an area is the lesser of the two primary dimensions of the area, as viewed from above. Example A shows that on a simple rectangular roof, width is the lesser of the two primary overall dimensions. This is also the case with roofs which are sloped toward or away from the roof center, as shown in Example B.

(2) Many roofs are not simple rectangles. Such roofs may be broken down into subareas as shown in Example C. The process of dividing a roof area can produce many different configurations. Example C gives the general rule of using dividing lines of minimum length to minimize the size and number of the areas which are potentially less than 50 feet (15.25 m) wide. The intent is to minimize the number of roof areas where safety monitoring systems alone are sufficient protection.

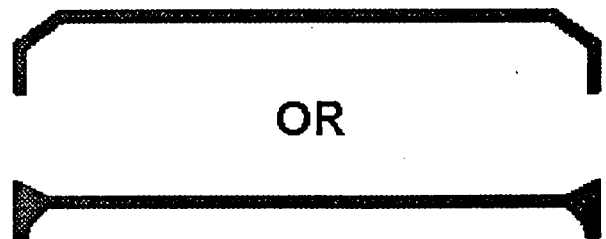
(3) Roofs which are comprised of several separate, non-contiguous roof areas, as in Example D, may be considered as a series of individual roofs. Some roofs have penthouses, additional floors, courtyard openings, or similar architectural features; Example E shows how the rule for dividing roofs into subareas is applied to such configurations. Irregular,

Example B

Sloped Rectangular Shaped Roofs



SECTION A-A

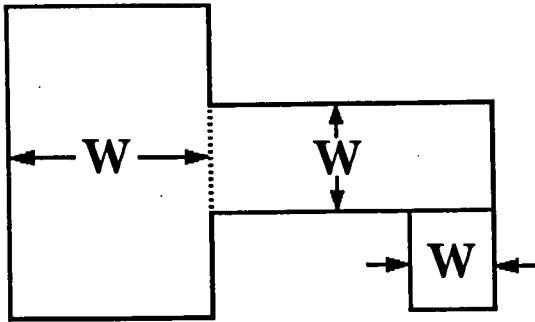


SECTION B-B

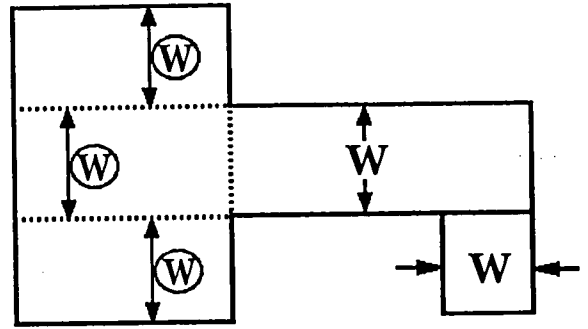
PERMANENT

Example C

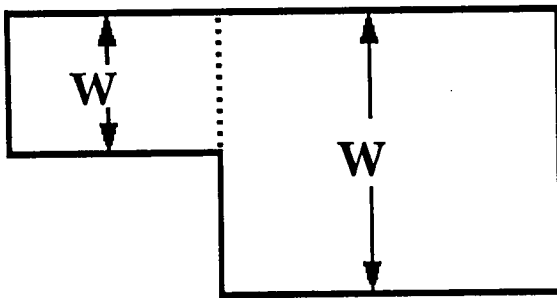
Irregularly Shaped Roofs With Rectangular Shaped Sections



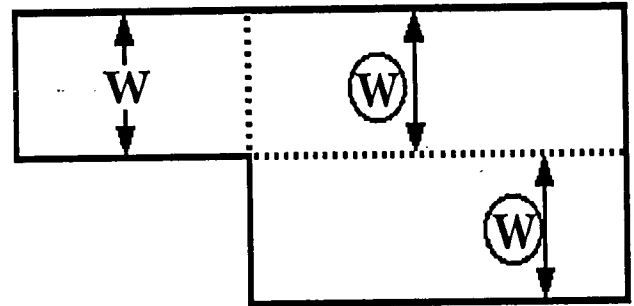
Correct



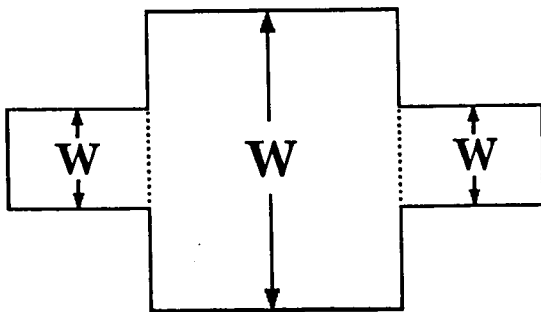
Incorrect



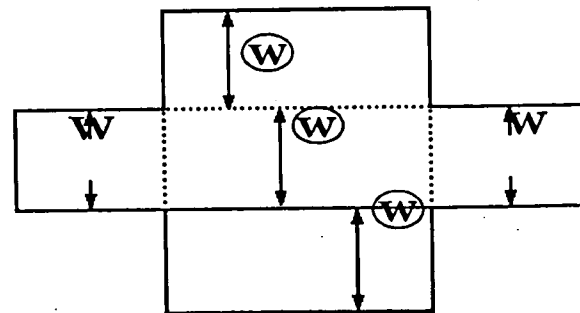
Correct



Incorrect



Correct



Incorrect

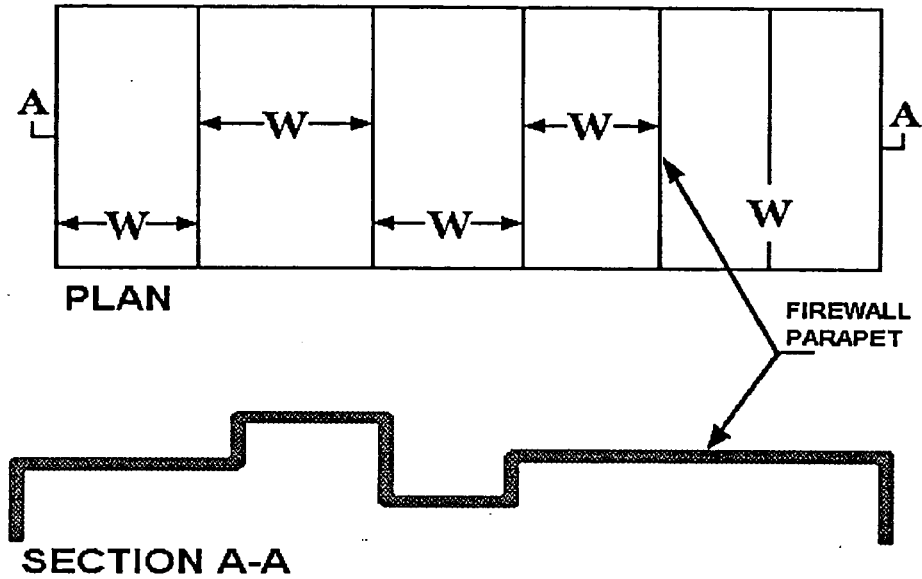
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Such roofs are to be divided into subareas by using dividing lines of minimum length to minimize the size and number of the areas which are potentially less than or equal to 50 feet (15.25 meters) in width, in order to limit the size of roof areas where the safety monitoring system alone can be used (WAC 296-155-24505 (2)(j)). Dotted lines are used in the examples to show the location of dividing lines. W denotes incorrect measurements of width.

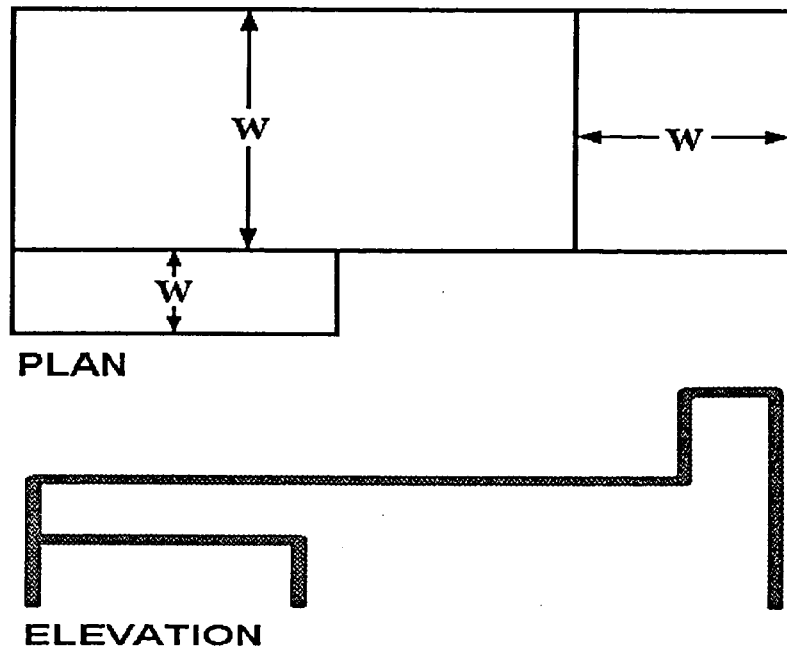
Example D

Separate, Non-Contiguous Roof Areas

1.



2.

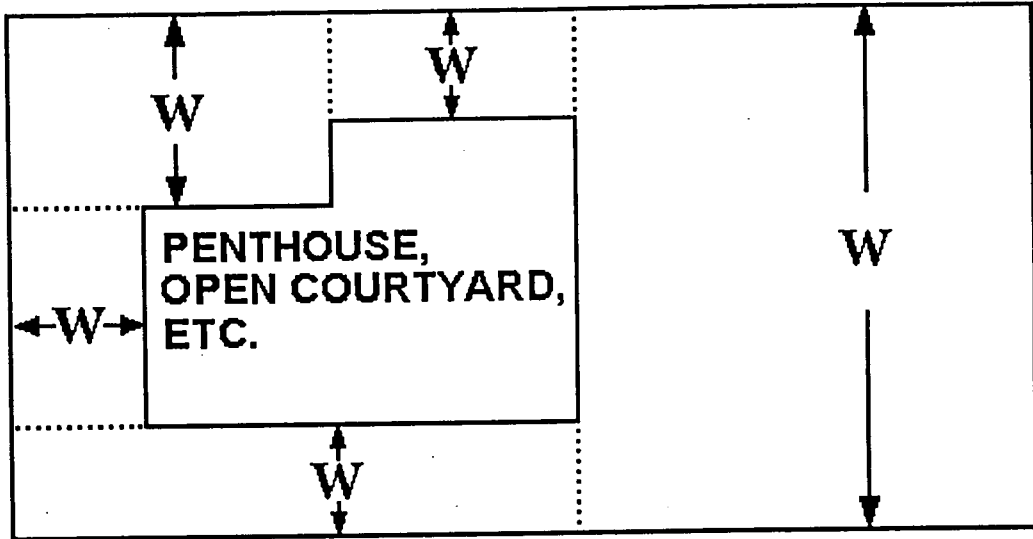


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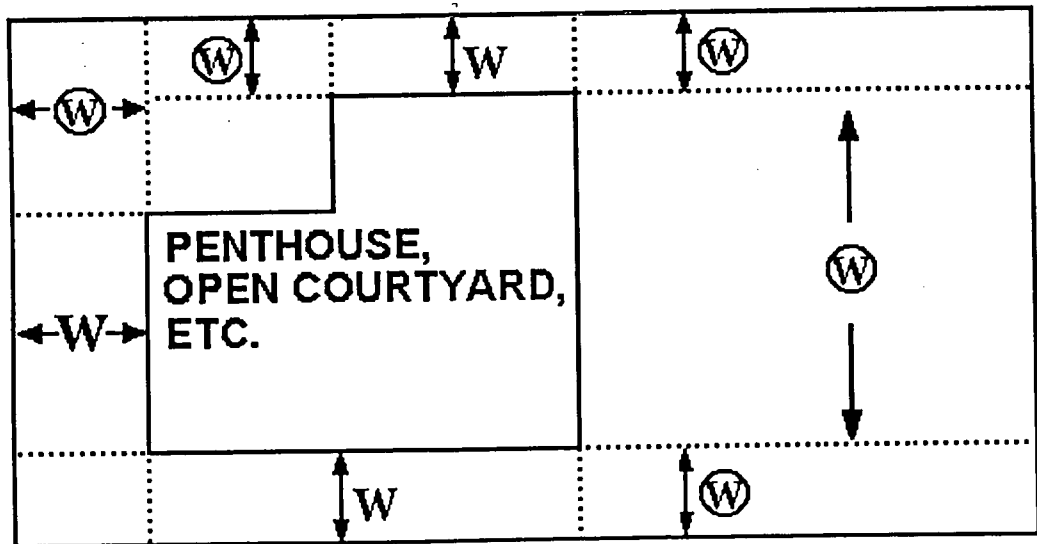
Example E

Roofs With Penthouses, Open Courtyards, Additional Floors, etc.

PERMANENT



CORRECT

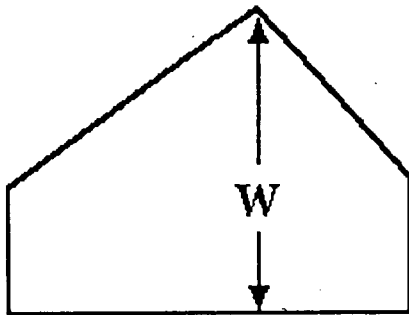


INCORRECT

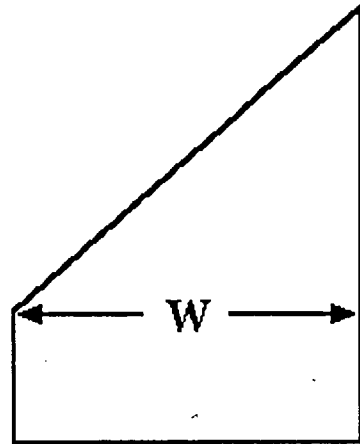
Such roofs are to be divided into subareas by using dividing lines of minimum length to minimize the size and number of the areas which are potentially less than or equal to 50 feet (15.25 meters) in width, in order to limit the size of roof areas where the safety monitoring system alone can be used (WAC 296-155-24505 (2)(j)). Dotted lines are used in the examples to show the location of dividing lines. W denotes incorrect measurements of width.

Example F

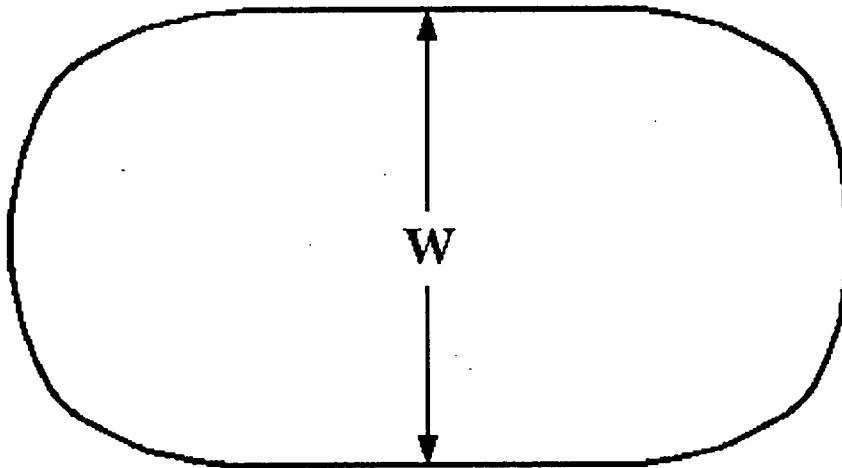
Irregular, Non-Rectangular Shaped Roofs



PLAN



PLAN



PLAN

PERMANENT

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-155-24520 ((Leading edge control zone.))
Appendix B to Part C-1—Guardrail systems non-mandatory guidelines for complying with WAC 296-155-

24505(2). ~~(((1) When performing leading edge work, the employer shall ensure that a control zone be established according to the following requirements:~~

~~(a) The control zone shall begin a minimum of 6 feet back from the leading edge to prevent exposure by employ-~~

ees who are not protected by fall restraint or fall arrest systems.

(b) The control zone shall be separated from other areas of the low pitched roof or walking/working surface by the erection of a warning line system.

(c) The warning line system shall consist of wire, rope, or chain supported on stanchions, or a method which provides equivalent protection.

(d) The spacing of the stanchions and support of the line shall be such that the lowest point of the line (including sag) is not less than 39 inches from the walking/working surface, and its highest point is not more than 45 inches (1.3 m) from the working/walking surface.

(e) Each line shall have a minimum tensile strength of 500 pounds (227 Kilograms).

(f) Each line shall be flagged or clearly marked with high visibility materials at intervals not to exceed 6 feet.

(g) After being erected with the rope, or chain attached, stanchions shall be capable of resisting without tipping over, a force of at least 16 pounds (71 Newtons) applied horizontally against the stanchions 30 inches (0.76 meters) above the roof surface, perpendicular to the warning line and in the direction of the roof edge.

(2) When positive means of fall restraint as described in WAC 296-155-24510 (2) (a) through (d), or fall arrest as described in WAC 296-155-24510 (3) through (5)(e) are not utilized, a safety monitor system as described in WAC 296-155-24521 shall be implemented to protect employees working between the forward edge of the warning line and the leading edge.) The standard requires guardrail systems and components to be designed and built to meet the requirements of WAC 296-155-24505 (2)(c), (d) and (e). This Appendix serves as a non-mandatory guideline to assist employers in complying with these requirements. An employer may use these guidelines as a starting point for designing guardrail systems. However, the guidelines do not provide all the information necessary to build a complete system, and the employer is still responsible for designing and assembling these components in such a way that the completed system will meet the requirements of WAC 296-155-24505 (2)(c), (d) and (e). Components for which no specific guidelines are given in this Appendix (e.g., joints, base connections, components made with other materials, and components with other dimensions) must also be designed and constructed in such a way that the completed system meets the requirements of WAC 296-155-24505.

(1) For wood railings: Wood components shall be a minimum of 1500 lb-ft/in² fiber (stress grade) construction grade lumber; the posts shall be at least 2-inch by 4-inch (5 cm x 10 cm) lumber spaced not more than 8 feet (2.4 m) apart on centers; the top rail shall be at least 2-inch by 4-inch (5 cm x 10 cm) lumber, the intermediate rail shall be at least 1-inch by 6-inch (2.5 cm x 15 cm) lumber. All lumber dimensions are nominal sizes as provided by the American Softwood Lumber Standards, dated January 1970.

(2) For pipe railings: Posts, top rails, and intermediate railings shall be at least one and one-half inches nominal diameter (schedule 40 pipe) with posts spaced not more than 8 feet (2.4 m) apart on centers.

(3) For structural steel railings: Posts, top rails, and intermediate rails shall be at least 2-inch by 2-inch (5 cm x

10 cm) by 3/8-inch (1.1 cm) angles, with posts spaced not more than 8 feet (2.4 m) apart on centers.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-24521 ((Safety monitor system.)) Appendix C to Part C-1—Personal fall arrest systems non-mandatory guidelines for complying with WAC 296-155-24505(4). ((1) A safety monitor system (SMS) may be used in conjunction with a warning line system as a method of guarding against falls during work on low pitched roofs and leading edge work only.

(2) When selected, the employer shall ensure that the safety monitor system shall be addressed in the fall protection work plan, include the name of the safety monitor(s) and the extent of their training in both the safety monitor and warning line systems, and shall ensure that the following requirements are met.

(3) The safety monitor system shall not be used when adverse weather conditions create additional hazards.

(4) A person acting in the capacity of safety monitor(s) shall be trained in the function of both the safety monitor and warning lines systems, and shall:

(a) Be a competent person as defined in WAC 296-155-24503(7).

(b) Have control authority over the work as it relates to fall protection.

(c) Be instantly distinguishable over members of the work crew.

(d) Engage in no other duties while acting as safety monitor.

(e) Be positioned in relation to the workers under their protection, so as to have a clear, unobstructed view and be able to maintain normal voice communication.

(f) Not supervise more than eight exposed workers at one time.

(5) Control zone workers shall be distinguished from other members of the crew by wearing a high visibility vest only while in the control zone.) (1) Test methods for personal fall arrest systems and positioning device systems.

(a) General. This Appendix serves as a non-mandatory guideline to assist employers comply with the requirements in WAC 296-155-24505(4). Subdivisions (b), (c), (d) and (e) of this Appendix describe test procedures which may be used to determine compliance with the requirements in WAC 296-155-24505 (4)(q). As noted in Appendix D of this part, the test methods listed here in Appendix C can also be used to assist employers to comply with the requirements in WAC 296-155-24505 (6)(c) and (d) for positioning device systems.

(b) General conditions for all tests in the Appendix to WAC 296-155-24505(4).

(i) Lifelines, lanyards and deceleration devices should be attached to an anchorage and connected to the body harness in the same manner as they would be when used to protect employees.

(ii) The anchorage should be rigid, and should not have a deflection greater than 0.04 inches (1 mm) when a force of 2,250 pounds (10 kN) is applied.

(iii) The frequency response of the load measuring instrumentation should be 500 Hz.

(iv) The test weight used in the strength and force tests should be a rigid, metal, cylindrical or torso-shaped object with a girth of 38 inches plus or minus 4 inches (96 cm plus or minus 10 cm).

(v) The lanyard or lifeline used to create the free fall distance should be supplied with the system, or in its absence, the least elastic lanyard or lifeline available to be used with the system.

(vi) The test weight for each test should be hoisted to the required level and should be quickly released without having any appreciable motion imparted to it.

(vii) The system's performance should be evaluated taking into account the range of environmental conditions for which it is designed to be used.

(viii) Following the test, the system need not be capable of further operation.

(c) Strength test.

(i) During the testing of all systems, a test weight of 300 pounds plus or minus 5 pounds (135 kg plus or minus 2.5 kg) should be used. (See subdivision (b)(iv) of this subsection).

(ii) The test consists of dropping the test weight once. A new unused system should be used for each test.

(iii) For lanyard systems, the lanyard length should be 6 feet plus or minus 2 inches (1.83 m plus or minus 5 cm) as measured from the fixed anchorage to the attachment on the (body belt or) body harness.

(iv) For rope-grab-type deceleration systems, the length of the lifeline above the centerline of the grabbing mechanism to the lifeline's anchorage point should not exceed 2 feet (0.61 m).

(v) For lanyard systems, for systems with deceleration devices which do not automatically limit free fall distance to 2 feet (0.61 m) or less, and for systems with deceleration devices which have a connection distance in excess of 1 foot (0.3 m) (measured between the centerline of the lifeline and the attachment point to the harness), the test weight should be rigged to free fall a distance of 7.5 feet (2.3 m) from a point that is 1.5 feet (.46 m) above the anchorage point, to its hanging location (6 feet below the anchorage). The test weight should fall without interference, obstruction, or hitting the floor or ground during the test. In some cases a non-elastic wire lanyard of sufficient length may need to be added to the system (for test purposes) to create the necessary free fall distance.

(vi) For deceleration device systems with integral lifelines or lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less, the test weight should be rigged to free fall a distance of 4 feet (1.22 m).

(vii) Any weight which detaches from the harness has failed the strength test.

(d) Force test.

(i) General. The test consists of dropping the respective test weight once as specified in (d)(ii)(A) or (d)(iii)(A) of this subsection. A new, unused system should be used for each test.

(ii) For lanyard systems.

(A) A test weight of 220 pounds plus or minus 3 pounds (100 kg plus or minus 1.6 kg) should be used. (See (b)(iv) of this subsection).

(B) Lanyard length should be 6 feet plus or minus two inches (1.83 m plus or minus 5 cm) as measured from the fixed anchorage to the attachment on the body harness.

(C) The test weight should fall free from the anchorage level to its hanging location (a total of 6 feet (1.83 m) free fall distance) without interference, obstruction, or hitting the floor or ground during the test.

(iii) For all other systems.

(A) A test weight of 220 pounds plus or minus 3 pounds (100 kg plus or minus 1.6 kg) should be used. (See (b)(iv) of this subsection).

(B) The free fall distance to be used in the test should be the maximum fall distance physically permitted by the system during normal use conditions, up to a maximum free fall distance for the test weight of 6 feet (1.83 m), except as follows:

(I) For deceleration systems which have a connection link or lanyard, the test weight should free fall a distance equal to the connection distance (measured between the centerline of the lifeline and the attachment point to the harness).

(II) For deceleration device systems with integral lifelines or lanyards which automatically limit free fall distance to 2 feet (0.61 m) or less, the test weight should free fall a distance equal to that permitted by the system in normal use. (For example, to test a system with a self-retracting lifeline or lanyard, the test weight should be supported and the system allowed to retract the lifeline or lanyard as it would in normal use. The test weight would then be released and the force and deceleration distance measured).

(iv) A system fails the force test if the recorded maximum arresting force exceeds 2,520 pounds (11.2 kN) when using a body harness.

(v) The maximum elongation and deceleration distance should be recorded during the force test.

(e) Deceleration device tests.

(i) General. The device should be evaluated or tested under the environmental conditions, (such as rain, ice, grease, dirt, type of lifeline, etc.), for which the device is designed.

(ii) Rope-grab-type deceleration devices.

(A) Devices should be moved on a lifeline 1,000 times over the same length of line a distance of not less than 1 foot (30.5 cm), and the mechanism should lock each time.

(B) Unless the device is permanently marked to indicate the type(s) of lifeline which must be used, several types (different diameters and different materials), of lifelines should be used to test the device.

(iii) Other self-activating-type deceleration devices. The locking mechanisms of other self-activating-type deceleration devices designed for more than one arrest should lock each of 1,000 times as they would in normal service.

(2) Additional non-mandatory guidelines for personal fall arrest systems. The following information constitutes additional guidelines for use in complying with requirements for a personal fall arrest system.

(a) Selection and use considerations.

(i) The kind of personal fall arrest system selected should match the particular work situation, and any possible free fall distance should be kept to a minimum. Consideration should be given to the particular work environment.

For example, the presence of acids, dirt, moisture, oil, grease, etc., and their effect on the system, should be evaluated. Hot or cold environments may also have an adverse effect on the system. Wire rope should not be used where an electrical hazard is anticipated. As required by the standard, the employer must plan to have means available to promptly rescue an employee should a fall occur, since the suspended employee may not be able to reach a work level independently.

(ii) Where lanyards, connectors, and lifelines are subject to damage by work operations such as welding, chemical cleaning, and sandblasting, the component should be protected, or other securing systems should be used. The employer should fully evaluate the work conditions and environment (including seasonal weather changes) before selecting the appropriate personal fall protection system. Once in use, the system's effectiveness should be monitored. In some cases, a program for cleaning and maintenance of the system may be necessary.

(b) Testing considerations. Before purchasing or putting into use a personal fall arrest system, an employer should obtain from the supplier information about the system based on its performance during testing so that the employer can know if the system meets this standard. Testing should be done using recognized test methods. This Appendix contains test methods recognized for evaluating the performance of fall arrest systems. Not all systems may need to be individually tested; the performance of some systems may be based on data and calculations derived from testing of similar systems, provided that enough information is available to demonstrate similarity of function and design.

(c) Component compatibility considerations. Ideally, a personal fall arrest system is designed, tested, and supplied as a complete system. However, it is common practice for lanyards, connectors, lifelines, deceleration devices, and body harnesses to be interchanged since some components wear out before others. The employer and employee should realize that not all components are interchangeable. For instance, a lanyard should not be connected between a harness and a deceleration device of the self-retracting type since this can result in additional free fall for which the system was not designed. Any substitution or change to a personal fall arrest system should be fully evaluated or tested by a competent person to determine that it meets the standard, before the modified system is put in use.

(d) Employee training considerations. Thorough employee training in the election and use of personal fall arrest systems is imperative. Employees must be trained in the safe use of the system. This should include the following: Application limits; proper anchoring and tie-off techniques; estimation of free fall distance, including determination of deceleration distance, and total fall distance to prevent striking a lower level; methods of use; and inspection and storage of the system. Careless or improper use of the equipment can result in serious injury or death. Employers and employees should become familiar with the material in this Appendix, as well as manufacturer's recommendations, before a system is used. Of uppermost importance is the reduction in strength caused by certain tie-offs (such as using knots, tying around sharp edges, etc.) and maximum permitted free fall distance. Also, to be stressed are the importance of inspections prior to use, the limitations

of the equipment, and unique conditions at the worksite which may be important in determining the type of system to use.

(e) Instruction considerations. Employers should obtain comprehensive instructions from the supplier as to the system's proper use and application, including, where applicable:

- (i) The force measured during the sample force test;
 - (ii) The maximum elongation measured for lanyards during the force test;
 - (iii) The deceleration distance measured for deceleration devices during the force test;
 - (iv) Caution statements on critical use limitations;
 - (v) Application limits;
 - (vi) Proper hook-up, anchoring and tie-off techniques, including the proper dee-ring or other attachment point to use on the harness for fall arrest;
 - (vii) Proper climbing techniques;
 - (viii) Methods of inspection, use, cleaning, and storage;
- and

(ix) Specific lifelines which may be used. This information should be provided to employees during training.

(f) Rescue considerations. As required by WAC 296-155-24505 (4)(u), when personal fall arrest systems are used, the employer must assure that employees can be promptly rescued or can rescue themselves should a fall occur. The availability of rescue personnel, ladders or other rescue equipment should be evaluated. In some situations, equipment which allows employees to rescue themselves after the fall has been arrested may be desirable, such as devices which have descent capability.

(g) Inspection considerations. As required by WAC 296-155-24505 (4)(v), personal fall arrest systems must be regularly inspected. Any component with any significant defect, such as cuts, tears, abrasions, mold, or undue stretching; alterations or additions which might affect its efficiency; damage due to deterioration; contact with fire, acids, or other corrosives; distorted hooks or faulty hook springs; tongues unfitted to the shoulder of buckles; loose or damaged mountings; non-functioning parts; or wearing or internal deterioration in the ropes must be withdrawn from service immediately, and should be tagged or marked as unusable, or destroyed.

(h) Tie-off considerations.

(i) One of the most important aspects of personal fall protection systems is fully planning the system before it is put into use. Probably the most overlooked component is planning for suitable anchorage points. Such planning should ideally be done before the structure or building is constructed so that anchorage points can be incorporated during construction for use later for window cleaning or other building maintenance. If properly planned, these anchorage points may be used during construction, as well as afterwards.

(A) Properly planned anchorages should be used if they are available. In some cases, anchorages must be installed immediately prior to use. In such cases, a registered professional engineer with experience in designing fall protection systems, or another qualified person with appropriate education and experience should design an anchor point to be installed.

(B) In other cases, the department recognizes that there will be a need to devise an anchor point from existing structures. Examples of what might be appropriate anchor points are steel members or I-beams if an acceptable strap is available for the connection (do not use a lanyard with a snap-hook clipped onto itself); large eye-bolts made of an appropriate grade steel; guardrails or railings if they have been designed for use as an anchor point; or masonry or wood members only if the attachment point is substantial and precautions have been taken to assure that bolts or other connectors will not pull through. A qualified person should be used to evaluate the suitability of these "make shift" anchorages with a focus on proper strength.

(ii) Employers and employees should at all times be aware that the strength of a personal fall arrest system is based on its being attached to an anchoring system which does not reduce the strength of the system (such as a properly dimensioned eye-bolt/snap-hook anchorage). Therefore, if a means of attachment is used that will reduce the strength of the system, that component should be replaced by a stronger one, but one that will also maintain the appropriate maximum arrest force characteristics.

(iii) Tie-off using a knot in a rope lanyard or lifeline (at any location) can reduce the lifeline or lanyard strength by 50 percent or more. Therefore, a stronger lanyard or lifeline should be used to compensate for the weakening effect of the knot, or the lanyard length should be reduced (or the tie-off location raised) to minimize free fall distance, or the lanyard or lifeline should be replaced by one which has an appropriately incorporated connector to eliminate the need for a knot.

(iv) Tie-off of a rope lanyard or lifeline around an "H" or "I" beam or similar support can reduce its strength as much as 70 percent due to the cutting action of the beam edges. Therefore, use should be made of a webbing lanyard or wire core lifeline around the beam; or the lanyard or lifeline should be protected from the edge; or free fall distance should be greatly minimized.

(v) Tie-off where the line passes over or around rough or sharp surfaces reduces strength drastically. Such a tie-off should be avoided or an alternative tie-off rigging should be used. Such alternatives may include use of a snap-hook/dee-ring connection, wire rope tie-off, an effective padding of the surfaces, or an abrasion-resistance strap around or over the problem surface.

(vi) Horizontal lifelines may, depending on their geometry and angle of sag, be subjected to greater loads than the impact load imposed by an attached component. When the angle of horizontal lifeline sag is less than 30 degrees, the impact force imparted to the lifeline by an attached lanyard is greatly amplified. For example, with a sag angle of 15 degrees, the force amplification is about 2:1 and at 5 degrees sag, it is about 6:1. Depending on the angle of sag, and the line's elasticity, the strength of the horizontal lifeline and the anchorages to which it is attached should be increased a number of times over that of the lanyard. Extreme care should be taken in considering a horizontal lifeline for multiple tie-offs. The reason for this is that in multiple tie-offs to a horizontal lifeline, if one employee falls, the movement of the falling employee and the horizontal lifeline during arrest of the fall may cause other employees to fall also. Horizontal lifeline and anchorage strength should be

increased for each additional employee to be tied off. For these and other reasons, the design of systems using horizontal lifelines must only be done by qualified persons. Testing of installed lifelines and anchors prior to use is recommended.

(vii) The strength of an eye-bolt is rated along the axis of the bolt and its strength is greatly reduced if the force is applied at an angle to this axis (in the direction of shear). Also, care should be exercised in selecting the proper diameter of the eye to avoid accidental disengagement of snap-hooks not designed to be compatible for the connection.

(viii) Due to the significant reduction in the strength of the lifeline/lanyard (in some cases, as much as a 70 percent reduction), the sliding hitch knot (prusik) should not be used for lifeline/lanyard connections except in emergency situations where no other available system is practical. The "one-and-one" sliding hitch knot should never be used because it is unreliable in stopping a fall. The "two-and-two," or "three-and-three" knot (preferable) may be used in emergency situations; however, care should be taken to limit free fall distance to a minimum because of reduced lifeline/lanyard strength.

(i) Vertical lifeline considerations. As required by the standard, each employee must have a separate lifeline (except employees engaged in constructing elevator shafts who are permitted to have two employees on one lifeline) when the lifeline is vertical. The reason for this is that in multiple tie-offs to a single lifeline, if one employee falls, the movement of the lifeline during the arrest of the fall may pull other employees' lanyards, causing them to fall as well.

(j) Snap-hook considerations.

(i) Although not required by this standard for all connections until January 1, 1998, locking snap-hooks designed for connection to suitable objects (of sufficient strength) are highly recommended in lieu of the nonlocking type. Locking snap-hooks incorporate a positive locking mechanism in addition to the spring loaded keeper, which will not allow the keeper to open under moderate pressure without someone first releasing the mechanism. Such a feature, properly designed, effectively prevents roll-out from occurring.

(ii) As required by WAC 296-155-24505 (4)(f), the following connections must be avoided (unless properly designed locking snap-hooks are used) because they are conditions which can result in roll-out when a nonlocking snap-hook is used:

(A) Direct connection of a snap-hook to a horizontal lifeline.

(B) Two (or more) snap-hooks connected to one dee-ring.

(C) Two snap-hooks connected to each other.

(D) A snap-hook connected back on its integral lanyard.

(E) A snap-hook connected to a webbing loop or webbing lanyard.

(F) Improper dimensions of the dee-ring, rebar, or other connection point in relation to the snap-hook dimensions which would allow the snap-hook keeper to be depressed by a turning motion of the snap-hook.

(k) Free fall considerations. The employer and employee should at all times be aware that a system's maximum arresting force is evaluated under normal use conditions established by the manufacturer, and in no case using a free

fall distance in excess of 6 feet (1.8 m). A few extra feet of free fall can significantly increase the arresting force on the employee, possibly to the point of causing injury. Because of this, the free fall distance should be kept at a minimum, and, as required by the standard, in no case greater than 6 feet (1.8 m). To help assure this, the tie-off attachment point to the lifeline or anchor should be located at or above the connection point of the fall arrest equipment or harness. (Since otherwise additional free fall distance is added to the length of the connecting means (i.e. lanyard)). Attaching to the working surface will often result in a free fall greater than 6 feet (1.8 m). For instance, if a 6-foot (1.8 m) lanyard is used, the total free fall distance will be the distance from the working level to the harness attachment point plus the 6 feet (1.8 m) of lanyard length. Another important consideration is that the arresting force which the fall-arrest system must withstand also goes up with greater distances of free fall, possibly exceeding the strength of the system.

(l) Elongation and deceleration distance considerations. Other factors involved in a proper tie-off are elongation and deceleration distance. During the arresting of a fall, a lanyard will experience a length of stretching or elongation, whereas activation of a deceleration device will result in a certain stopping distance. These distances should be available with the lanyard or device's instructions and must be added to the free fall distance to arrive at the total fall distance before an employee is fully stopped. The additional stopping distance may be very significant if the lanyard or deceleration device is attached near or at the end of a long lifeline, which may itself add considerable distance due to its own elongation. As required by the standard, sufficient distance to allow for all of these factors must also be maintained between the employee and obstructions below, to prevent an injury due to impact before the system fully arrests the fall. In addition, a minimum of 12 feet (3.7 m) of lifeline should be allowed below the securing point of a rope grab type deceleration device, and the end terminated to prevent the device from sliding off the lifeline. Alternatively, the lifeline should extend to the ground or the next working level below. These measures are suggested to prevent the worker from inadvertently moving past the end of the lifeline and having the rope grab become disengaged from the lifeline.

(m) Obstruction considerations. The location of the tie-off should also consider the hazard of obstructions in the potential fall path of the employee. Tie-offs which minimize the possibilities of exaggerated swinging should be considered. Thus, obstructions which might interfere with this motion should be avoided or a severe injury could occur.

(n) Other considerations. Because of the design of some personal fall arrest systems, additional considerations may be required for proper tie-off. For example, heavy deceleration devices of the self-retracting type should be secured overhead in order to avoid the weight of the device having to be supported by the employee. In all cases, manufacturer's instructions should be followed.

NEW SECTION

WAC 296-155-24522 Appendix D to Part C-1—Positioning device systems non-mandatory guidelines for complying with WAC 296-155-24505(6). (1) Testing methods for positioning device systems. This Appendix serves as a non-mandatory guideline to assist employers in complying with the requirements for positioning device systems in WAC 296-155-24505(6). Subdivisions (b), (c), (d) and (e) of Appendix C of Part C-1 relating to WAC 296-155-24505(4)—Personal fall arrest systems—set forth test procedures which may be used, along with the procedures listed below, to determine compliance with the requirements for positioning device systems in WAC 296-155-24505 (6)(c) and (d) of Part C-1.

(a) General. Single strap positioning devices shall have one end attached to a fixed anchorage and the other end connected to a body belt or harness in the same manner as they would be used to protect employees. Double strap positioning devices, similar to window cleaner's belts, shall have one end of the strap attached to a fixed anchorage and the other end shall hang free. The body belt or harness shall be attached to the strap in the same manner as it would be used to protect employees. The two strap ends shall be adjusted to their maximum span.

(b) The fixed anchorage shall be rigid, and shall not have a deflection greater than .04 inches (1 mm) when a force of 2,250 pounds (10 kN) is applied.

(c) During the testing of all systems, a test weight of 250 pounds plus or minus 3 pounds (113 kg plus or minus 1.6 kg) shall be used. The weight shall be a rigid object with a girth of 38 inches plus or minus 4 inches (96 cm plus or minus 10 cm).

(d) Each test shall consist of dropping the specified weight one time without failure of the system being tested. A new system shall be used for each test.

(e) The test weight for each test shall be hoisted exactly 4 feet (1.2 m) above its "at rest" position, and shall be dropped so as to permit a vertical free fall of 4 feet (1.2 m).

(f) The test is failed whenever any breakage or slippage occurs which permits the weight to fall free of the system.

(g) Following the test, the system need not be capable of further operation; however, all such incapacities shall be readily apparent.

(2) Inspection considerations. As required in WAC 296-155-24505 (6)(e), positioning device systems must be regularly inspected. Any component with any significant defect, such as cuts, tears, abrasions, mold, or undue stretching; alterations or additions which might affect its efficiency; damage due to deterioration; contact with fire, acids, or other corrosives; distorted hooks or faulty hook springs; tongues unfitted to the shoulder of buckles; loose or damaged mountings; non-functioning parts; or wearing or internal deterioration in the ropes must be withdrawn from service immediately, and should be tagged or marked as unusable, or destroyed.

NEW SECTION

WAC 296-155-24523 Appendix E to Part C-1—Sample fall protection plan non-mandatory guidelines for complying with WAC 296-155-24505(12). Employers engaged in leading edge work, precast concrete construction

work and residential construction work who can demonstrate that it is infeasible or creates a greater hazard to use conventional fall protection systems must develop and follow a fall protection plan. Below are sample fall protection plans developed for precast concrete construction and residential work that could be tailored to be site specific for other precast concrete or residential job sites. This sample plan can be modified to be used for other work involving leading edge work. The sample plan outlines the elements that must be addressed in any fall protection plan. The reasons outlined in this sample fall protection plan are for illustrative purposes only and are not necessarily a valid, acceptable rationale (unless the conditions at the job site are the same as those covered by these sample plans) for not using conventional fall protection systems for a particular precast concrete or residential construction worksite. However, the sample plans provide guidance to employers on the type of information that is required to be discussed in fall protection plans.

Sample Fall Protection Plans

Fall Protection Plan For Precast/Prestress Concrete Structures

This Fall Protection Plan is specific for the following project:

- Location of Job
- Erecting Company
- Date Plan Prepared or Modified
- Plan Prepared By
- Plan Approved By
- Plan Supervised By

The following Fall Protection Plan is a sample program prepared for the prevention of injuries associated with falls. A Fall Protection Plan must be developed and evaluated on a site by site basis. It is recommended that erectors discuss the written Fall Protection Plan with their WISHA Regional Office prior to going on a job site.

(1) Statement of Company Policy: (Company Name) is dedicated to the protection of its employees from on-the-job injuries. All employees of (Company Name) have the responsibility to work safely on the job. The purpose of this plan is:

- (a) To supplement our standard safety policy by providing safety standards specifically designed to cover fall protection on this job and;
- (b) To ensure that each employee is trained and made aware of the safety provisions which are to be implemented by this plan prior to the start of erection.

This fall protection plan addresses the use of other than conventional fall protection at a number of areas on the project, as well as identifying specific activities that require non-conventional means of fall protection.

These areas include:

- Connecting activity (point of erection).
- Leading edge work.
- Unprotected sides or edge.
- Grouting.

This plan is designed to enable employers and employees to recognize the fall hazards on this job and to establish

the procedures that are to be followed in order to prevent falls to lower levels or through holes and openings in walking/working surfaces. Each employee will be trained in these procedures and strictly adhere to them except when doing so would expose the employee to a greater hazard. If, in the employee's opinion, this is the case, the employee is to notify the supervisor of the concern and the concern addressed before proceeding.

Safety policy and procedure on any one project cannot be administered, implemented, monitored and enforced by any one individual. The total objective of a safe, accident free work environment can only be accomplished by a dedicated, concerted effort by every individual involved with the project from management down to the last employee. Each employee must understand their value to the company; the costs of accidents, both monetary, physical, and emotional; the objective of the safety policy and procedures; the safety rules that apply to the safety policy and procedures; and what their individual role is in administering, implementing, monitoring, and compliance of their safety policy and procedures. This allows for a more personal approach to compliance through planning, training, understanding and cooperative effort, rather than by strict enforcement. If for any reason an unsafe act persists, strict enforcement will be implemented.

It is the responsibility of (name of Competent Person) to implement this Fall Protection Plan. (Name of Competent Person) is responsible for continual observational safety checks of their work operations and to enforce the safety policy and procedures. The foreman also is responsible to correct any unsafe acts or conditions immediately. It is the responsibility of the employee to understand and adhere to the procedures of this plan and to follow the instructions of the foreman. It is also the responsibility of the employee to bring to management's attention any unsafe or hazardous conditions or acts that may cause injury to either themselves or any other employees. Any changes to this Fall Protection Plan must be approved by (name of Qualified Person).

(2) Fall Protection Systems to be Used on This Project: Where conventional fall protection is infeasible or creates a greater hazard at the leading edge and during initial connecting activity, we plan to do this work using a safety monitoring system and expose only a minimum number of employees for the time necessary to actually accomplish the job. The maximum number of workers to be monitored by one safety monitor is eight (8). We are designating the following trained employees as designated erectors and they are permitted to enter the controlled access zones and work without the use of conventional fall protection.

- Safety monitor:
- Designated erector:
- Designated erector:
- Designated erector:
- Designated erector:
- Designated erector:
- Designated erector:

The safety monitor shall be identified by wearing an orange hard hat. The designated erectors will be identified by one of the following methods:

- (a) They will wear a blue colored arm band, or
- (b) They will wear a blue colored hard hat, or

PERMANENT

- (c) They will wear a blue colored vest.

Note: See WAC 296-155-24505 (9)(e).

Only individuals with the appropriate experience, skills, and training will be authorized as designated erectors. All employees that will be working as designated erectors under the safety monitoring system shall have been trained and instructed in the following areas:

(d) Recognition of the fall hazards in the work area (at the leading edge and when making initial connections—point of erection).

(e) Avoidance of fall hazards using established work practices which have been made known to the employees.

(f) Recognition of unsafe practices or working conditions that could lead to a fall, such as windy conditions.

(g) The function, use, and operation of safety monitoring systems, guardrail systems, body belt/harness systems, control zones and other protection to be used.

(h) The correct procedure for erecting, maintaining, disassembling and inspecting the system(s) to be used.

(i) Knowledge of construction sequence or the erection plan. A conference will take place prior to starting work involving all members of the erection crew, crane crew and supervisors of any other concerned contractors. This conference will be conducted by the precast concrete erection supervisor in charge of the project. During the pre-work conference, erection procedures and sequences pertinent to this job will be thoroughly discussed and safety practices to be used throughout the project will be specified. Further, all personnel will be informed that the controlled access zones are off limits to all personnel other than those designated erectors specifically trained to work in that area.

(3) Safety Monitoring System: A safety monitoring system means a fall protection system in which a competent person is responsible for recognizing and warning employees of fall hazards. The duties of the safety monitor are to:

(a) Warn by voice when approaching the open edge in an unsafe manner.

(b) Warn by voice if there is a dangerous situation developing which cannot be seen by another person involved with product placement, such as a member getting out of control.

(c) Make the designated erectors aware they are in a dangerous area.

(d) Be competent in recognizing fall hazards.

(e) Warn employees when they appear to be unaware of a fall hazard or are acting in an unsafe manner.

(f) Be on the same walking/working surface as the monitored employees and within visual sighting distance of the monitored employees.

(g) Be close enough to communicate orally with the employees.

(h) Not allow other responsibilities to encumber monitoring.

(i) The safety monitoring system shall not be used when the wind is strong enough to cause loads with large surface areas to swing out of radius, or result in loss of control of the load, or when weather conditions cause the walking/working surfaces to become icy or slippery.

(4) Control Zone System: A controlled access zone means an area designated and clearly marked, in which leading edge work may take place without the use of

guardrail, safety net or personal fall arrest systems to protect the employees in the area. Control zone systems shall comply with the following provisions:

(a) When used to control access to areas where leading edge and other operations are taking place the controlled access zone shall be defined by a control line or by any other means that restricts access. When control lines are used, they shall be erected not less than 6 feet (1.8 m) nor more than 60 feet (18 m) or half the length of the member being erected, whichever is less, from the leading edge.

(b) The control line shall extend along the entire length of the unprotected or leading edge and shall be approximately parallel to the unprotected or leading edge.

(c) The control line shall be connected on each side to a guardrail system or wall.

(d) Control lines shall consist of ropes, wires, tapes, or equivalent materials, and supporting stanchions as follows:

(e) Each line shall be flagged or otherwise clearly marked at not more than 6-foot (1.8 m) intervals with high-visibility material.

(f) Each line shall be rigged and supported in such a way that its lowest point (including sag) is not less than 39 inches (1 m) from the walking/working surface and its highest point is not more than 45 inches (1.3 m) from the walking/working surface.

(g) Each line shall have a minimum breaking strength of 200 pounds (.88 kN).

(5) Holes: All openings greater than 2 in. x 2 in. will have perimeter guarding or covering. All predetermined holes will have the plywood covers made in the precasters' yard and shipped with the member to the job site. Prior to cutting holes on the job, proper protection for the hole must be provided to protect the workers. Perimeter guarding or covers will not be removed without the approval of the erection supervisor.

Precast concrete column erection through the existing deck requires that many holes be provided through this deck. These are to be covered and protected. Except for the opening being currently used to erect a column, all opening protection is to be left undisturbed. The opening being uncovered to erect a column will become part of the point of erection and will be addressed as part of this Fall Protection Plan. This uncovering is to be done at the erection supervisor's direction and will only occur immediately prior to "feeding" the column through the opening. Once the end of the column is through the slab opening, there will no longer exist a fall hazard at this location.

(6) Implementation of Fall Protection Plan: The structure being erected is a multistory total precast concrete building consisting of columns, beams, wall panels and hollow core slabs and double tee floor and roof members. The following is a list of the products and erection situations on this job:

(a) Columns: For columns 10 ft to 36 ft long, employees disconnecting crane hooks from columns will work from a ladder and wear a harness with lanyard and be tied off when both hands are needed to disconnect. For tying off, a vertical lifeline will be connected to the lifting eye at the top of the column, prior to lifting, to be used with a manually operated or mobile rope grab. For columns too high for the use of a ladder, 36 ft and higher, an added cable will be used to reduce the height of the disconnecting point so that

a ladder can be used. This cable will be left in place until a point in erection that it can be removed safely. In some cases, columns will be unhooked from the crane by using an erection tube or shackle with a pull pin which is released from the ground after the column is stabilized. The column will be adequately connected and/or braced to safely support the weight of a ladder with an employee on it.

(b) **Inverted Tee Beams:** Employees erecting inverted tee beams, at a height of 4 to 40 ft, will erect the beam, make initial connections, and final alignment from a ladder. If the employee needs to reach over the side of the beam to bar or make an adjustment to the alignment of the beam, they will mount the beam and be tied off to the lifting device in the beam after ensuring the load has been stabilized on its bearing. To disconnect the crane from the beam an employee will stand a ladder against the beam. Because the use of ladders is not practical at heights above 40 ft, beams will be initially placed with the use of tag lines and their final alignment made by a person on a manlift or similar employee positioning systems.

(c) **Spandrel Beams:** Spandrel beams at the exterior of the building will be aligned as closely as possible with the use of tag lines with the final placement of the spandrel beam made from a ladder at the open end of the structure. A ladder will be used to make the initial connections and a ladder will be used to disconnect the crane. The other end of the beam will be placed by the designated erector from the double tee deck under the observation of the safety monitor.

The beams will be adequately connected and/or braced to safely support the weight of a ladder with an employee on it.

(d) **Floor and Roof Members:** During installation of the precast concrete floor and/or roof members, the work deck continuously increases in area as more and more units are being erected and positioned. Thus, the unprotected floor/roof perimeter is constantly modified with the leading edge changing location as each member is installed. The fall protection for workers at the leading edge shall be assured by properly constructed and maintained control zone lines not more than 60 ft away from the leading edge supplemented by a safety monitoring system to ensure the safety of all designated erectors working within the area defined by the control zone lines.

The hollow core slabs erected on the masonry portion of the building will be erected and grouted using the safety monitoring system. Grout will be placed in the space between the end of the slab and face shell of the concrete masonry by dumping from a wheelbarrow. The grout in the keyways between the slabs will be dumped from a wheelbarrow and then spread with long handled tools, allowing the worker to stand erect facing toward the unprotected edge and back from any work deck edge.

Whenever possible, the designated erectors will approach the incoming member at the leading edge only after it is below waist height so that the member itself provides protection against falls.

Except for the situations described below, when the arriving floor or roof member is within 2 to 3 inches of its final position, the designated erectors can then proceed to their position of erection at each end of the member under the control of the safety monitor. Crane hooks will be

unhooked from double tee members by designated erectors under the direction and supervision of the safety monitor.

Designated erectors, while waiting for the next floor or roof member, will be constantly under the control of the safety monitor for fall protection and are directed to stay a minimum of six (6) ft from the edge. In the event a designated erector must move from one end of a member, which has just been placed at the leading edge, they must first move away from the leading edge a minimum of six (6) ft and then progress to the other end while maintaining the minimum distance of six (6) feet at all times.

Horizontal cables used as an anchorage present an additional hazard due to amplification of the horizontal component of maximum arrest force (of a fall) transmitted to the points where the horizontal cable is attached to the structure. This amplification is due to the angle of sag of a horizontal cable and is most severe for small angles of sag. For a cable sag angle of 2 degrees the horizontal force on the points of cable attachment can be amplified by a factor of 15.

It is also necessary to install the retractable device vertically overhead to minimize swing falls. If an object is in the worker's swing path (or that of the cable) hazardous situations exist: (i) due to the swing, horizontal speed of the user may be high enough to cause injury when an obstacle in the swing fall path is struck by either the user or the cable; (ii) the total vertical fall distance of the user may be much greater than if the user had fallen only vertically without a swing fall path.

With retractable lines, overconfidence may cause the worker to engage in inappropriate behavior, such as approaching the perimeter of a floor or roof at a distance appreciably greater than the shortest distance between the anchorage point and the leading edge. Though the retractable lifeline may arrest a worker's fall before he or she has fallen a few feet, the lifeline may drag along the edge of the floor or beam and swing the worker like a pendulum until the line has moved to a position where the distance between the anchorage point and floor edge is the shortest distance between those two points. Accompanying this pendulum swing is a lowering of the worker, with the attendant danger that he or she may violently impact the floor or some obstruction below.

The risk of a cable breaking is increased if a lifeline is dragged sideways across the rough surface or edge of a concrete member at the same moment that the lifeline is being subjected to a maximum impact loading during a fall.

The typical 3/16 in. cable in a retractable lifeline has a breaking strength of from 3000 to 3700 lbs.

(7) **Safety Net Systems:** The nature of this particular precast concrete erection worksite precludes the safe use of safety nets where point of erection or leading edge work must take place.

(a) To install safety nets in the interior high bay of the single story portion of the building poses rigging attachment problems. Structural members do not exist to which supporting devices for nets can be attached in the area where protection is required. As the erection operation advances, the location of point of erection or leading edge work changes constantly as each member is attached to the structure. Due to this constant change it is not feasible to

set net sections and build separate structures to support the nets.

(b) The nature of the erection process for the precast concrete members is such that an installed net would protect workers as they position and secure only one structural member. After each member is stabilized the net would have to be moved to a new location (this could mean a move of 8 to 10 ft or the possibility of a move to a different level or area of the structure) to protect workers placing the next piece in the construction sequence. The result would be the installation and dismantling of safety nets repeatedly throughout the normal work day. As the time necessary to install a net, test, and remove it is significantly greater than the time necessary to position and secure a precast concrete member, the exposure time for the worker installing the safety net would be far longer than for the workers whom the net is intended to protect. The time exposure repeats itself each time the nets and supporting hardware must be moved laterally or upward to provide protection at the point of erection or leading edge.

(c) Strict interpretation of WAC 296-155-24505(3) requires that operations shall not be undertaken until the net is in place and has been tested. With the joint of erection constantly changing, the time necessary to install and test safety net significantly exceeds the time necessary to position and secure the concrete member.

(d) Use of safety nets on exposed perimeter wall openings and opened floors, causes attachment points to be left in architectural concrete which must be patched and filled with matching material after the net supporting hardware is removed. In order to patch these openings, additional numbers of employees must be suspended by swing stages, boatswain chairs or other devices, thereby increasing the amount of fall exposure time to employees.

(e) Installed safety nets pose an additional hazard at the perimeter of the erected structure where limited space is available in which members can be turned after being lifted from the ground by the crane. There would be a high probability that the member being lifted could become entangled in net hardware, cables, etc.

(f) The use of safety nets where structural wall panels are being erected would prevent movement of panels to point of installation. To be effective, nets would necessarily have to provide protection across the area where structural supporting wall panels would be set and plumbed before roof units could be placed.

(g) Use of a tower crane for the erection of the high rise portion of the structure poses a particular hazard in that the crane operator cannot see or judge the proximity of the load in relation to the structure or nets. If the signaler is looking through nets and supporting structural devices while giving instructions to the crane operator, it is not possible to judge precise relationships between the load and the structure itself or to nets and supporting structural devices. This could cause the load to become entangled in the net or hit the structure causing potential damage.

(8) Other Fall Protection Measures Considered for This Job: The following is a list of other fall protection measures available or that could be used or that could be used on this particular job site. If during the course of erecting the building the employee sees an area that could be erected

more safely by the use of these fall protection measures, the supervisor should be notified.

- Scaffolds
- Vehicle mounted platforms
- Crane suspended personnel platforms

(9) Enforcement: Constant awareness of and respect for fall hazards, and compliance with all safety rules are considered conditions of employment. The job site Superintendent, as well as individuals in the Safety and Personnel Department, reserve the right to issue disciplinary warnings to employees, up to and including termination, for failure to follow the guidelines of this program.

(10) Accident Investigations: All accidents that result in injury to workers, regardless of their nature, shall be investigated and reported. It is an integral part of any safety program that documentation take place as soon as possible so that the cause and means of prevention can be identified to prevent a reoccurrence. In the event that an employee falls or there is some other related, serious incident occurring, this plan shall be reviewed to determine if additional practices, procedures, or training need to be implemented to prevent similar types of falls or incidents from occurring.

(11) Changes to Plan: Any changes to the plan will be approved by (name of the qualified person). This plan shall be reviewed by a qualified person as the job progresses to determine if additional practices, procedures or training needs to be implemented by the competent person to improve or provide additional fall protection. Workers shall be notified and trained, if necessary, in the new procedures. A copy of this plan and all approved changes shall be maintained at the job site.

(12) Sample fall protection plan for residential construction. This sample fall protection work plan example is only applicable when work is being done between six (6) and ten (10) feet above the adjacent ground or floor level.

(Insert Company Name)

This fall protection plan is specific for the following project:

- Location of Job
- Date Plan Prepared or Modified
- Plan Prepared By
- Plan Approved By
- Plan Supervised By

The following fall protection plan is a sample program prepared for the prevention of injuries associated with falls. A fall protection plan must be developed and evaluated on a site by site basis. It is recommended that builders discuss the written fall protection plan with their WISHA Region Office prior to going on a job site.

(a) Statement of Company Policy: (Your company name here) is dedicated to the protection of its employees from on-the-job injuries. All employees of (Your company name here) have the responsibility to work safely on the job. The purpose of the plan is to supplement our existing safety and health program and to ensure that every employee who works for (Your company name here) recognizes workplace fall hazards and takes the appropriate measures to address those hazards.

This fall protection plan addresses the use of conventional fall protection at a number of areas on the project, as

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well as identifies specific activities that require non-conventional means of fall protection. During the construction of residential buildings and working between a height of six (6) and ten (10) feet above the adjacent ground or floor, it is sometimes infeasible or it creates a greater hazard to use conventional fall protection systems at specific areas or for specific tasks. The areas or tasks may include, but are not limited to:

- Setting and bracing of roof trusses and rafters;
- Installation of floor sheathing and joists;
- Roof sheathing operations; and
- Erecting exterior walls.

In these cases, conventional fall protection systems may not be the safest choice for builders. This plan is designed to enable employers and employees to recognize the fall hazards associated with this job and to establish the safest procedures that are to be followed in order to prevent falls to lower levels or through holes and openings in walking/working surfaces.

Each employee will be trained in these procedures and will strictly adhere to them except when doing so would expose the employee to a greater hazard. If, in the employee's opinion, this is the case, the employee is to notify the competent person of their concern and have the concern addressed before proceeding.

It is the responsibility of (name of competent person) to implement this fall protection plan. Continual observational safety checks of work operations and the enforcement of the safety policy and procedures shall be regularly enforced. The crew supervisor or leader (insert name) is responsible for correcting any unsafe practices or conditions immediately.

It is the responsibility of the employer to ensure that all employees understand and adhere to the procedures of this plan and to follow the instructions of the crew supervisor. It is also the responsibility of the employee to bring to management's attention any unsafe or hazardous conditions or practices that may cause injury to either themselves or any other employees. Any changes to the Fall Protection Plan must be approved by (name of qualified person).

(b) Fall Protection Systems to be Used on This Job: Installation of roof trusses/rafters, exterior wall erection, roof sheathing, floor sheathing and joist/truss activities will be conducted by employees who are specifically trained to do this type of work and are trained to recognize the fall hazards. The nature of such work normally exposes the employee to the fall hazard for a short period of time. This Plan details how (Your company name here) will minimize these hazards.

(i) Controlled Access Zones: When using the Plan to implement the fall protection options available, workers must be protected through limited access to high hazard locations.

Before any non-conventional fall protection systems are used as part of the work plan, a controlled access zone (CAZ) shall be clearly defined by the competent person as an area where a recognized hazard exists. The demarcation of the CAZ shall be communicated by the competent person in a recognized manner, either through signs, wires, tapes, ropes or chains. (Your company name here) shall take the following steps to ensure that the CAZ is clearly marked or controlled by the competent person:

- All access to the CAZ must be restricted to authorized entrants;
- All workers who are permitted in the CAZ shall be listed in the appropriate sections of the Plan (or be visibly identifiable by the competent person) prior to implementation;

The competent person shall ensure that all protective elements of the CAZ be implemented prior to the beginning of work.

(ii) Installation Procedures for Roof Truss and Rafter Erection: During the erection and bracing of roof trusses/rafters, conventional fall protection may present a greater hazard to workers when working between 6 and 10 feet. On this job, safety nets will not provide adequate fall protection because the nets will cause the walls to collapse.

On this job, requiring workers to use a ladder for the entire installation process will cause a greater hazard because the worker must stand on the ladder with their back or side to the front of the ladder. While erecting the truss or rafter the worker will need both hands to maneuver the truss and therefore cannot hold onto the ladder. In addition, ladders cannot be adequately protected from movement while trusses are being maneuvered into place. Many workers may experience additional fatigue because of the increase in overhead work with heavy materials, which can also lead to a greater hazard.

Exterior scaffolds cannot be utilized on this job because the ground, after recent backfilling, cannot support the scaffolding. In most cases, the erection and dismantling of the scaffold would expose workers to a greater fall hazard than erection of the trusses/rafters.

On all walls eight feet or less, workers will install interior scaffolds along the interior wall below the location where the trusses/rafters will be erected. "Sawhorse" scaffolds constructed of 46 inch sawhorses and 2 x 10 planks will often allow workers to be elevated high enough to allow for the erection of trusses and rafters without working on the top plate of the wall.

In structures that have walls higher than eight feet and where the use of scaffolds and ladders would create a greater hazard, safe working procedures will be utilized when working on the top plate and will be monitored by the crew supervisor. During all stages of truss/rafter erection the stability of the trusses/rafters will be ensured at all times.

(Your company name here) shall take the following steps to protect workers who are exposed to fall hazards while working from the top plate installing trusses/rafters:

- Only the following trained workers will be allowed to work on the top plate during roof truss or rafter installation:

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- Workers shall have no other duties to perform during truss/rafter erection procedures;
- All trusses/rafters will be adequately braced before any worker can use the truss/rafter as a support;
- Workers will remain on the top plate using the previously stabilized truss/rafter as a support while other trusses/rafters are being erected;
- Workers will leave the area of the secured trusses only when it is necessary to secure another truss/rafter;

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• The first two trusses/rafters will be set from ladders leaning on side walls at points where the walls can support the weight of the ladder; and

• A worker will climb onto the interior top plate via a ladder to secure the peaks of the first two trusses/rafters being set.

The workers responsible for detaching trusses from cranes and/or securing trusses at the peaks traditionally are positioned at the peak of the trusses/rafters. There are also situations where workers securing rafters to ridge beams will be positioned on top of the ridge beam.

(Your company name here) shall take the following steps to protect workers who are exposed to fall hazards while securing trusses/rafters at the peak of the trusses/ridge beam:

• Only the following trained workers will be allowed to work at the peak during roof truss or rafter installation:

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• Once truss or rafter installation begins, workers not involved in that activity shall not stand or walk below or adjacent to the roof opening or exterior walls in any area where they could be struck by falling objects;

• Workers shall have no other duties than securing/bracing the trusses/ridge beam;

• Workers positioned at the peaks or in the webs of trusses or on top of the ridge beam shall work from a stable position, either by sitting on a "ridge seat" or other equivalent surface that provides additional stability or by positioning themselves in previously stabilized trusses/rafters and leaning into and reaching through the trusses/rafters;

• Workers shall not remain on or in the peak/ridge any longer than necessary to safely complete the task.

(iii) Roof Sheathing Operations: Workers typically install roof sheathing after all trusses/rafters and any permanent truss bracing is in place. Roof structures are unstable until some sheathing is installed, so workers installing roof sheathing cannot be protected from fall hazards by conventional fall protection systems until it is determined that the roofing system can be used as an anchorage point. At that point, employees shall be protected by a personal fall arrest system.

Trusses/rafters are subject to collapse if a worker falls while attached to a single truss with a harness. Nets could also cause collapse, and there is no place to attach guardrails.

All workers will ensure that they have secure footing before they attempt to walk on the sheathing, including cleaning shoes/boots of mud or other slip hazards.

To minimize the time workers must be exposed to a fall hazard, materials will be staged to allow for the quickest installation of sheathing.

(Your company name here) shall take the following steps to protect workers who are exposed to fall hazards while installing roof sheathing:

• Once roof sheathing installation begins, workers not involved in that activity shall not stand or walk below or adjacent to the roof opening or exterior walls in any area where they could be struck by falling objects;

• The competent person shall determine the limits of this area, which shall be clearly communicated to workers prior to placement of the first piece of roof sheathing;

• The competent person may order work on the roof to be suspended for brief periods as necessary to allow other workers to pass through such areas when this would not create a greater hazard;

• Only qualified workers shall install roof sheathing;

• The bottom row of roof sheathing may be installed by workers standing in truss webs;

• After the bottom row of roof sheathing is installed, a slide guard extending the width of the roof shall be securely attached to the roof. Slide guards are to be constructed of no less than nominal 4" height capable of limiting the uncontrolled slide of workers. Workers should install the slide guard while standing in truss webs and leaning over the sheathing;

• Additional rows of roof sheathing may be installed by workers positioned on previously installed rows of sheathing. A slide guard can be used to assist workers in retaining their footing during successive sheathing operations; and

• Additional slide guards shall be securely attached to the roof at intervals not to exceed 13 feet as successive rows of sheathing are installed. For roofs with pitches in excess of 9-in-12, slide guards will be installed at four-foot intervals.

• When wet weather (rain, snow, or sleet) are present, roof sheathing operations shall be suspended unless safe footing can be assured for those workers installing sheathing.

• When strong winds are present, roof sheathing operations are to be suspended unless wind breakers are erected.

(iv) Installation of Floor Joists and Sheathing: During the installation of floor sheathing/joists (leading edge construction), the following steps shall be taken to protect workers:

• Only the following trained workers will be allowed to install floor joists or sheathing:

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• Materials for the operations shall be conveniently staged to allow for easy access to workers;

• The first floor joists or trusses will be rolled into position and secured either from the ground, ladders or sawhorse scaffolds;

• Each successive floor joist or truss will be rolled into place and secured from a platform created from a sheet of plywood laid over the previously secured floor joists or trusses;

• Except for the first row of sheathing which will be installed from ladders or the ground, workers shall work from the established deck; and

• Any workers not assisting in the leading edge construction while leading edges still exist (e.g. cutting the decking for the installers) shall not be permitted within six feet of the leading edge under construction.

(v) Erection of Exterior Walls: During the construction and erection of exterior walls, employers shall take the following steps to protect workers:

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- Only the following trained workers will be allowed to erect exterior walls:

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- A painted line six feet from the perimeter will be clearly marked prior to any wall erection activities to warn of the approaching unprotected edge;
- Materials for operations shall be conveniently staged to minimize fall hazards; and
- Workers constructing exterior walls shall complete as much cutting of materials and other preparation as possible away from the edge of the deck.

(vi) Enforcement: Constant awareness of and respect for fall hazards, and compliance with all safety rules are considered conditions of employment. The crew supervisor or leader, as well as individuals in the Safety and Personnel Department, reserve the right to issue disciplinary warnings to employees, up to and including termination, for failure to follow the guidelines of this program.

(vii) Accident Investigations: All accidents that result in injury to workers, regardless of their nature, shall be investigated and reported. It is an integral part of any safety program that documentation take place as soon as possible so that the cause and means of prevention can be identified to prevent a reoccurrence.

In the event that an employee falls or there is some other related, serious incident occurring, this plan shall be reviewed to determine if additional practices, procedures, or training need to be implemented to prevent similar types of falls or incidents from occurring.

(viii) Changes to Plan: Any changes to the plan will be approved by (name of the qualified person). This plan shall be reviewed by a qualified person as the job progresses to determine if additional practices, procedures or training needs to be implemented by the competent person to improve or provide additional fall protection. Workers shall be notified and trained, if necessary, in the new procedures. A copy of this plan and all approved changes shall be maintained at the job site.

NEW SECTION

WAC 296-155-24524 Appendix F to Part C-1, fall restraint and fall arrest (employer information only). Additional standards that require the use of fall restraint and/or fall arrest protection for employees are listed below:

Ladders	WAC 296-155-480 (1)(o) WAC 296-155-480 (1)(p)
Suspended Scaffold	WAC 296-155-485 (7)(h)
Two Points Suspension Scaffold	WAC 296-155-485 (7)(b) and (i)
Boatswain's Chair Scaffold	WAC 296-155-485 (10)(d)
Needle Beam Scaffold	WAC 296-155-485 (14)(i)
Ladder Jack Scaffold	WAC 296-155-485 (17)(f)
Window Jack Scaffold	WAC 296-155-485 (18)(c)
Float or Ship Scaffold	WAC 296-155-485 (21)(f)
Pump Jack Scaffold	WAC 296-155-485 (23)(k)
Boom Supported Elevating Work Platforms	WAC 296-155-48529 (19)(b)(vi)
Vehicle Mounted Elevated and Rotating Work Platforms	WAC 296-155-48531 (14)(h)
Crane and Derrick Supported Work Platforms	WAC 296-155-48533 (6)(c) WAC 296-155-48533 (6)(d) WAC 296-155-48533 (7)(i)

	WAC 296-155-48533 (7)(j) WAC 296-155-48533 (7)(k) WAC 296-155-48533 (10)(h)
File Driving	WAC 296-155-620 (1)(i)
Vertical Slip Forms	WAC 296-155-688(9)
Placing and Removal of Forms	WAC 296-155-689(4)
Steel Erection Temporary Floors	WAC 296-155-705 (2)(b)
Tunneling (Skips and Platforms)	WAC 296-155-730(8)

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-24525 ((Appendix to Part C-1, Fall restraint and fall arrest (employer information only). Additional standards that require the use of fall restraint and/or fall arrest protection for employees are listed below:

Ladders	WAC 296-155-480 (1)(o) WAC 296-155-480 (1)(p)
Suspended Scaffold	WAC 296-155-485 (7)(h)
Two Points Suspension Scaffold	WAC 296-155-485 (7)(h)(ii)
Boatswain's Chair Scaffold	WAC 296-155-485 (10)(d)
Needle Beam Scaffold	WAC 296-155-485 (14)(i)
Ladder Jack Scaffold	WAC 296-155-485 (17)(f)
Window Jack Scaffold	WAC 296-155-485 (18)(c)
Float or Ship Scaffold	WAC 296-155-485 (21)(f)
Pump Jack Scaffold	WAC 296-155-485 (23)(k)
Boom Supported Elevating Work Platforms	WAC 296-155-48529 (19)(b)(vi)
Vehicle Mounted Elevated and Rotating Work Platforms	WAC 296-155-48531 (14)(h)
Crane and Derrick Supported Work Platforms	WAC 296-155-48533 (6)(e) WAC 296-155-48533 (6)(d) WAC 296-155-48533 (7)(i) WAC 296-155-48533 (7)(j) WAC 296-155-48533 (7)(k) WAC 296-155-48533 (10)(h)
Open Sided Floors	WAC 296-155-505 (4)(a)
File Driving	WAC 296-155-620 (1)(i)
Vertical Slip Forms	WAC 296-155-688(9)
Placing and Removal of Forms	WAC 296-155-689(4)
Steel Erection Temporary Floors	WAC 296-155-705 (2)(b)
Tunneling (Skips and Platforms))	WAC 296-155-730 (8)(e)
Reserved.	

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-325 General requirements for storage. (1) General.

(a) All materials stored in tiers shall be stacked, racked, blocked, interlocked, or otherwise secured to prevent sliding, falling or collapse.

(b) Maximum safe load limits of floors within buildings and structures, in pounds per square foot, shall be conspicuously posted in all storage areas, except for floor or slab on grade. Maximum safe loads shall not be exceeded.

(c) Aisles and passageways shall be kept clear to provide for the free and safe movement of material handling equipment or employees. Such areas shall be kept in good repair.

(d) When a difference in road or working levels exist, means such as ramps, blocking, or grading shall be used to

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ensure the safe movement of vehicles between the two levels.

(2) Material storage.

(a)(i) Material stored inside buildings under construction shall not be placed within 6 feet of any hoistway or inside floor openings, nor within 10 feet of an exterior wall which does not extend above the top of the material stored.

(ii) Temporary floors, used in steel erection, concrete forms and shoring (i.e., stripped forms, shoring jacks, clamps, steel rods or pipes, base plates, etc.) placed within close proximity to an open-sided floor for movement to another tier for placement, shall be considered "in-process equipment and subject to the provisions contained in Parts "O" and "P" of this standard. When this type equipment is to be left overnight or for longer periods of time it shall be anchored and braced to prevent displacement in any direction. In addition this equipment shall be subject to the provisions of this subsection while in "interim storage."

(b) Each employee((s)) required to work on stored material in silos, hoppers, tanks, and similar storage areas shall be equipped with (~~lifelines and safety belts~~) personal fall arrest equipment meeting the requirements of chapter 296-155 WAC, Part C-1.

(c) Noncompatible materials shall be segregated in storage.

(d) Bagged materials shall be stacked by stepping back the layers and cross-keying the bags at least every 10 bags high.

(i) When cement and lime is delivered in paper bags they shall be carefully handled to prevent the bags bursting.

(ii) Cement and lime bags shall not be piled more than ten bags high except when stored in bins or enclosures built for the purpose of storage.

(iii) When bags are removed from the pile, the length of the pile shall be kept at an even height, and the necessary step backs every five bags maintained.

(iv) Persons handling cement and lime bags shall wear eye protection which prevents contact between the substance and the worker's eyes (such as goggles or other sealed eye protection) and shall wear long sleeve shirts with close fitting collar and cuffs.

(v) Persons shall be warned against wearing clothing that has become hard and stiff with cement.

(vi) Persons shall be instructed to report any susceptibility of their skin to cement and lime burns.

(vii) A hand cream or vaseline and eye wash shall be provided and kept ready for use to prevent burns.

(viii) Lime shall be stored in a dry place to prevent a premature slacking action that may cause fire.

(e) Materials shall not be stored on scaffolds or runways in excess of supplies needed for immediate operations.

(f) Brick stacks shall not be more than 7 feet in height. When a loose brick stack reaches a height of 4 feet, it shall be tapered back 2 inches in every foot of height above the 4-foot level.

(i) Brick shall never be stacked, for storage purposes, on scaffolds or runways.

(ii) When delivering brick on scaffolds inside the wall lines in wheelbarrows, they shall be dumped toward the inside of the building and not toward the wall.

(iii) Blocks shall always be stacked and not thrown in a loose pile.

(g) When masonry blocks are stacked higher than 6 feet, the stack shall be tapered back one-half block per tier above the 6-foot level.

(i) When blocks are stacked inside a building, the piles shall be so distributed as not to overload the floor on which they stand.

(ii) Blocks shall not be dropped or thrown from an elevation or delivered through chutes.

(h) Lumber:

(i) Used lumber shall have all nails withdrawn before stacking.

(ii) Lumber shall be stacked on level and solidly supported sills.

(iii) Lumber shall be so stacked as to be stable and self-supporting.

(iv) Lumber stacks shall not exceed 20 feet in height provided that lumber to be handled manually shall not be stacked more than 16 feet high.

(v) All stored lumber shall be stacked on timber sills to keep it off the ground. Sills shall be placed level on solid supports.

(vi) Cross strips shall be placed in the stacks when they are stacked more than four feet high.

(i) Structural steel, poles, pipe, bar stock, and other cylindrical materials, unless racked, shall be stacked and blocked so as to prevent spreading or tilting.

(i) Persons handling reinforcing steel shall wear heavy gloves.

(ii) When bending of reinforcing steel is done on the job, a strong bench shall be provided, set up on even dry ground or a floor for the persons to work on.

(iii) Structural steel shall be carefully piled to prevent danger of members rolling off or the pile toppling over.

(iv) Structural steel shall be kept in low piles, consideration being given to the sequence of use of the members.

(v) Corrugated and flat iron shall be stacked in flat piles, with the piles not more than four feet high and spacing strips shall be placed between each bundle.

(j) Sand, gravel and crushed stone.

(i) Stock piles shall be frequently inspected to prevent their becoming unsafe by continued adding to or withdrawing from the stock.

(ii) If material becomes frozen, it shall not be removed in a manner that would produce an overhang.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-155-477 Stairways. (1) General. The following requirements apply to all stairways as indicated:

(a) Stairways that will not be a permanent part of the structure on which construction work is being performed shall have landings of not less than 30 inches (76 cm) in the direction of travel and extend at least 22 inches (56 cm) in width at every 12 feet (3.7 m) or less of vertical rise.

(b) Stairs shall be installed between 30 deg. and 50 deg. from horizontal.

(c) In all buildings or structures two or more stories or twenty-four feet or more in height or depth, suitable permanent or temporary stairways shall be installed.

(d) Stairways, ramps or ladders shall be provided at all points where a break in elevation of eighteen inches or more occurs in a frequently traveled passageway, entry or exit.

(e) A minimum of one stairway shall be provided for access and exit for buildings and structures to three stories or thirty-six feet; if more than three stories or thirty-six feet, two or more stairways shall be provided. Where two stairways are provided and work is being performed in the stairways, one shall be maintained clear for access between levels at all times.

(f) Wood frame buildings.

(i) The stairway to a second or higher floor shall be completed before studs are raised to support the next higher floor.

(ii) Roof and attic work areas of all buildings shall be provided with a safe means of access and egress, such as stairways, ramps or ladders.

(iii) Cleats shall not be nailed to studs to provide access to and egress from roof or other work areas.

(g) Steel frame buildings. Stairways shall extend to the uppermost floor that has been planked or decked. Ladders may be used above that point.

(h) Reinforced concrete or composite steel—Concrete buildings. Stairways shall extend to the lowermost floor upon which a complete vertical shoring system is in place. A minimum of two ladders at different locations for each floor may be used above this floor but not to exceed three floors.

(i) Riser height and tread depth shall be uniform within each flight of stairs, including any foundation structure used as one or more treads of the stairs. Variations in riser height or tread depth shall not be over 1/4-inch (0.6 cm) in any stairway system.

(j) Where doors or gates open directly on a stairway, a platform shall be provided, and the swing of the door shall not reduce the effective width of the platform to less than 20 inches (51 cm).

(k) Metal pan landings and metal pan treads, when used, shall be secured in place before filling with concrete or other material.

(l) All parts of stairways shall be free of hazardous projections, such as protruding nails.

(m) Slippery conditions on stairways shall be eliminated before the stairways are used to reach other levels.

(n) Employers are permitted to use alternating tread type stairs as long as they install, use, and maintain the stairs in accordance with manufacturer's recommendations and the following:

(i) The stair must be installed at an angle of seventy degrees or less.

(ii) The stair must be capable of withstanding a minimum uniform load of one hundred pounds per square foot with a design factor of 1.7, and the treads must be capable of carrying a minimum concentrated load of three hundred pounds at the center of any treadspan or exterior arc with a design factor of 1.7. If the stair is intended for greater loading, construction must allow for that loading.

(iii) The stair must be equipped with a handrail on each side to assist the user in climbing or descending.

(o) Due to space limitations, when a permanent stairway must be installed at an angle above fifty degrees, such an

installation (commonly called an inclined or ship's ladder) shall have treads, open risers and handrails on both sides.

(p) Where ladders are permitted for access under subsection (1) of this section, means shall be provided for employee hoisting of tools and material, such as a well wheel and hoisting line or the equivalent, so employees will have both hands free for ascending and descending ladders.

(2) Temporary service. The following requirements apply to all stairways as indicated:

(a) Except during stairway construction, foot traffic is prohibited on stairways with pan stairs where the treads and/or landings are to be filled in with concrete or other material at a later date, unless the stairs are temporarily fitted with wood or other solid material at least to the top edge of each pan. Such temporary treads and landings shall be replaced when worn below the level of the top edge of the pan.

(b) Except during stairway construction, foot traffic is prohibited on skeleton metal stairs where permanent treads and/or landings are to be installed at a later date, unless the stairs are fitted with secured temporary treads and landings long enough to cover the entire tread and/or landing area.

(c) Treads for temporary service shall be made of wood or other solid material, and shall be installed the full width and depth of the stair.

(3) Stairrails and handrails. The following requirements apply to all stairways as indicated:

(a) Stairways having four or more risers or rising more than 30 inches (76 cm), whichever is less, shall be equipped with:

(i) At least one handrail; and

(ii) One stairrail system along each unprotected side or edge.

Note: When the top edge of a stairrail system also serves as a handrail, subdivision (g) of this subsection applies.

(b) Winding and spiral stairways shall be equipped with a handrail offset sufficiently to prevent walking on those portions of the stairways where the tread width is less than 6 inches (15 cm).

(c) The height of stairrails shall be as follows:

(i) Stairrails installed after the effective date of this standard, shall be not less than 36 inches (91.5 cm) from the upper surface of the stairrail system to the surface of the tread, in line with the face of the riser at the forward edge of the tread.

(ii) Stairrails installed before the effective date of this standard, shall be not less than 30 inches (76 cm) nor more than 34 inches (86 cm) from the upper surface of the stairrail system to the surface of the tread, in line with the face of the riser at the forward edge of the tread.

(d) Midrails, screens, mesh, intermediate vertical members, or equivalent intermediate structural members, shall be provided between the top rail of the stairrail system and the stairway steps.

(i) Midrails, when used, shall be located at a height midway between the top edge of the stairrail system and the stairway steps.

(ii) Screens or mesh, when used, shall extend from the top rail to the stairway step, and along the entire opening between top rail supports.

(iii) When intermediate vertical members, such as balusters, are used between posts, they shall be not more than 19 inches (48 cm) apart.

(iv) Other structural members, when used, shall be installed such that there are no openings in the stairrail system that are more than 19 inches (48 cm) wide.

(e) Handrails and the top rails of stairrail systems shall be capable of withstanding, without failure, a force of at least 200 pounds (890 n) applied within 2 inches (5 cm) of the top edge, in any downward or outward direction, at any point along the top edge.

(f) The height of handrails shall be not more than 37 inches (94 cm) nor less than 30 inches (76 cm) from the upper surface of the handrail to the surface of the tread, in line with the face of the riser at the forward edge of the tread.

(g) When the top edge of a stairrail system also serves as a handrail, the height of the top edge shall be not more than 37 inches (94 cm) nor less than 36 inches (91.5 cm) from the upper surface of the stairrail system to the surface of the tread, in line with the face of the riser at the forward edge of the tread.

(h) Stairrail systems and handrails shall be so surfaced as to prevent injury to employees from punctures or lacerations, and to prevent snagging of clothing.

(i) Handrails shall provide an adequate handhold for employees grasping them to avoid falling.

(j) The ends of stairrail systems and handrails shall be constructed so as not to constitute a projection hazard.

(k) Handrails that will not be a permanent part of the structure being built shall have a minimum clearance of 3 inches (8 cm) between the handrail and walls, stairrail systems, and other objects.

(l) Unprotected sides and edges of stairway landings shall be provided with guardrail systems. Guardrail system criteria are contained in chapter 296-155 WAC, Part (K) C-1.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-480 Ladders. (1) General. The following requirements apply to all ladders as indicated, including job-made ladders.

(a) Ladders shall be capable of supporting the following loads without failure:

(i) Each self-supporting portable ladder: At least four times the maximum intended load, except that each extra-heavy-duty type 1A metal or plastic ladder shall sustain at least 3.3 times the maximum intended load. The ability of a ladder to sustain the loads indicated in this section shall be determined by applying or transmitting the requisite load to the ladder in a downward vertical direction. Ladders built and tested in conformance with the applicable provisions of appendix A of this part will be deemed to meet this requirement.

(ii) Each portable ladder that is not self-supporting: At least four times the maximum intended load, except that each extra-heavy-duty type 1A metal or plastic ladders shall sustain at least 3.3 times the maximum intended load. The ability of a ladder to sustain the loads indicated in this section shall be determined by applying or transmitting the

requisite load to the ladder in a downward vertical direction when the ladder is placed at an angle of 75 1/2 degrees from the horizontal. Ladders built and tested in conformance with the applicable provisions of appendix A will be deemed to meet this requirement.

(iii) Each fixed ladder: At least two loads of 250 pounds (114 kg) each, concentrated between any two consecutive attachments (the number and position of additional concentrated loads of 250 pounds (114 kg) each, determined from anticipated usage of the ladder, shall also be included), plus anticipated loads caused by ice buildup, winds, rigging, and impact loads resulting from the use of ladder safety devices. Each step or rung shall be capable of supporting a single concentrated load of at least 250 pounds (114 kg) applied in the middle of the step or rung. Ladders built in conformance with the applicable provisions of appendix A will be deemed to meet this requirement.

(b) Ladder rungs, cleats, and steps shall be parallel, level, and uniformly spaced when the ladder is in position for use.

(c)(i) Rungs, cleats, and steps of portable ladders (except as provided below) and fixed ladders (including individual-rung/step ladders) shall be spaced not less than 10 inches (25 cm) apart, nor more than 14 inches (36 cm) apart, as measured between centerlines of the rungs, cleats, and steps.

(ii) Rungs, cleats, and steps of step stools shall be not less than 8 inches (20 cm) apart, nor more than 12 inches (31 cm) apart, as measured between centerlines of the rungs, cleats, and steps.

(iii) Rungs, cleats, and steps of the base section of extension trestle ladders shall be not less than 8 inches (20 cm) nor more than 18 inches (46 cm) apart, as measured between centerlines of the rungs, cleats, and steps. The rung spacing on the extension section of the extension trestle ladder shall be not less than 6 inches (15 cm) nor more than 12 inches (31 cm), as measured between centerlines of the rungs, cleats, and steps.

(iv) Cleats on job-made ladders shall be inset into the edges of the side-rails one-half inch, or filler blocks shall be used on the side-rails between the cleats.

(v) Cleats on job-made ladders shall be secured to each rail with three 10d common wire nails or other fasteners of equivalent strength.

(d)(i) The minimum clear distance between the sides of individual-rung/step ladders and the minimum clear distance between the side rails of other fixed ladders shall be 16 inches (41 cm).

(ii) The minimum clear distance between side rails for all portable ladders shall be 11 1/2 inches (29 cm).

(e) The rungs of individual-rung/step ladders shall be shaped such that employees' feet cannot slide off the end of the rungs.

(f)(i) The rungs and steps of fixed metal ladders manufactured after the effective date of this standard, shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize slipping.

(ii) The rungs and steps of portable metal ladders shall be corrugated, knurled, dimpled, coated with skid-resistant material, or otherwise treated to minimize slipping.

(g) Ladders shall not be tied or fastened together to provide longer sections unless they are specifically designed for such use.

(h) A metal spreader or locking device shall be provided on each stepladder to hold the front and back sections in an open position when the ladder is being used.

(i) When splicing is required to obtain a given length of side rail, the resulting side rail must be at least equivalent in strength to a one-piece side rail made of the same material.

(j) Except when portable ladders are used to gain access to fixed ladders (such as those on utility towers, billboards, and other structures where the bottom of the fixed ladder is elevated to limit access), when two or more separate ladders are used to reach an elevated work area, the ladders shall be offset with a platform or landing between the ladders. (The requirements to have guardrail systems with toeboards for falling object and overhead protection on platforms and landings are set forth in chapter 296-155 WAC, Part ((K) C-1.)

(k) Ladder components shall be surfaced so as to prevent injury to an employee from punctures or lacerations, and to prevent snagging of clothing.

(l) Wood ladders shall not be coated with any opaque covering, except for identification or warning labels which may be placed on one face only of a side rail.

(m) The minimum perpendicular clearance between fixed ladder rungs, cleats, and steps, and any obstruction behind the ladder shall be 7 inches (18 cm), except in the case of an elevator pit ladder, for which a minimum perpendicular clearance of 4 1/2 inches (11 cm) is required.

(n) The minimum perpendicular clearance between the center line of fixed ladder rungs, cleats, and steps, and any obstruction on the climbing side of the ladder shall be 30 inches (76 cm), except as provided in (o) of this subsection.

(o) When unavoidable obstructions are encountered, the minimum perpendicular clearance between the centerline of fixed ladder rungs, cleats, and steps, and the obstruction on the climbing side of the ladder may be reduced to 24 inches (61 cm), provided that a deflection device is installed to guide employees around the obstruction.

(p) Through fixed ladders at their point of access/egress shall have a step-across distance of not less than 7 inches (18 cm) nor more than 12 inches (30 cm) as measured from the centerline of the steps or rungs to the nearest edge of the landing area. If the normal step-across distance exceeds 12 inches (30 cm), a landing platform shall be provided to reduce the distance to the specified limit.

(q) Fixed ladders without cages or wells shall have a clear width to the nearest permanent object of at least 15 inches (38 cm) on each side of the centerline of the ladder.

(r) Fixed ladders shall be provided with cages, wells, ladder safety devices, or self-retracting lifelines where the length of climb is less than 24 feet (7.3 m) but the top of the ladder is at a distance greater than 24 feet (7.3 m) above lower levels.

(s) Where the total length of a climb equals or exceeds 24 feet (7.3 m), fixed ladders shall be equipped with one of the following:

(i) Ladder safety devices; or

(ii) Self-retracting lifelines, and rest platforms at intervals not to exceed 150 feet (45.7 m); or

(iii) A cage or well, and multiple ladder sections, each ladder section not to exceed 50 feet (15.2 m) in length. Ladder sections shall be offset from adjacent sections, and landing platforms shall be provided at maximum intervals of 50 feet (15.2 m).

(t) Cages for fixed ladders shall conform to all of the following:

(i) Horizontal bands shall be fastened to the side rails of rail ladders, or directly to the structure, building, or equipment for individual-rung ladders;

(ii) Vertical bars shall be on the inside of the horizontal bands and shall be fastened to them;

(iii) Cages shall extend not less than 27 inches (68 cm), or more than 30 inches (76 cm) from the centerline of the step or rung (excluding the flare at the bottom of the cage), and shall not be less than 27 inches (68 cm) in width;

(iv) The inside of the cage shall be clear of projections;

(v) Horizontal bands shall be spaced not more than 4 feet (1.2 m) on center vertically;

(vi) Vertical bars shall be spaced at intervals not more than 9 1/2 inches (24 cm) on center horizontally;

(vii) The bottom of the cage shall be at a level not less than 7 feet (2.1 m) nor more than 8 feet (2.4 m) above the point of access to the bottom of the ladder. The bottom of the cage shall be flared not less than 4 inches (10 cm) all around within the distance between the bottom horizontal band and the next higher band;

(viii) The top of the cage shall be a minimum of 42 inches (1.1 m) above the top of the platform, or the point of access at the top of the ladder, with provision for access to the platform or other point of access.

(u) Wells for fixed ladders shall conform to all of the following:

(i) They shall completely encircle the ladder;

(ii) They shall be free of projections;

(iii) Their inside face on the climbing side of the ladder shall extend not less than 27 inches (68 cm) nor more than 30 inches (76 cm) from the centerline of the step or rung;

(iv) The inside clear width shall be at least 30 inches (76 cm);

(v) The bottom of the wall on the access side shall start at a level not less than 7 feet (2.1 m) nor more than 8 feet (2.4 m) above the point of access to the bottom of the ladder.

(v) Ladder safety devices, and related support systems, for fixed ladders shall conform to all of the following:

(i) They shall be capable of withstanding without failure a drop test consisting of an 18-inch (41 cm) drop of a 500-pound (226 kg) weight;

(ii) They shall permit the employee using the device to ascend or descend without continually having to hold, push or pull any part of the device, leaving both hands free for climbing;

(iii) They shall be activated within 2 feet (.61 m) after a fall occurs, and limit the descending velocity of an employee to 7 feet/sec. (2.1 m/sec.) or less;

(iv) The connection between the carrier or lifeline and the point of attachment to the body belt or harness shall not exceed 9 inches (23 cm) in length.

(w) The mounting of ladder safety devices for fixed ladders shall conform to the following:

(i) Mountings for rigid carriers shall be attached at each end of the carrier, with intermediate mountings, as necessary, spaced along the entire length of the carrier, to provide the strength necessary to stop employees' falls.

(ii) Mountings for flexible carriers shall be attached at each end of the carrier. When the system is exposed to wind, cable guides for flexible carriers shall be installed at a minimum spacing of 25 feet (7.6 m) and maximum spacing of 40 feet (12.2 m) along the entire length of the carrier, to prevent wind damage to the system.

(iii) The design and installation of mountings and cable guides shall not reduce the design strength of the ladder.

(x) The side rails of through or side-step fixed ladders shall extend 42 inches (1.1 m) above the top of the access level or landing platform served by the ladder. For a parapet ladder, the access level shall be the roof if the parapet is cut to permit passage through the parapet; if the parapet is continuous, the access level shall be the top of the parapet.

(y) For through-fixed-ladder extensions, the steps or rungs shall be omitted from the extension and the extension of the side rails shall be flared to provide not less than 24 inches (61 cm) nor more than 30 inches (76 cm) clearance between side rails. Where ladder safety devices are provided, the maximum clearance between side rails of the extensions shall not exceed 36 inches (91 cm).

(z) For side-step fixed ladders, the side rails and the steps or rungs shall be continuous in the extension.

(aa) Individual-rung/step ladders, except those used where their access openings are covered with manhole covers or hatches, shall extend at least 42 inches (1.1 m) above an access level or landing platform either by the continuation of the rung spacings as horizontal grab bars or by providing vertical grab bars that shall have the same lateral spacing as the vertical legs of the rungs.

(2) Use. The following requirements apply to the use of all ladders, including job-made ladders, except as otherwise indicated:

(a) When portable ladders are used for access to an upper landing surface, the ladder side rails shall extend at least 3 feet (.9 m) above the upper landing surface to which the ladder is used to gain access; or, when such an extension is not possible because of the ladder's length, then the ladder shall be secured at its top to a rigid support that will not deflect, and a grasping device, such as a grabrail, shall be provided to assist employees in mounting and dismounting the ladder. In no case shall the extension be such that ladder deflection under a load would, by itself, cause the ladder to slip off its support.

(b) Ladders shall be maintained free of oil, grease, and other slipping hazards.

(c) Ladders shall not be loaded beyond the maximum intended load for which they were built, nor beyond their manufacturer's rated capacity.

(d) Ladders shall be used only for the purpose for which they were designed.

(e)(i) Nonself-supporting ladders shall be used at an angle such that the horizontal distance from the top support to the foot of the ladder is approximately one-quarter of the working length of the ladder (the distance along the ladder between the foot and the top support).

(ii) Wood job-made ladders with spliced side rails shall be used at an angle such that the horizontal distance is one-eighth the working length of the ladder.

(iii) Fixed ladders shall be used at a pitch no greater than 90 degrees from the horizontal, as measured to the back side of the ladder.

(f) Ladders shall be used only on stable and level surfaces unless secured to prevent accidental displacement.

(g) Ladders shall not be used on slippery surfaces unless secured or provided with slip-resistant feet to prevent accidental displacement. Slip-resistant feet shall not be used as a substitute for care in placing, lashing, or holding a ladder that is used upon slippery surfaces including, but not limited to, flat metal or concrete surfaces that are constructed so they cannot be prevented from becoming slippery.

(h) Ladders placed in any location where they can be displaced by workplace activities or traffic, such as in passageways, doorways, or driveways, shall be secured to prevent accidental displacement, or a barricade shall be used to keep the activities or traffic away from the ladder.

(i) The area around the top and bottom of ladders shall be kept clear.

(j) The top of a nonself-supporting ladder shall be placed with the two rails supported equally unless it is equipped with a single support attachment.

(k) Ladders shall not be moved, shifted, or extended while occupied.

(l) Ladders shall have nonconductive side rails if they are used where the employee or the ladder could contact exposed energized electrical equipment, except as provided in the following:

(i) Portable metal or other portable conductive ladders shall not be used on or near energized line or equipment except where nonconductive ladders present a greater electrical hazard than conductive ladders. A greater electrical hazard would be static electricity such as might be found in extra high voltage substations.

(ii) All conductive or metal ladders shall be prominently marked and identified as being conductive.

(iii) All conductive or metal ladders shall be grounded when used near energized lines or equipment.

(m) The top or top step of a stepladder shall not be used as a step.

(n) Cross-bracing on the rear section of stepladders shall not be used for climbing unless the ladders are designed and provided with steps for climbing on both front and rear sections.

(o) Ladders shall be inspected by a competent person for visible defects on a periodic basis and after any occurrence that could affect their safe use.

(p) Portable ladders with structural defects, such as, but not limited to, broken or missing rungs, cleats, or steps, broken or split rails, corroded components, or other faulty or defective components, shall either be immediately marked in a manner that readily identifies them as defective, or be tagged with "do not use" or similar language, and shall be withdrawn from service until repaired.

(q) Fixed ladders with structural defects, such as, but not limited to, broken or missing rungs, cleats, or steps, broken or split rails, or corroded components, shall be withdrawn from service until repaired. The requirement to

withdraw a defective ladder from service is satisfied if the ladder is either:

- (i) Immediately tagged with "do not use" or similar language;
- (ii) Marked in a manner that readily identifies it as defective;
- (iii) Or blocked (such as with a plywood attachment that spans several rungs).
- (r) Ladder repairs shall restore the ladder to a condition meeting its original design criteria, before the ladder is returned to use.
- (s) Single-rail ladders shall not be used.
- (t) When ascending or descending a ladder, the user shall face the ladder.
- (u) Employees shall not ascend or descend ladders while carrying tools or materials that might interfere with the free use of both hands.
- (v) When working from a ladder, the ladder shall be secured at both top and bottom.
- (w) No type of work shall be performed on a ladder over twenty-five feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.
- (x) Any work that requires wearing eye protection, respirators, or handling of pressure equipment shall not be performed from a ladder more than twenty-five feet above the surrounding surface.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-485 Scaffolding. (1) General requirements. Scaffolds shall be furnished and erected in accordance with this standard for persons engaged in work that cannot be done safely from the ground or from solid construction, except that ladders used for such work shall conform to Part J chapter 296-155 WAC.

- (a) All rules for design, construction, maintenance, operation, testing, and use of scaffolds contained in Part J-1 chapter 296-24 WAC apply within the construction industry.
- (b) Scaffolds shall be erected in accordance with requirements of this section.
- (c) The footing or anchorage for scaffolds shall be sound, rigid, and capable of carrying the maximum intended load without settling or displacement. Unstable objects such as barrels, boxes, loose brick, or concrete blocks, shall not be used to support scaffolds or planks.
- (d) No scaffold shall be erected, moved, dismantled, or altered except under the supervision of competent persons.
- (e) Standard guardrails and toeboards shall be installed on all open sides and ends of platforms more than 10 feet above the ground or floor, except needle beam scaffolds and floats. Scaffolds 4 feet to 10 feet in height, having a minimum horizontal dimension in either direction of less than 45 inches, shall have standard guardrails and toeboards installed on all open sides and ends of the scaffold platform.
- (f) Where persons are required to work or pass under the scaffold, scaffolds shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of No. 18 gauge U.S. Standard wire 1/2-inch mesh, or the equivalent.

(g) Scaffolds and their components shall be capable of supporting without failure at least 4 times the maximum intended load.

(h) Any scaffold including accessories such as braces, brackets, trusses, screw legs, ladders, etc. damaged or weakened from any cause shall be immediately repaired or replaced.

(i) All load-carrying timber members of scaffold framing shall be a minimum of 1,500 fiber (stress grade) construction grade lumber. All dimensions are nominal sizes as provided in the American Lumber Standards, except that where rough sizes are noted, only rough or undressed lumber of the size specified will satisfy minimum requirements.

(j) All planking shall be scaffold grades, or equivalent, as recognized by approved grading rules for the species of wood used. The maximum permissible spans for 2- x 10-inch or wider planks shall be as shown in Table J-1.

(k) The maximum permissible span for 1 1/4- x 9-inch or wider plank of full thickness shall be 4 feet with medium duty loading of 50 p.s.f.

(l) Platforms shall be level. All planking or platforms shall be overlapped (minimum 12 inches), or secured from movement. The platform shall be a minimum of two 2-inch by 10-inch planks in width or a minimum of 18 inches.

(m) An access ladder or equivalent safe access shall be provided.

(n) Scaffold planks shall extend over their end supports not less than 6 inches nor more than 12 inches.

(o) The poles, legs, or uprights of scaffolds shall be plumb, and securely and rigidly braced to prevent swaying and displacement.

(p) Overhead protection shall be provided for persons on a scaffold exposed to overhead hazards.

(q) Slippery conditions on scaffolds shall be eliminated as soon as possible after they occur.

(r) Welding, burning, riveting, or open flame work shall not be performed on any staging suspended by means of fiber or synthetic rope unless suspended components are well insulated to protect against damaging contacts. Only treated or protected fiber or synthetic ropes shall be used for or near any work involving the use of corrosive substances or chemicals. Specific requirements for boatswain's chairs and float or ship scaffolds are contained in subsections (10) and (21) of this section.

(s) Wire, synthetic, or fiber rope used for scaffold suspension shall be capable of supporting at least 6 times the rated load.

(t) The use of shore or lean-to scaffolds is prohibited.

(u) The height of freestanding scaffold towers shall not exceed four times the minimum base dimension.

(v) Factory-built (laminated) scaffold planks meeting the requirements of wood scaffold planks may be substituted for wood scaffold planks.

(w) Materials being hoisted onto a scaffold shall have a tag line.

(x) Employees shall not work on scaffolds during storms or high winds.

(y) Tools, materials, and debris shall not be allowed to accumulate in quantities to cause a hazard.

(2) Wood pole scaffolds.

(a) Scaffold poles shall bear on a foundation of sufficient size and strength to spread the load from the pole over

a sufficient area to prevent settlement. All poles shall be set plumb.

(b) Where wood poles are spliced, the ends shall be squared and the upper section shall rest squarely on the lower section. Wood splice plates shall be provided on at least two adjacent sides and shall be not less than 4 feet in length, overlapping the abutted ends equally, and have the same width and not less than the cross-sectional area of the pole. Splice plates or other materials of equivalent strength may be used.

(c) Independent pole scaffolds shall be set as near to the wall of the building as practicable.

(d) All pole scaffolds shall be securely guyed or tied to the building or structure. Where the height or length exceeds 25 feet, the scaffold shall be secured at intervals not greater than 25 feet vertically and horizontally.

(e) Putlogs or bearers shall be set with their greater dimension vertical, and long enough to project over the ledgers of the inner and outer rows of poles at least 3 inches for proper support.

(f) Every wooden putlog on single pole scaffolds shall be reinforced with a 3/16- x 2-inch steel strip, or equivalent, secured to its lower edge throughout its entire length.

(g) Ledgers shall be long enough to extend over two pole spaces. Ledgers shall not be spliced between the poles. Ledgers shall be reinforced by bearing blocks securely nailed to the side of the pole to form a support for the ledger.

(h) Diagonal bracing shall be provided to prevent the poles from moving in a direction parallel with the wall of the building, or from buckling

(i) Cross bracing shall be provided between the inner and outer sets of poles in independent pole scaffolds. The free ends of pole scaffolds shall be cross braced.

(j) Full diagonal face bracing shall be erected across the entire face of pole scaffolds in both directions. The braces shall be spliced only at the poles. The inner row of poles on medium and heavy duty scaffolds shall be braced in a similar manner.

(k) Platform planks shall be laid with their edges close together so the platform will be tight with no spaces through which tools or fragments of material can fall.

(l) Where planking is lapped, each plank shall lap its end supports at least 12 inches. Where the ends of planks abut each other to form a flush floor, the butt joint shall be at the centerline of a pole. The abutted ends shall rest on separate bearers. Intermediate beams shall be provided where necessary to prevent dislodgment of planks due to deflection, and the ends shall be secured to prevent their dislodgment.

(m) When a scaffold materially changes its direction, the platform planks shall be laid to prevent tipping. The planks that meet the corner putlog at an angle shall be laid first, extending over the diagonally placed putlog far enough to have a good safe bearing, but not far enough to involve any danger from tipping. The planking running in the opposite direction at an angle shall be laid so as to extend over and rest on the first layer of planking.

(n) When moving platforms to the next level, the old platform shall be left undisturbed until the new putlogs or bearers have been set in place, ready to receive the platform planks.

(o) All wood pole scaffolds 60 feet or less in height shall be constructed and erected in accordance with Tables J-2 to J-8. If they are over 60 feet in height, they shall be designed by a qualified engineer competent in this field, and shall be constructed and erected in accordance with such design. Design drawings shall be available at the jobsite.

(3) Tube and coupler scaffolds.

(a) A light duty tube and coupler scaffold shall have all posts, bearers, runners, and bracing of nominal 2-inch O.D. steel tubing. The posts shall be spaced no more than 6 feet apart by 10 feet along the length of the scaffold. Other structural metals when used must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(b) A medium duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing. Posts spaced not more than 6 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2 1/2-inch O.D. steel tubing. Posts spaced not more than 5 feet apart by 8 feet along the length of the scaffold shall have bearers of nominal 2-inch O.D. steel tubing. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(c) A heavy duty tube and coupler scaffold shall have all posts, runners, and bracing of nominal 2-inch O.D. steel tubing, with the posts spaced not more than 6 feet by 6 feet-6 inches. Other structural metals, when used, must be designed to carry an equivalent load. No dissimilar metals shall be used together.

(d) Tube and coupler scaffolds shall be limited in heights and working levels to those permitted in Tables J-8, J-9 and J-10. Drawings and specifications of all tube and coupler scaffolds above the limitations in Tables J-8, J-9 and J-10 shall be designed by a qualified engineer competent in this field. Design drawings shall be available at the jobsite.

(e) All tube and coupler scaffolds shall be constructed and erected to support four times the maximum intended loads, as set forth in Tables J-8, J-9 and J-10, or as set forth in the specifications by a licensed professional engineer competent in this field.

(f) Posts shall be accurately spaced, erected on suitable bases, and maintained plumb.

(g) Runners shall be erected along the length of the scaffold, located on both the inside and the outside posts at even height. Runners shall be interlocked to the inside and the outside posts at even heights. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed not more than 6 feet-6 inches on centers. When tube and coupler guardrails and midrails are used on outside posts, they may be used in lieu of outside runners.

(h) Bearers shall be installed transversely between posts and shall be securely coupled to the posts with the inboard coupler bearing on the runner coupler. Where guardrails and midrails are required, no outboard runner is required.

(i) The length of the bearer shall exceed the post spacing of the width of the scaffold by the amount necessary to have full contact with the coupler. Bearers used to provide a cantilever support for use as brackets for light and medium-duty scaffolds shall not carry more than two ten-inch planks unless knee braced.

(j) Bracing across the width of the scaffold shall be installed at the ends of the scaffold at least at every fourth level. Such bracing shall extend diagonally from the outer post or runner at this level upward to the inner post or runner at the next level.

(k) Longitudinal diagonal bracing shall be installed on the outer rows of poles at approximately forty degrees to fifty degrees angle from near the base of the first and last outer post upward to the top center of the scaffold. If the scaffold is long, the above diagonal bracing shall be repeated. On short but high runs, the diagonal bracing shall be installed at forty degrees to fifty degrees from the base of the first outer post to the last outer post alternating directions to the top of the scaffold. When conditions preclude the attachment of this bracing to the posts, it may be attached to the runners.

(l) When a scaffold exceeds either 30 feet horizontally or 26 feet vertically, the entire scaffold shall be tied to and securely braced against the building at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(4) Fabricated tubular welded frame scaffolds.

(a) Metal tubular frame scaffolds, including accessories such as braces, brackets, trusses, screw legs, ladders, etc., shall safely support four times the maximum rated load. The maximum rated load shall not be exceeded.

(b) Spacing of panels or frames shall be consistent with the loads imposed.

(c) Scaffolds shall be properly braced by cross bracing or diagonal braces, or both, for securing vertical members together laterally, and the cross braces shall be of such length as will automatically square and align vertical members so that the erected scaffold is always plumb, level, square, and rigid. All brace connections shall be made secure.

(d) Panel or frame legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support the maximum rated load.

(e) The panels or frames shall be placed one on top of the other with coupling or stacking pins to provide proper vertical alignment of the legs.

(f) Where uplift may occur, panels shall be locked together vertically by pins or equivalent method.

(g) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed 30 feet horizontally and 26 feet vertically.

(h) Maximum permissible spans or planking shall be in conformity with (1)(j) of this section.

(i) Fabricated tubular frame scaffolds over 125 feet in height above the base plates shall be designed by a registered professional engineer. Copies of the drawings and specifications shall be available at the jobsite.

(j) Guardrails, midrails, and toeboards shall be installed as required by subsection (1)(e) of this section. Wire mesh shall be provided between the toprail and toeboard when persons are working below.

(k) All fabricated tubular frame scaffolds shall be erected by competent and experienced personnel.

(l) All brackets shall be seated correctly with side brackets parallel to the frames and end brackets at ninety degrees to the frames. Brackets shall not be bent or twisted from normal position. Brackets (except mobile brackets designed to carry materials) are to be used as work platforms

only and shall not be used for storage of material or equipment.

(m) Scaffold frames and their components manufactured by different companies shall not be intermixed unless they are compatible and the manufacturer has given written approval. The manufacturer's letter of approval shall be available at the jobsite.

(n) Periodic inspections by the employer shall be made of all fabricated tubular frames and accessories. Any maintenance required shall be made before further use.

(5) Outrigger scaffolds, general.

(a) Outrigger beams shall extend not more than 6 feet beyond the face of the building. The inboard end of outrigger beams, measured from the fulcrum point to the inboard point of support, shall be not less than 1 1/2 times the outboard end in length. The beams shall rest on edge, the sides shall be plumb, and the edges shall be horizontal. The fulcrum point of the beam shall rest on a secure bearing at least 6 inches in each horizontal dimension. The beam shall be secured in place against movement and shall be securely braced at the fulcrum point against tipping.

(b) The inboard ends of outrigger beams shall be positively secured either by means of struts bearing against sills in contact with the overhead beams or ceiling, or by means of tension members secured to the floor joists underfoot, or by both if necessary, or by a securely fastened solid body counterweight. (Water in an open container or loose material in bags shall not be permitted.) The inboard ends of outrigger beams shall be secured against tipping and the entire supporting structure shall be securely braced in both directions to prevent any horizontal movement.

(c) Unless outrigger scaffolds are designed by a registered professional engineer competent in this field, they shall ~~((by the))~~ be constructed and erected in accordance with Table J-11. Outrigger scaffolds, designed by a registered professional engineer, shall be constructed and erected in accordance with such design. A copy of the drawings and specifications shall be available at the jobsite.

(d) Planking shall be laid tight and shall extend to within 3 inches of the building wall. Planking shall be secured to the beams.

(6) Masons' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 50 pounds per square foot and shall not be loaded in excess of that figure.

(b) The scaffold shall be provided with hoisting machines that meet the requirements of Underwriters' Laboratories, Factory Mutual Engineering Corporation, or other agency or laboratory approved by the department of labor and industries.

(c) The platform shall be supported by wire ropes, capable of supporting at least 6 times the intended load, suspended from overhead outrigger beams.

(d) The scaffold outrigger beams shall consist of structural metal securely fastened or anchored to the frame or floor system of the building or structure.

(e) Each outrigger beam shall be equivalent in strength to at least a standard 7-inch, 15.3-pound steel I-beam, at least 15 feet long, and shall not project more than 6 feet 6 inches beyond the bearing point.

(f) Where the overhang exceeds 6 feet 6 inches, outrigger beams shall be composed of stronger beams or multiple beams and be installed under the supervision of a competent person.

(g) All outrigger beams shall be set and maintained with their webs in a vertical position.

(h) A stop bolt shall be placed at each end of every outrigger beam.

(i) The outrigger beam shall rest on suitable wood bearing blocks.

(j) The free end of the suspension wire ropes shall be equipped with proper size thimbles and secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum. At least four turns of wire rope shall remain on the drum when the platform is at ground level. The use of fiber rope is prohibited.

(k) Where a single outrigger beam is used, the steel shackles or clevises with which the wire ropes are attached to the outrigger beams shall be placed directly over the hoisting drums.

(l) The scaffold platform shall be equivalent in strength to at least 2-inch planking. (For maximum planking spans, see subsection (1)(j) of this section.)

(m) When employees are at work on the scaffold and an overhead hazard exists, overhead protection shall be provided on the scaffold, not more than 9 feet above the platform, consisting of 2-inch planking, or material of equivalent strength, laid tight, and extending not less than the width of the scaffold.

(n) Each scaffold shall be installed or relocated under the supervision of a competent person.

(o) When channel iron outrigger beams are used instead of I-beams, they shall be securely fastened together with the flanges turned out.

(p) All parts of the scaffold, such as bolts, nuts, fittings, clamps, wire rope, outrigger beams and their fastenings shall be maintained in sound condition and shall be inspected before each installation and periodically thereafter. All parts shall be of the grade specified by the manufacturer.

(7) Two-point suspension scaffolds.

(a) Two-point suspension scaffold platforms shall be not less than 20 inches nor more than 36 inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.

(b) The hangers of two-point suspension scaffolds shall be made of wrought iron, mild steel, or other equivalent material, having a cross-sectional area capable of sustaining 4 times the maximum rated load, and shall be designed with a support for guardrail, intermediate rail, and toeboard.

(c) When hoisting machines are used on two-point suspension scaffolds, such machines shall be of a design tested and approved by Underwriters' Laboratories, Factory Mutual Engineering Corporation, or by an agency or laboratory approved by the department of labor and industries.

(d) The roof irons or hooks shall be of mild steel, or other equivalent material, of proper size and design, securely installed and anchored. The roof irons or hooks and any other devices shall have tiebacks of 3/4-inch manila rope, or the equivalent, to serve as a secondary means of anchorage, installed at right angles to the face of the building, whenever possible, and secured to a structurally sound portion of the building.

(e) Two-point suspension scaffolds shall be suspended by wire, synthetic or fiber ropes capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least four times the rated load.

(f) The sheaves of all blocks, consisting of at least one double and one single block, shall fit the size and type of rope used and shall be a minimum of six inches in diameter.

(g) All wire ropes, fiber and synthetic ropes, slings, hangers, platforms, and other supporting parts shall be inspected before every installation. Periodic inspections shall be made while the scaffold is in use.

(h) On suspension scaffolds designed for a working load of 500 pounds, no more than two persons shall be permitted to work at one time. On suspension scaffolds with a working load of 750 pounds, no more than three persons shall be permitted to work at one time. On suspension scaffolds with a working load of 1,000 pounds, no more than four persons shall be permitted to work at one time. Each employee shall be protected by an approved full body harness attached to a dropline. The droplines shall be securely attached to substantial members of the structure (not scaffold), or to securely rigged lines, which will safely suspend the employee in case of a fall. In order to keep the dropline continuously attached, with a minimum of slack, to a fixed structure, the attachment point of the dropline shall be appropriately changed as the work progresses.

(i) When a multi-tiered two-point suspension scaffold is used, it shall be provided with safety droplines that attach to each end of the scaffold through an approved quick acting safety device, in case either or both of the main suspension lines should break. The lanyard of the full body harness shall be tied off to a substantial member of the scaffold itself or to a horizontal lifeline attached to each end of the scaffold or a sliding device on the horizontal lifeline. The two additional safety droplines shall be individually suspended from roof irons, hooks, or other approved devices and shall be near the suspension droplines to prevent unnecessary side impact. The safety dropline shall have a 6 to 1 safety factor. Such scaffolds shall be designed by a licensed professional engineer and a copy of the drawings and specifications shall be available at the jobsite.

(j) Two-point suspension scaffolds shall be securely lashed to the building or structure to prevent the scaffolds from swaying. Window cleaners' anchors shall not be used for this purpose.

(k) The platform of every two-point suspension scaffold shall be one of the following types:

(i) Ladder-type platforms. The side stringer shall be of clear straight-grained spruce or materials of equivalent strength and durability. The rungs shall be of straight-grained oak, ash, or hickory, at least 1 1/8 inch in diameter, with 7/8-inch tenons mortised into the side stringers at least 7/8-inch. The stringers shall be tied together with the tie rods not less than one-quarter inch in diameter, passing through the stringers and riveted up tight against washers on both ends. The flooring strips shall be spaced not more than five-eighths inch apart except at the side rails where the space may be 1 inch. Ladder-type platforms shall be constructed in accordance with Table J-12.

(ii) Plank-type platforms. Plank-type platforms shall be composed of not less than two nominal 2- x 10-inch unspliced planks, properly cleated together on the underside,

starting 6 inches from each end; intervals in between shall not exceed 4 feet. The plank-type platform shall not extend beyond the hangers more than 12 inches. A bar or other effective means shall be securely fastened to the platform at each end to prevent its slipping off the hanger. The span between hangers for plank-type platforms shall not exceed 8 feet.

(iii) Beam-type platforms. Beam platforms shall have side stringers of lumber not less than 2 x 6 inches set on edge. The span between hangers shall not exceed 12 feet when beam platforms are used. The flooring shall be supported on 2- x 6-inch cross beams, laid flat and set into the upper edge of the stringers with a snug fit, at intervals of not more than 4 feet, securely nailed in place. The flooring shall be of 1- x 6-inch material properly nailed. Floor boards shall not be spaced more than one-half inch apart.

(iv) Light metal-type platforms, when used, shall be tested and listed according to Underwriters' Laboratories, Factory Mutual Engineering Corporation, or the department of labor and industries.

(l) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(m) When acid solutions are used, natural or synthetic fiber rope shall not be used.

(n) Every swinging scaffold shall be tested before using by raising the platform one foot from the ground and loading it with at least four times the maximum weight to be imposed when aloft.

(8) Stone setters' adjustable multiple-point suspension scaffolds.

(a) The scaffold shall be capable of sustaining a working load of 25 pounds per square foot and shall not be overloaded. Scaffolds shall not be used for storage of stone or other heavy materials.

(b) When used, the hoisting machine and its supports shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the department of labor and industries.

(c) The platform shall be securely fastened to the hangers by U-bolts or other equivalent means. (For materials and spans, see item (ii) of subsection (7)(k), Plank-type Platforms and Table J-12 of this section.)

(d) The scaffold unit shall be suspended from metal outriggers, iron brackets, wire rope slings, or iron hooks.

(e) Outriggers, when used, shall be set with their webs in a vertical position, securely anchored to the building or structure and provided with stop bolts at each end.

(f) The scaffold shall be supported by wire rope capable of supporting at least 6 times the rated load. All other components shall be capable of supporting at least 4 times the rated load.

(g) The free ends of the suspension wire ropes shall be equipped with proper size thimbles, secured by splicing or other equivalent means. The running ends shall be securely attached to the hoisting drum and at least four turns of wire rope shall remain on the drum at all times.

(h) When two or more scaffolds are used on a building or structure, they shall not be bridged one to the other; but shall be maintained at even height with platforms abutting closely.

(i) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(j) Each scaffold shall be installed or relocated in accordance with approved designs and instructions under the supervision of a competent designated person.

(k) Where additional working levels are required to be supported, the plans and specifications of the support and scaffold components shall be designed by a licensed professional engineer. These plans and specifications shall be available at the site.

(9) Single-point adjustable suspension scaffolds.

(a) The scaffolding, including power units or manually operated winches, shall be of a type tested and listed by Underwriters' Laboratories, Factory Mutual Engineering Corporation or the department of labor and industries.

(b) The power units may be either electrically or air motor driven.

(c) All power-operated gears and brakes shall be enclosed.

(d) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(e) The hoisting machines, cables, and equipment shall be regularly serviced and inspected.

(f) The units may be combined to form a two-point suspension scaffold. Such scaffold shall comply with subsection (7) of this section.

(g) When the supporting wire rope is not plumb for its entire length, supports shall be designed to sustain any additional load or stress upon the line.

(h) Suspension methods and employee safeguards shall conform to the provisions of subsections (6) and (7) of this section.

(i) For additional details not covered in this subsection applicable technical portions of American National Standards Institute, A120.1-1970, Power-Operated Devices for Exterior Building Maintenance Powered Platforms, shall be used.

(10) Boatswain's chairs.

(a) The chair seat shall not be less than 12 x 24 inches, and 1-inch thick. The seat shall be reinforced on the underside by cleats securely fastened to prevent the board from splitting. Specially designed seats having dimensions other than those specified in this subsection may be used provided they have been designed and tested (with a safety factor of four) to sustain a load of two hundred fifty pounds.

(b) The two fiber rope seat slings shall be of 5/8-inch diameter, reeved through the four seat holes so as to cross each other on the underside of the seat.

(c) Seat slings shall be of at least 3/8-inch wire rope when an employee is conducting a heat-producing process, such as gas welding.

(d) The employee shall be protected by a full body harness and lifeline in accordance with ~~((WAC 296-155-24510-3)(a)(i)))~~ chapter 296-155 WAC, Part C-1. The attachment point of the lifeline to the structure shall be appropriately changed as the work progresses.

(e) The tackle shall consist of correct size ball bearing or bushed blocks and properly spliced 5/8-inch diameter first grade manila rope, or equivalent.

(f) The roof irons, hooks, or the object to which the tackle is anchored, shall be securely installed. Tiebacks,

when used, shall be installed at right angles to the face of the building and securely fastened.

(g) The scaffolding, including power units shall be of tested design.

(h) All power operated gears and brakes shall be enclosed.

(i) In addition to the normal operating brake, all power-driven units shall have an emergency brake which engages automatically when the normal speed of descent is exceeded.

(11) Carpenters' bracket scaffolds.

(a) The brackets shall consist of a triangular wood frame not less than 2 x 3 inches in cross section, or of metal of equivalent strength. Each member shall be properly fitted and securely joined.

(b) Each bracket shall be attached to the structure by means of one of the following:

(i) A bolt, no less than 5/8-inch in diameter, which shall extend through to the inside of the building wall;

(ii) A metal stud attachment device;

(iii) Welding to steel tanks;

(iv) Hooking over a well-secured and adequately strong supporting member.

(c) The brackets shall be spaced no more than 8 feet apart.

(d) No more than two employees shall occupy any given 8 feet of a bracket scaffold at any one time. Tools and materials shall not exceed 75 pounds in addition to the occupancy.

(e) The platform shall consist of not less than two 2- x 10-inch planks extending not more than 12 inches or less than 6 inches beyond each end support. Fabricated planking may be used if properly engineered and tested.

(12) Bricklayers' square scaffolds.

(a) The squares shall not exceed 5 feet in width and 5 feet in height.

(b) Members shall be not less than those specified in Table J-13.

(c) The squares shall be reinforced on both sides of each corner with 1- x 6-inch gusset pieces. They shall also have diagonal braces 1 x 8 inches on both sides running from center to center of each member, or other means to secure equivalent strength and rigidity.

(d) The squares shall be set not more than 5 feet apart for medium duty scaffolds, and not more than 8 feet apart for light duty scaffolds. Bracing, 1 x 8 inches, extending from the bottom of each square to the top of the next square, shall be provided on both front and rear sides of the scaffold.

(e) Platform planks shall be at least 2 x 10-inch. The ends of the planks shall overlap the bearers of the squares and each plank shall be supported by not less than three squares. Fabricated planking may be used if properly engineered and tested.

(f) Bricklayers' square scaffolds shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.

(g) Scaffolds shall be level and set upon a firm foundation.

(13) Horse scaffolds.

(a) Horse scaffolds shall not be constructed or arranged more than two tiers or 10 feet in height.

(b) The members of the horses shall be not less than those specified in Table J-14.

(c) Horses shall be spaced not more than 5 feet for medium duty and not more than 8 feet for light duty.

(d) When arranged in tiers, each horse shall be placed directly over the horse in the tier below.

(e) On all scaffolds arranged in tiers, the legs shall be nailed down or otherwise secured to the planks to prevent displacement or thrust and each tier shall be substantially cross braced.

(f) Horses or parts which have become weak or defective shall not be used.

(14) Needle beam scaffold.

(a) Wood needle beams shall be not less than 4 x 6 inches in size, with the greater dimension placed in a vertical direction. Metal beams or the equivalent, conforming to subsections (1)(h) and (j) of this section, may be used and shall not be altered or moved horizontally while they are in use.

(b) Ropes or hangers shall be provided for supports. The span between supports on the needle beam shall not exceed 10 feet for 4- x 6-inch timbers. Rope supports shall be equivalent in strength to 1-inch diameter first-grade manila rope.

(c) The ropes shall be attached to the needle beams by a scaffold hitch or a properly made eye splice. The loose end of the rope shall be tied by a bowline knot or by a round turn and a half hitch.

(d) The scaffold hitch shall be arranged so as to prevent the needle beam from rolling or becoming otherwise displaced.

(e) The platform span between the needle beams shall not exceed 8 feet when using 2-inch scaffold plank. For spans greater than 8 feet, platforms shall be designed based on design requirements for the special span. The overhang of each end of the platform planks shall be not less than 6 inches and not more than 12 inches.

(f) When needle beam scaffolds are used, the planks shall be secured against slipping.

(g) All unattached tools, bolts, and nuts used on needle beam scaffolds shall be kept in suitable containers, properly secured.

(h) One end of a needle beam scaffold may be supported by a permanent structural member conforming to subsections (1)(h) and (j) of this section.

(i) Each employee working on a needle beam scaffold shall be protected by a full body harness and lifeline in accordance with ~~((WAC 296-155-24510-(3)(a)(i)))~~ chapter 296-155 WAC, Part C-1.

(15) Plasterers', decorators', and large area scaffolds.

(a) Plasters', lathers', and ceiling workers' inside scaffolds shall be constructed in accordance with the general requirements set forth for independent wood pole scaffolds. (See subsection (2) of this section and Tables J-5, J-6 and J-7.)

(b) All platform planks shall be laid with the edges close together.

(c) When independent pole scaffold platforms are erected in sections, such sections shall be provided with connecting runways equipped with substantial guardrails.

(16) Interior hung scaffolds.

(a) An interior hung scaffold shall be hung or suspended from the roof structure or ceiling beams.

(b) The suspending wire or fiber rope shall be capable of supporting at least 6 times the rated load. The rope shall be wrapped at least twice around the supporting members and twice around the bearers of the scaffold, with each end of the wire rope secured by at least three standard wire-rope clips properly installed.

(c) For hanging wood scaffolds, the following minimum nominal size material shall be used:

(i) Supporting bearers 2 x 10 inches on edge;

(ii) Planking 2 x 10 inches, with maximum span 7 feet for heavy duty and 10 feet for light duty or medium duty.

(d) Steel tube and coupler members may be used for hanging scaffolds with both types of scaffold designed to sustain a uniform distributed working load up to heavy duty scaffold loads with a safety factor of four.

(e) All overhead supporting members shall be inspected and have required strength assured before the scaffold is erected.

(17) Ladder jack scaffolds.

(a) All ladder jack scaffolds shall be limited to light duty and shall not exceed a height of 20 feet above the floor or ground.

(b) All ladders used in connection with ladder jack scaffolds shall be Type I heavy-duty ladders and shall be designed and constructed in accordance with American National Standards Institute A14.1-1982, Safety Code for Portable Wood Ladders, and A14.2-1982, Safety Code for Portable Metal Ladders. Cleated ladders shall not be used for this purpose.

(c) The ladder jack shall be so designed and constructed that it will bear on the side rails in addition to the ladder rungs, or if bearing on rungs only, the bearing area shall be at least 10 inches on each rung.

(d) Ladders used in conjunction with ladder jacks shall be so placed, fastened, held, or equipped with devices so as to prevent slipping.

(e) The wood platform planks shall be not less than 2 inches in thickness. Both metal and wood platform planks shall overlap the bearing surface not less than 12 inches and shall be secured to prevent movement. The span between supports for wood shall not exceed 8 feet. Platform width shall be not less than 18 inches.

(f) No more than two persons shall be within any 8 feet section of any ladder jack scaffold at any one time. When the use of standard guardrails as required by subsection (1)(e) of this section is impractical, full body harnesses and lifelines shall be used in accordance with ~~((WAC 296-155-24510 (3)(a)(i)))~~ chapter 296-155 WAC, Part C-1.

(18) Window jack scaffolds.

(a) Window jack scaffolds shall be used only for the purpose of working at the window opening through which the jack is placed.

(b) Window jacks shall not be used to support planks placed between one window jack and another or for other elements of scaffolding.

(c) Window jack scaffolds shall be provided with guardrails unless full body harnesses with lifelines are attached and used by the employee.

(d) Not more than one employee shall occupy a window jack scaffold at any one time.

(e) Window jacks shall be designed and constructed so as to provide a secure anchorage on the window opening and be capable of supporting the design load.

(19) Roofing brackets.

~~((All roofing brackets must be installed and used in accordance with the requirements of Part K chapter 296-155 WAC.))~~ (a) Roofing brackets shall be constructed to fit the pitch of the roof.

(b) Brackets shall be secured in place by nailing in addition to the pointed metal projections. When it is impractical to nail brackets, rope supports shall be used. When rope supports are used, they shall consist of first-grade manilla of at least 3/4-inch diameter, or equivalent.

(c) Catch platforms.

(i) A catch platform shall be installed within 10 vertical feet of the work area.

(ii) The catch platforms width shall equal the distance of the fall but shall be a minimum of 45 inches wide and shall be equipped with standard guardrails on all open sides.

(20) Crawling boards or chicken ladders.

~~((All crawling boards or chicken ladders shall be installed and used in accordance with the requirements of WAC 296-155-50503(3).))~~ (a) Crawling boards shall be not less than 10 inches wide and 1 inch thick, having cleats 1 x 1 1/2 inches. The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed 24 inches. Nails shall be driven through and clinched on the underside. The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance.

(b) A firmly fastened lifeline of at least 3/4-inch diameter rope, or equivalent, shall be strung beside each crawling board for a handhold.

(c) Crawling boards shall be secured to the roof by means of adequate ridge hooks or other effective means.

(21) Float or ship scaffolds.

(a) Float or ship scaffolds shall not be used to support more than three persons and a few light tools, such as those needed for riveting, bolting, and welding. They shall be constructed as designed in subdivisions (b) through (f) of this subsection, unless substitute designs and materials provide equivalent strength, stability, and safety.

(b) The platform shall be not less than 3 feet wide and 6 feet long, made of 3/4-inch plywood, equivalent to American Plywood Association Grade B-B, Group I, Exterior, or other similar material.

(c) Under the platform, there shall be two supporting bearers made from 2- x 4-inch, or 1- x 10-inch rough, "selected lumber," or better. They shall be free of knots or other flaws and project 6 inches beyond the platform on both sides. The ends of the platform shall extend 6 inches beyond the outer edges of the bearers. Each bearer shall be securely fastened to the platform.

(d) An edging of wood not less than 3/4 x 1 1/2 inches or equivalent shall be placed around all sides of the platform to prevent tools from rolling off.

(e) Supporting ropes shall be 1-inch diameter manila rope or equivalent, free from deterioration, chemical damage, flaws, or other imperfections and shall be well insulated to protect against damaging contacts of arcs, flames, or other

mechanical objects. Rope connections shall be such that the platform cannot shift or slip. If two ropes are used with each float, they shall be arranged so as to provide four ends which are to be securely fastened to an overhead support. Each of the two supporting ropes shall be hitched around one end of bearer and pass under the platforms to the other end of the bearer where it is hitched again, leaving sufficient rope at each end for the supporting ties.

(f) Each employee shall be protected by an approved safety lifebelt or harness and lifeline, in accordance with ((WAC 296-155-245)) chapter 296-155 WAC, Part C-1.

(22) Form scaffolds.

(a) Form scaffolds shall be constructed of wood or other suitable materials, such as steel or aluminum members of known strength characteristics. All scaffolds shall be designed and erected with a minimum safety factor of 4, computed on the basis of the maximum rated load.

(b) All scaffold planking shall be a minimum of 2- x 10-inch nominal scaffold grade, as recognized by approved grading rules for the species of lumber used, or equivalent material. Maximum permissible spans shall not exceed 8 feet on centers for 2- x 10-inch nominal planking. Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at least 6 inches. Unsupported projecting ends of scaffolding planks shall be limited to a maximum overhang of 12 inches.

(c) Scaffolds shall not be loaded in excess of the working load for which they were designed.

(d) Figure-four form scaffolds:

(i) Figure-four scaffolds are intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot unless specifically designed for heavier loading. For minimum design criteria, see Table J-15.

(ii) Figure-four form scaffold frames shall be spaced not more than 8 feet on centers and constructed from sound lumber, as follows: The outrigger ledger shall consist of two pieces of 1- x 6-inch or heavier material nailed on opposite sides of the vertical form support. Ledgers shall project not more than 3 feet 6 inches from the outside of the form support and shall be substantially braced and secured to prevent tipping or turning. The knee or angle brace shall intersect the ledger at least 3 feet from the form at an angle of approximately 45°, and the lower end shall be nailed to a vertical support. The platform shall consist of two or more 2- x 10-inch planks, which shall be of such length that they extend at least 6 inches beyond ledgers at each end unless secured to the ledgers. When planks are secured to the ledgers (nailed or bolted), a wood filler strip shall be used between the ledgers. Unsupported projecting ends of planks shall be limited to an overhang of 12 inches.

(e) Metal bracket form scaffolds:

(i) Metal brackets or scaffold jacks which are an integral part of the form shall be securely bolted or welded to the form. Folding type brackets shall be either bolted or secured with a locking-type pin when extended for use.

(ii) "Clip-on" or "hook-over" brackets may be used, provided the form walers are bolted to the form or secured by snap ties or shea-bolt extending through the form and securely anchored.

(iii) Metal brackets shall be spaced not more than 8 feet on centers.

(iv) Scaffold planks shall be either bolted to the metal brackets or of such length that they overlap the brackets at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(v) Metal bracket form scaffolds shall be equipped with wood guardrails, intermediate rails, toeboards, and scaffold planks meeting the minimum dimensions shown in Table J-16. (Metal may be substituted for wood, providing it affords equivalent or greater design strength.)

(f) Wooden bracket form scaffolds:

(i) Wooden bracket form scaffolds shall be an integral part of the form panel. The minimum design criteria set forth herein and in Table J-17 cover scaffolding intended for light duty and shall not be used to support loads exceeding 25 pounds per square foot, unless specifically designed for heavier loading.

(ii) Scaffold planks shall be either nailed or bolted to the ledgers or of such length that they overlap the ledgers at each end by at least 6 inches. Unsupported projecting ends of scaffold planks shall be limited to a maximum overhang of 12 inches.

(23) Pump jack scaffolds.

(a) Pump jack scaffolds shall:

- (i) Not carry a working load exceeding 500 pounds;
- (ii) Be capable of supporting without failure at least four times the maximum intended load; and
- (iii) Shall not have components loaded in excess of the manufacturer's recommended limits.

(b) Pump jack brackets, braces, and accessories shall be fabricated from metal plates and angles. Each pump jack bracket shall have two positive gripping mechanisms to prevent any failure or slippage.

(c) The platform bracket shall be fully docked and the planking secured. Planking, or equivalent, shall conform with subsection (1) of this section.

(d)(i) When wood scaffold planks are used as platforms, poles used for pump jacks shall not be spaced more than 10 feet center to center. When fabricated platforms are used that fully comply with all other provisions of this subsection, pole spacing may exceed 10 feet center to center.

(ii) Poles shall not exceed 30 feet in height.

(iii) Poles shall be secured to the work wall by rigid triangular bracing, or equivalent, at the bottom, top, and other points as necessary, to provide a maximum vertical spacing of not more than 10 feet between braces. Each brace shall be capable of supporting a minimum of 225 pounds tension or compression.

(iv) For the pump jack bracket to pass bracing already installed, an extra brace shall be used approximately 4 feet above the one to be passed until the original brace is reinstalled.

(e) All poles shall bear on mud sills or other adequate firm foundations.

(f) Pole lumber shall be two 2 x 4's, of Douglas fir or equivalent, straight-grained, clear, free of cross-grain, shakes, large loose or dead knots, and other defects which might impair strength.

(g) When poles are constructed of two continuous lengths, they shall be two by fours, spiked together with the seam parallel to the bracket, and with 10d common nails, no

more than 12 inches center to center, staggered uniformly from opposite outside edges.

(h) If two by fours are spliced to make up the pole, the splices shall be so constructed as to develop the full strength of the member. Three-eighths inch or one-half inch exterior grade plywood shall be used for a spacer between the two by fours. The joints for the splices shall be staggered on opposite sides of the pole at least four feet apart. Joints shall be no less than four feet from either end of the pole.

(i) A ladder, in accordance with WAC 296-155-480, shall be provided for access to the platform during use.

(j) Not more than two persons shall be permitted at one time upon a pump jack scaffold between any two supports.

(k) Pump jack scaffolds shall be provided with standard guardrails, unless full body harnesses with lifelines are used by employees.

(l) When a work bench is used at an approximate height of 42 inches, the top guardrail may be eliminated, if the work bench is fully decked, the planking secured, and is capable of withstanding 200 pounds pressure in any direction.

(m) Employees shall not be permitted to use a work bench as a scaffold platform.

(24) Factory-built scaffold units. Factory-built or prefabricated scaffold units intended for assembly on the job, prefabricated plank, staging, etc., mechanical hoisting units, or other devices for use on or in connection with any type scaffolds, shall be approved by an agency or laboratory approved by the department before being used.

(25) Waler bracket scaffolds.

(a) Waler brackets shall be constructed of 1 5/8" x 1 1/2" x 3/16" angle iron minimum size, or material of equivalent strength.

(b) All steel connections shall be welded and riveted or bolted, except where detrimental to strength of materials.

(c) The maximum length of horizontal leg shall not be more than 36" between bracket hook and railing standard.

(d) A 4" x 4" x 3/16" gusset plate shall be securely welded at inside of leg angle.

(e) Nailing holes shall be provided in lower end of vertical leg for purpose of securing bracket against lifting or shifting.

(f) Waler hook or hooks shall be a minimum of 4-inch depth and be constructed of material of a strength to support a minimum of 400 pounds at extreme outer end of bracket.

(26) Chimney, stack and tank bracket scaffolds.

(a) General. A chimney, stack or tank bracket scaffold shall be composed of a platform supported by brackets which are hooked over a steel cable which surrounds the circumference of the chimney, stack or tank approximately in a horizontal plane. The platform shall be not less than two 2 x 10 inch planks. For a minimum width of eighteen inches wide and be designed with a safety factor of not less than 4.

(b) All brackets shall have a mild steel suspension hook 2 inches by 1/4-inch with at least 3 inches projecting beyond the throat of the hook. Hooks shall be integral with or securely attached to the bracket.

(c) Wood spacer blocks shall be provided to hold the suspending cable away from the structure at the points where brackets are hooked on. These spacer blocks shall be not less than 2 inches by 4 inches by 12 inches.

(d) All suspending cables shall be improved plow steel 6 x 19 wire rope or equivalent. In no case shall less than 1/2-inch diameter wire rope be used.

(e) The turnbuckle used to tighten suspending cables shall be not less than 1 inch drop forged steel. The cables shall be provided with thimbles and not less than 3 U-bolt type clips at each end and be attached to the turnbuckles by means of shackles. Open hooks shall not be used.

(f) All chimney, stack and tank bracket scaffolds shall be provided with standard guard rails, intermediate rails and toeboards.

(g) For access to a chimney, stack or tank bracket scaffold, ladders or a boatswain's chair shall be used.

(h) All chimney, stack or tank brackets for scaffolds shall be welded and riveted or bolted.

(27) Scaffold platforms supported by catenary or stretch cables.

(a) When a scaffold platform is supported by cables at least 4 cables shall be used, two near each end of the scaffold.

(b) The cables shall be attached to the scaffold by means of U-bolts or the equivalent through which the cables pass.

(c) Cables shall not be tightened beyond their safe working load. A hanger or set of falls shall be used approximately every 50 feet to pick up the sag in the cable.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-48531 Vehicle mounted elevating and rotating aerial devices. (1) All applicable rules for design, construction, maintenance, operation, testing, and use of vehicle mounted elevating and rotating aerial devices shall be in conformance with American National Standards for "Vehicle Mounted Elevating and Rotating Work Platforms," ANSI A92.2-1969 and as amended through ANSI A92.2-1979.

(2) Application:

(a) Aerial lifts acquired before February 21, 1986, which do not meet the requirements of ANSI A92.2-1979, may not be used unless they have been modified so as to conform with the applicable design and construction requirements of ANSI A92.2-1969.

(b) Aerial devices include the following:

- (i) Extensible boom platforms;
- (ii) Aerial ladders;
- (iii) Articulating boom platforms;
- (iv) Vertical towers; and
- (v) A combination of any of the above.

(3) Specification display. The aerial device shall have manufacturer's statement clearly stating the minimum values for the following characteristics of vehicles required to provide a stable and structurally sound carrier for the aerial device:

- (a) The front gross axle weight rating (GAWR front).
- (b) The rear gross axle weight rating (GAWR rear).
- (c) The gross vehicle weight rating (GVWR).
- (d) The frame section modulus.
- (e) The yield strength of the vehicle frame.
- (f) The frame resisting bending moment (RBM).
- (g) The wheelbase dimension (WB).

(h) The rear of cab to rear axle centerline dimension (CA).

(4) Data display: The following information shall be clearly stated in the manufacturer's manual and on the aerial device.

- (a) Make and model.
- (b) Rated load capacity.
- (c) Aerial device height and reach.

(d) Maximum pressure of the hydraulic system and voltage of the electrical system.

(e) Cautions and restrictions of operations.

(5) Types of rated load: Rated load capacity is of two distinct types:

(a) The platform load consisting of the weight of personnel and all items carried on or in the platform.

(b) Supplemental loads which may be fixed directly to the boom(s), or to load-carrying attachments on the aerial device.

(i) The capacity rating in either case shall be designated with boom or booms extended to the position of maximum overturning moment attainable throughout full rotation of the pedestal.

(ii) Capacities of the aerial device in other positions shall be specified separately.

(iii) The manual and placards affixed to the aerial device shall state all applicable capacity ratings.

(6) Multiple configuration rated load. If the aerial device is specified in multiple configurations, these configurations shall be clearly described including the rated load capacity of each, in the manufacturer's manual and on the aerial device. Examples of alternate configurations are:

(a) With outriggers extended to firm footing versus outriggers not extended.

(b) With chassis suspension locking device engaged versus disengaged.

(c) With one platform versus more than one platform.

(d) Used as a personnel-carrying device only versus used as a personnel-carrying and material-handling device.

(e) With extensible aerial device retracted or extended.

(f) With digger attached to boom versus with digger removed from boom. If the rated load capacity of the alternate configuration is related to an angle which a boom(s) makes with the horizontal, the manufacturer shall install a means by which the angle of the boom(s) can be determined.

(7) Maximum elevation determination: Height shall be determined at maximum elevation, from the floor of the platform to the ground, with the aerial device assumed to be mounted on a vehicle having a chassis frame height of thirty-six inches.

(8) Maximum reach determination: Reach, as a maximum, shall be measured in the horizontal plane, from the centerline of rotation to the outer edge (rail) of the platform.

(9) Insulated aerial devices.

(a) The aerial device manufacturer's manual and instruction plate(s) shall clearly state whether the aerial device is insulated or noninsulated.

(b) In the case of insulated aerial devices.

(i) The manual and instruction plate(s) shall clearly state the qualification voltage for which the aerial device has been satisfactorily tested in accordance with this standard.

(ii) The manual and instruction plate(s) shall clearly state the design voltage for which the aerial device can be tested.

(iii) All components bridging the insulated portions of the aerial device shall have electrical insulating values consistent with the design voltage rating of the upper boom, and, when provided, of the lower insulator.

(iv) Test electrodes on articulating-boom aerial devices rated over 69 kV, and optionally at 69 kV, shall be installed permanently on the inside and outside surfaces of the insulated portion of the upper boom for the purposes of monitoring electrical leakage current.

(v) The test electrodes shall be two to six inches from the metal portion of the lower end of the insulated upper boom.

(vi) All hydraulic and pneumatic lines bridging the insulated portion of the upper boom shall have metallic couplings which connect the inside and outside of any hose and shall be adjacent to the insulated boom test electrodes.

(vii) The test electrode on the outside surface of the insulated boom on extensible-boom aerial devices shall be removable.

(viii) The location of the removable test electrode shall be permanently marked or recorded to facilitate repeating future tests of the apparatus.

(10) Quality control. The design and manufacture of the aerial device shall comply with the principles outlined in this subsection. The manufacture of the aerial device shall include a quality control system which will ensure compliance with ANSI A92.2-1979 and this standard. The drawings and manual shall specify those welds that are considered critical and that must conform to the following standards:

(a) Structural Welding Code, AWS D1.1-1979.

(b) Specifications for Welding Industrial and Mill Cranes, AWS D14.1-1970.

(c) Standards for Qualifications of Welding Procedures and Welders for Piping and Tubing, AWS D10.9-1969.

(i) The manufacture and installation of aerial devices shall include applicable welding quality control procedures for all weldments.

(ii) Methods of nondestructive testing shall be described in the quality control procedures.

(iii) The quality control procedures shall designate the welds to be examined, the extent of examination, and the method of testing.

(iv) Appropriate inspection methods of welds are recommended by the American Welding Society.

(v) The structural load-supporting elements of the aerial device which support the platform, and which are made of a ductile material, shall have a design stress of not more than fifty percent of the minimum yield strength of the material, based on the combined rated load and weight of the support structure.

(vi) The structural load-supporting elements of the aerial device which support the platform, and which are made of a nonductile material, shall have a design stress of not more than twenty percent of the minimum ultimate strength of the material, based on the combined rated load and weight of the support structure.

(vii) The same structural safety factors stated above shall also apply to the platform.

(11) Aerial lift specification. Articulating-boom and extensible-boom aerial devices primarily designed as personnel carriers shall have both upper and lower controls.

(a) Upper controls shall be in or beside the platform, readily visible and available within easy reach of the operator, and protected from damage and inadvertent actuation.

(b) Lower controls shall be easily accessible and shall provide for overriding the upper controls. Lower level controls shall not be operated unless permission has been obtained from the employee in the lift, except in case of emergency.

(c) These and all other controls shall be plainly identified as to their function.

(d) The controls shall return to their neutral position when released by the operator.

(e) Vehicle-mounted articulating and telescoping cranes or derricks equipped with accessory platforms need not have controls at the platform station.

(f) Aerial ladders that are designed and manufactured with upper controls shall comply with the requirements of this subsection.

(g) Mechanical ladders that are counterbalanced for ease in raising to, and lowering from, an operating position shall be equipped with a locking device to secure the ladder in the lower traveling position.

(h) Each aerial device, when mounted on a vehicle meeting the manufacturer's minimum vehicle specifications, and used in a specific configuration, shall comprise a mobile unit capable of sustaining a static load one and one-half times its rated load capacity, in every position in which the load can be placed within the definition of the specific configuration, when the vehicle is on a firm and level surface. If having the outriggers extended to a firm footing is part of the definition of the configuration, they shall be extended to provide leveling for the purpose of determining whether the mobile unit meets the stability requirements.

(i) Each aerial device, when mounted on a vehicle meeting the manufacturer's minimum vehicle specifications, and used in a specific configuration, shall comprise a mobile unit capable of sustaining a static load one and one-third times its rated load capacity in every position in which the load can be placed within the definition of the specific configuration when the vehicle is on a slope of five degrees downward in the direction most likely to cause overturning. If having the outriggers extended to a firm footing is part of the definition of the configuration, they shall be extended to provide leveling for the purpose of determining whether the mobile unit meets the stability requirements.

(j) If other facilities, such as a means of turntable leveling, are provided to minimize the effect of the sloping surface, then those facilities shall be utilized for the purpose of determining whether the mobile unit meets the stability requirements.

(k) Vertical towers designed specifically for operation only on a level surface shall be excluded from this requirement.

(l) None of the stability tests described in this subsection shall produce instability of the mobile unit as defined herein or cause permanent deformation of any component.

(m) The lifting of a tire or outrigger on the opposite side of the load does not necessarily indicate a condition of instability.

(12) Hydraulic components.

(a) All hydraulic components whose failure could result in free and unrestricted motion of the boom(s) shall have a minimum bursting strength of at least four times the operating pressure for which the system is designed.

(b) All hydraulic components normally rated according to bursting strength, such as hose, tubing, and fittings, shall have a minimum bursting strength of at least three times the operating pressure for which the system is designed.

(c) All hydraulic components normally rated according to performance criteria, such as rated flow and pressure, life cycles, pressure drop, rpm, torque, and speed, shall have a minimum bursting strength of at least two times the operating pressure for which the system is designed. Such components generally include pumps, motors, directional controls, and similar functional components.

(13) Power failure.

(a) Where the operation of the aerial device is accomplished by hydraulic means, the system shall be equipped with appropriate devices to prevent free and unrestricted motion of the aerial device in the event of hydraulic line failure.

(b) Where the operation of the aerial device is accomplished electrically, the system shall be designed to prevent free and unrestricted motion in the event of generator or power failure.

(c) This protection shall also apply to components used to stabilize a mobile unit where a system failure would result in instability.

(14) Platforms.

(a) Platform walls shall be approximately forty-two inches plus or minus three inches high when buckets or baskets are used as platforms, or the platforms shall be provided with a rail or other device around the periphery that also shall be approximately forty-two inches plus or minus three inches above the floor with a midrail and a kick plate that is at least four inches high, or its equivalent.

(b) A means shall be provided that allows personnel to attach a safety strap or lanyard to the platform or boom.

(c) Steps of all platforms shall be provided with nonskid surfaces.

(d) The platform wall height of any unit made in conformance with ANSI A92.2-1979 shall be acceptable.

(e) After the effective date of this standard, units shall conform to the requirements of this subsection.

(f) Platforms with folding-type floors and steps or rungs may be used without rails and kick plates if a method is provided to allow personnel equipped with a body belt and safety strap or lanyard to attach themselves to the platform or boom.

(g) Platforms for aerial ladders shall have a kick plate at least four inches high or its equivalent, around three sides of the platform.

(h) Provision shall be made to allow personnel equipped in accordance with ~~((WAC 296-155-24510))~~ chapter 296-155 WAC, Part C-1 with a full body harness and safety strap or lanyard to attach themselves to the ladder rail.

(15) Specifications display. The aerial device shall have identification, operation, and instruction placards, decals,

plates, or the equivalent, which are legible, permanent, and readily visible. There shall be installed on each aerial device applicable markings or provide these markings with appropriate installation instructions. The markings on the aerial device shall not be removed, defaced, or altered. All missing or defective markings shall be replaced.

(a) An aerial device shall have the following markings:

- (i) Identification markings.
- (ii) Operation markings.
- (iii) Instruction markings.

(b) Aerial devices shall have markings to indicate the following:

- (i) Make.
- (ii) Model.
- (iii) Insulated or noninsulated.
- (iv) Qualification voltage and date of test.
- (v) Serial number.
- (vi) Rated load capacity.
- (vii) Height.

(viii) Aerial device system pressure or aerial device system voltage, or both.

(c) Aerial devices shall have markings describing the function of each control. Markings shall be determined by the manufacturer or the manufacturer and user jointly to indicate hazards inherent in the operation of an aerial device and those hazards for which the aerial device does not provide protection. The following instruction markings shall be provided for:

(i) Electrical hazards involved in the operation of the machine to warn that an aerial device does not provide protection to the operator from contact with or in proximity to an electrically charged conductor when they are in contact with or in proximity to another conductor.

(ii) Electrical hazards involved in the operation of the machine to warn that an aerial device, when working on or in proximity to energized conductors, shall be considered energized, and that contact with the aerial device or vehicle under those conditions may cause serious injuries.

(iii) Hazards that result from failure to operate the equipment in a prescribed manner.

(iv) Information related to the use and load rating of the equipment for material handling.

(v) Information related to the use and load rating of the aerial device for alternate configurations.

(vi) Information related to operator cautions.

(d) The color, format, and substance shall conform to:

(i) American National Standard for Accident Prevention Signs, ANSI Z35.1-1972.

(ii) American National Standard for Accident Prevention Tags, ANSI Z35.2-1968.

(iii) American National Standard for Informational Signs Complementary to ANSI Z35.1-1972 Accident Prevention Signs, ANSI Z35.4-1973.

(16) Testing of new aerial devices: In addition to the manufacturer's prototype tests and quality control measures, each new aerial device, including mechanisms, shall be tested to the extent necessary to ensure compliance with the operational requirements of this subsection.

(a) Operational tests shall include the following:

- (i) Boom(s) elevating and lowering mechanism.
- (ii) Boom extension mechanism.
- (iii) Rotating mechanism.

(iv) Stability tests.

(v) Safety devices.

(b) A visual inspection of the finished unit shall be made to determine whether the operational test has produced an adverse effect on any component. Whoever mounts an aerial device upon a vehicle shall, before the mobile unit is placed in operation, perform stability tests in accordance with the requirements of subsection (11) of this section, and the operational and visual tests in accordance with this subsection.

(17) Electrical tests: All electrical tests shall be performed in accordance with ANSI A92.2-1979.

(18) Test reports: A certified report of the tests, specified in this subsection, signed by a registered professional engineer, or an equivalent entity shall be provided with each unit.

(19) Manual requirement: Aerial devices shall comply with the requirements of this standard and shall be provided with manuals. The manuals shall contain:

(a) Descriptions, specifications, and ratings of the aerial device.

(b) The maximum system pressure and the maximum voltage of electrical systems which are part of the aerial device.

(c) Instructions regarding operation, maintenance, and specified welds.

(d) Replacement part information.

(e) Instructions for installing or mounting the aerial device.

(20) Inspections:

(a) Prior to initial use, all new or modified mobile units shall be inspected and tested by the owners and users to ensure compliance with the provisions of this standard and ANSI A92.2-1979.

(b) The inspection procedure for mobile units in regular service is divided into two classifications based upon the intervals at which inspections and tests shall be performed. Safe intervals shall be set by the user, within the limits recommended by the manufacturer, and are dependent upon the nature of the critical components of the mobile unit and the degree of their exposure to wear, deterioration, or malfunction. The two classifications are designated as "frequent" and "periodic" with respective intervals between inspections and tests, as defined below:

(i) Frequent inspection and test: Daily to monthly intervals, or before use, if not used regularly.

(ii) Periodic inspection and test: One to twelve month intervals.

(21) Frequent inspections: Items such as, but not limited to the following shall be inspected for defects at the intervals as defined in subsection (20)(b)(i) of this section or as specifically indicated, including observation during operation, for any defects which might appear between regular inspections. These tests and inspections shall be performed by the operator. Any suspected items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use.

(a) Operating controls and associated mechanisms for conditions interfering with proper operation.

(b) Operating controls and associated mechanisms for excessive component wear and contamination by foreign material.

(c) Visual and audible safety devices for malfunction.

(d) Hydraulic or pneumatic systems for observable deterioration or excessive leakage.

(e) Fiberglass and other insulating components for visible damage or contamination.

(f) Electrical apparatus for malfunction, signs of excessive dirt, and moisture accumulation.

(22) Periodic inspection. An inspection of the mobile unit shall be performed at the intervals defined in subsection (20)(b)(ii) of this section, depending upon its activity, severity of service, and environment, or as specifically indicated below. Any suspect items shall be carefully examined and a determination made by a qualified person as to whether they constitute a safety hazard. All unsafe items shall be corrected before further use. Nondestructive inspection and testing methods shall be used where there are questionable structural components.

(a) Deformed, cracked, or corroded members in the aerial device structure.

(b) Worn, cracked or distorted parts, such as pins, bearings, shafts, gears, rollers, locking devices, chains, chain sprockets, wire ropes, and sheaves.

(c) Hydraulic and pneumatic relief valve settings.

(d) Hydraulic system for proper oil level.

(e) Hydraulic and pneumatic fittings, hoses, and tubing for evidence of leakage, abnormal deformation, or excessive abrasion.

(f) Compressors, pumps, motors, and generators for loose fasteners, leaks, unusual noises or vibrations, loss of operating speed, and excessive heating.

(g) Hydraulic and pneumatic valves for cracks in the valve housing, leaks, and sticking spools.

(h) Hydraulic and pneumatic cylinders and holding valves for malfunction and visible damage.

(i) Hydraulic and pneumatic filters for cleanliness and the presence of foreign material in the system indicating other component deterioration.

(j) Performance test of all boom movements.

(k) Condition and tightness of bolts and other fasteners.

(l) Welds, as specified by the manufacturer.

(m) Legible and proper markings of controls, ratings, and instructions.

(23) Electrical insulation rating tests: If the aerial device is considered, rated, and used as an insulated device, the electrical insulating components and system, after a thorough inspection for lack of cleanliness and other hazards, shall be tested for compliance with the rating of the aerial device in accordance with one of the following applicable methods and procedures:

(a) In accordance with section 5.2 of ANSI A92.2-1979 where adequate test facilities are available.

(b) In the field if the aerial device is equipped with electrical test electrodes. The insulated boom may be raised into a high voltage line whose voltage is as high as or higher than the voltage to be worked but not exceeding the design voltage of the aerial device. The electrical leakage current shall not exceed 1 microampere per line to ground per kilovolt applied.

(c) For units rated 69 kV and under, by placing a fused and protected ammeter in the circuit between a test powerline and the conductive metal assembly at the bucket end of the insulated boom.

(i) The lower end of the boom section to be tested shall be grounded.

(ii) The ammeter shall be shielded from any stray electrical currents, and shall give the measurement of any leakage current across the boom and controls, or any capacitive currents involved from the platform to ground, or both.

(iii) The minimum voltage of the test line shall be that of any circuit on which the aerial device is to be used but not exceeding the design voltage of the aerial device.

(iv) During a three minute test period, the total current through the ammeter shall not exceed the following limits at the corresponding rated line voltages:

Line Voltage (kV)	Maximum Current (Microamperes)
69	1000
34.5	500
13.2	200

(d) For units rated 69 kV and under and not used for bare hand application, a dc test voltage and procedure shall be used. The dc potential and leakage current limit shall be specified by the aerial device manufacturer or an equivalent entity.

(e) For platform liners, a retest at seventy percent of the original factory test voltage in accordance with the procedures of section 5.2.2.5 of ANSI A92.2-1979, or the equivalent shall be made.

(f) All electrical tests shall be performed only by qualified persons who are aware of the dangers.

(24) Inspection documentation:

(a) A check sheet or list of items to be inspected shall be provided to the operator or other authorized person for use in making frequent inspections. Records of frequent inspections need not be made. However, where a safety hazard is found, it shall be reported in writing to a person responsible for the corrective action and that report and a record of the correction shall be maintained.

(b) Written, dated, and signed reports and records shall be made of periodic inspections and tests and retained for a period of time consistent with need. Records shall be readily available. Manufacturer's recommendations as to the necessity and frequency of maintenance shall be followed.

(25) Modifications: No modifications or additions which affect the mechanical, hydraulic, or electrical integrity or the safe operation of the aerial device shall be made without the written approval of the manufacturer or an equivalent entity.

(a) If such modification or changes are made, the capacity, operation, and maintenance instruction markings shall be changed accordingly.

(b) In no case shall the safety factors be reduced below those specified in this standard, ANSI A92.2-1979, or below the manufacturer's design factors, whichever are greater.

(c) Changes in loading or additions made to the mobile unit after the final acceptance that affect weight distribution shall meet applicable loading regulations of the National

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Traffic and Motor Vehicle Safety Act of 1966 sections on Certification.

(26) Qualified operators: The user shall select and authorize only those persons qualified by training or experience, or both, to operate the aerial devices. Each operator shall be instructed in the safe and proper operation of the aerial device in accordance with the manufacturer's operator's manual and the user's work instructions.

(27) The truck shall not be moved until the boom or ladder is cradled and/or fastened down, the outrigger(s) retracted, and the power take-off disengaged, except for equipment which is specifically designed for this type of operation in accordance with provisions of subsections (1) and (2) of this section.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-48533 Crane or derrick suspended personnel platforms. (1) Scope, application, and definitions.

(a) Scope and application. This standard applies to the design, construction, testing, use and maintenance of personnel platforms, and the hoisting of personnel platforms on the load lines of cranes or derricks.

(b) Definitions. For the purposes of this section, the following definitions apply:

(i) "Failure" means load refusal, breakage, or separation of components.

(ii) "Hoist" (or hoisting) means all crane or derrick functions such as lowering, lifting, swinging, booming in and out or up and down, or suspending a personnel platform.

(iii) "Load refusal" means the point where the ultimate strength is exceeded.

(iv) "Maximum intended load" means the total load of all employees, tools, materials, and other loads reasonably anticipated to be applied to a personnel platform or personnel platform component at any one time.

(v) "Runway" means a firm, level surface designed, prepared, and designated as a path of travel for the weight and configuration of the crane being used to lift and travel with the crane suspended platform. An existing surface may be used as long as it meets these criteria.

(2) General requirements. The use of a crane or derrick to hoist employees on a personnel platform is prohibited, except when the erection, use, and dismantling of conventional means of reaching the worksite, such as a personnel hoist, ladder, stairway, aerial lift, elevating work platform or scaffold, would be more hazardous, or is not possible because of structural design or worksite conditions.

(3) Cranes and derricks.

(a) Operational criteria.

(b) Hoisting of the personnel platform shall be performed in a slow, controlled, cautious manner with no sudden movements of the crane or derrick, or the platform.

(c) Load lines shall be capable of supporting, without failure, at least seven times the maximum intended load, except that where rotation resistant rope is used, the lines shall be capable of supporting without failure, at least ten times the maximum intended load. The required design factor is achieved by taking the current safety factor of 3.5 (required under WAC 296-155-525 (3)(b)) and applying the

fifty percent derating of the crane capacity which is required by (f) of this subsection.

(d) Load and boom hoist drum brakes, swing brakes, and locking devices such as pawls or dogs shall be engaged when the occupied personnel platform is in a stationary working position.

(e) The crane shall be uniformly level within one percent of level grade and located on firm footing. Cranes equipped with outriggers shall have them all fully deployed following manufacturer's specifications, insofar as applicable, when hoisting employees.

(f) The total weight of the loaded personnel platform and related rigging shall not exceed fifty percent of the rated capacity for the radius and configuration of the crane or derrick.

(g) The use of machines having live booms (booms in which lowering is controlled by a brake without aid from other devices which slow the lowering speeds) is prohibited.

(h) Multiple-part line block: When a multiple-part line block is in use, a substantial strap shall be used between the crane hook and common ring, shackle, or other equivalent device, to eliminate employee exposure to the lines running through the block, and to the block itself.

(4) Instruments and components.

(a) Cranes and derricks with variable angle booms shall be equipped with a boom angle indicator, readily visible to the operator.

(b) Cranes with telescoping booms shall be equipped with a device to indicate clearly to the operator, at all times, the boom's extended length, or an accurate determination of the load radius to be used during the lift shall be made prior to hoisting personnel.

(c) A positive acting device shall be used which prevents contact between the load block or overhaul ball and the boom tip (anti-two-blocking device), or a system shall be used which deactivates the hoisting action before damage occurs in the event of a two-blocking situation (two block damage prevention feature).

(d) The load line hoist drum shall have a system or device on the power train, other than the load hoist brake, which regulates the lowering rate of speed of the hoist mechanism (controlled load lowering). Free fall is prohibited.

(5) Rigging.

(a) Lifting bridles on box-type platforms shall consist of four legs of equal length, with one end securely shackled to each corner of the platform and the other end securely attached to a common ring, shackle, or other equivalent device to accommodate the crane hook, or a strap to the crane hook.

(b) Shackle bolts used for rigging of personnel platforms shall be secured against displacement.

(c) A substantial safety line shall pass through the eye of each leg of the bridle adjacent to the common ring, shackle, or equivalent device.

(d) Securely fastened with a minimum amount of slack to the lift line above the headache ball or to the crane hook itself.

(e) All eyes in wire rope slings shall be fabricated with thimbles.

(f) Wire rope, shackles, rings, master links, and other rigging hardware must be capable of supporting, without

failure, at least five times the maximum intended load applied or transmitted to that component. Where rotation resistant wire rope is used for slings, they shall be capable of supporting without failure at least ten times the maximum intended load.

(g) Hooks on headache ball assemblies, lower load blocks, or other attachment assemblies shall be of a type that can be closed and locked, eliminating the hook throat opening. Alternatively, an alloy anchor type shackle with a bolt, nut and retaining pin may be used.

(h) Bridles and associated rigging for attaching the personnel platform to the hoist line shall be used only for the platform and the necessary employees, their tools and the materials necessary to do their work, and shall not be used for any other purpose when not hoisting personnel.

(6) Personnel platforms - design criteria.

(a) The personnel platform and suspension system shall be designed by a qualified engineer or a qualified person competent in structural design.

(b) The suspension system shall be designed to minimize tipping of the platform due to movement of employees occupying the platform.

(c) The personnel platform itself, except the guardrail system and body harness anchorages, shall be capable of supporting, without failure, its own weight and at least five times the maximum intended load based on a minimum allowance of five hundred pounds for the first person with light tools, and an additional two hundred fifty pounds for each additional person.

(d) Criteria for guardrail systems (~~(contained in Part K of chapter 296-155 WAC)~~) and body harness anchorages are contained in Part C-1 of chapter 296-155 WAC.

(e) The personnel platform shall be conspicuously posted with a plate or other permanent marking which indicates the weight of the platform and its rated load capacity or maximum intended load.

(7) Platform specifications.

(a) Each personnel platform shall be equipped with a guardrail system which meets the requirements of chapter 296-155 WAC Part ~~(K)~~ C-1 and, shall be enclosed at least from the toeboard to mid-rail with either solid construction or expanded metal having openings no greater than one-half inch (1.27 cm).

(b) A grab rail shall be installed inside the entire perimeter of the personnel platform.

(c) Access gates, if installed, shall not swing outward during hoisting.

(d) Access gates, including sliding or folding gates, shall be equipped with a restraining device to prevent accidental opening.

(e) Headroom shall be provided which allows employees to stand upright in the platform.

(f) In addition to the use of hard hats, employees shall be protected by overhead protection on the personnel platform when employees are exposed to falling objects.

(g) All rough edges exposed to contact by employees shall be surfaced or smoothed in order to prevent injury to employees from punctures or lacerations.

(h) All welding of the personnel platform and its components shall be performed by a qualified welder familiar with the weld grades, types, and material specified in the platform design.

(i) Occupants of all personnel platforms shall wear a safety belt or harness and lanyard which meets the requirements of chapter 296-155 WAC Part C-1.

(j) Box-type platform: The workers lanyard shall be secured to an anchorage within the platform meeting the requirements of chapter 296-155 WAC Part C-1.

(k) Rescue platform:

(i) If the platform is used as a rescue vehicle, the injured worker shall be strapped into the stretcher or basket.

(ii) The basket shall then be secured by lanyard to an anchorage within the platform meeting the requirements of chapter 296-155 WAC Part C-1.

(l) Boatswains chair: The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(m) Barrel-type platform:

(i) The workers lanyard shall be secured to the lift line above the headache ball or to the crane hook itself.

(ii) A solid bar or rod shall be substantially attached in a rigid position to the bottom or side of the platform.

(iii) The bottom of the barrel-type platform shall be of a convex shape to cause the platform to lay on its side when lowered to the ground or floor.

(iv) The bar or rod shall extend a minimum of eight feet above the floor of the platform.

(v) Workers shall enter and exit from barrel-type platforms only when they are in an upright position, stable, and securely attached to the load line.

(vi) The employer shall use methods or devices which allow employees to safely enter or exit barrel-type platforms.

(8) Personnel platform loading.

(a) The personnel platform shall not be loaded in excess of its rated load capacity.

(b) The number of employees occupying the personnel platform shall not exceed the number required for the work being performed.

(c) Personnel platforms shall be used only for employees, their tools, and the materials necessary to do their work, and shall not be used to hoist only materials or tools when not hoisting personnel.

(d) Materials and tools for use during a personnel lift shall be secured to prevent displacement.

(e) Materials and tools for use during a personnel lift shall be evenly distributed within the confines of the platform while the platform is suspended.

(9) Trial lift, inspection, and proof testing.

(a) A trial lift with the unoccupied personnel platform loaded at least to the anticipated liftweight shall be made from ground level, or any other location where employees will enter the platform, to each location at which the personnel platform is to be hoisted and positioned. This trial lift shall be performed immediately prior to placing personnel on the platform. The operator shall determine that all systems, controls, and safety devices are activated and functioning properly; that no interferences exist; and that all configurations necessary to reach those work locations will allow the operator to remain under the fifty percent limit of the hoist's rated capacity. Materials and tools to be used during the actual lift can be loaded in the platform, as provided in subsection (8)(d) and (e) of this section for the trial lift. A single trial lift may be performed at one time for

all locations that are to be reached from a single set-up position.

(b) The trial lift shall be repeated prior to hoisting employees whenever the crane or derrick is moved and set up in a new location or returned to a previously used location. Additionally, the trial lift shall be repeated when the lift route is changed unless the operator determines that the route change is not significant (i.e., the route change would not affect the safety of hoisted employees).

(c) After the trial lift, and just prior to hoisting personnel, the platform shall be hoisted a few inches and inspected to ensure that it is secure and properly balanced. Employees shall not be hoisted unless the following conditions are determined to exist:

(i) Hoist ropes shall be free of kinks;

(ii) Multiple part lines shall not be twisted around each other;

(iii) The primary attachment shall be centered over the platform; and

(iv) The hoisting system shall be inspected if the load rope is slack to ensure all ropes are properly stated on drums and in sheaves.

(d) A visual inspection of the crane or derrick, rigging, personnel platform, and the crane or derrick base support or ground shall be conducted by a competent person immediately after the trial lift to determine whether the testing has exposed any defect or produced any adverse effect upon any component or structure.

(e) Any defects found during inspections which create a safety hazard shall be corrected before hoisting personnel.

(f) At each job site, prior to hoisting employees on the personnel platform, and after any repair or modification, the platform and rigging shall be proof tested to one hundred twenty-five percent of the platform's rated capacity by holding it in a suspended position for five minutes with the test load evenly distributed on the platform (this may be done concurrently with the trial lift). After proof testing, a competent person shall inspect the platform and rigging. Any deficiencies found shall be corrected and another proof test shall be conducted. Personnel hoisting shall not be conducted until the proof testing requirements are satisfied.

(10) Work practices.

(a) Employees shall keep all parts of the body inside the platform during raising, lowering, and positioning. This provision does not apply to an occupant of the platform performing the duties of a signal person.

(b) Before employees exit or enter a hoisted personnel platform that is not landed, the platform shall be secured to the structure where the work is to be performed, unless securing to the structure creates an unsafe situation.

(c) Tag lines shall be used unless their use creates an unsafe condition.

(d) The crane or derrick operator shall remain at the controls at all times when the crane engine is running and the platform is occupied.

(e) Hoisting of employees shall be promptly discontinued upon indication of any dangerous weather conditions or other impending danger.

(f) Employees being hoisted shall remain in continuous sight of and in direct communication with the operator or signal person. In those situations where direct visual contact with the operator is not possible, and the use of a signal

person would create a greater hazard for that person, direct communication alone such as by radio may be used.

(g) Hand signals to the operator shall be in accordance with WAC 296-155-525 (1)(c).

(h) Except over water, employees occupying the personnel platform shall use a full body harness system with lanyard appropriately attached to the lower load block or overhaul ball, or to a structural member within the personnel platform capable of supporting a fall impact for employees using the anchorage as specified in ~~((WAC 296-155-24510 (3)(a)(i)))~~ chapter 296-155 WAC, Part C-1. When working over water, the requirements of WAC 296-155-235 shall apply.

(i) No lifts shall be made on another of the crane's or derrick's load lines while personnel are suspended on a platform.

(11) Traveling.

(a) Hoisting of employees while the crane is traveling is prohibited, except for portal, tower and locomotive cranes, or where the employer demonstrates that there is no less hazardous way to perform the work.

(b) Under any circumstances where a crane would travel while hoisting personnel, the employer shall implement the following procedures to safeguard employees:

(i) Crane travel shall be restricted to a fixed track or runway;

(ii) Travel shall be limited to the load radius of the boom used during the lift; and

(iii) The boom must be parallel to the direction of travel.

(c) A complete trial run shall be performed to test the route of travel before employees are allowed to occupy the platform. This trial run can be performed at the same time as the trial lift required by subsection (9)(a) of this section which tests the route of the lift.

(d) If travel is done with a rubber tired-carrier, the condition and air pressure of the tires shall be checked. The chart capacity for lifts on rubber shall be used for application of the fifty percent reduction of rated capacity. Notwithstanding subsection (3)(e) of this section, outriggers may be partially retracted as necessary for travel.

(12) Prelift meeting.

(a) A meeting attended by the crane or derrick operator, signal person(s) (if necessary for the lift), employee(s) to be lifted, and the person responsible for the task to be performed shall be held to review the appropriate requirements of this section and the procedures to be followed.

(b) This meeting shall be held prior to the trial lift at each new work location, and shall be repeated for any employees newly assigned to the operation.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-155-500 (~~Definitions applicable to this part.~~ (1) "Built up roofing" means a weatherproofing cover, applied over roof decks, consisting of either a liquid applied system, a single ply system, or a multiple ply system. ~~Liquid applied systems generally consist of silicone rubber, plastics, or similar material applied by spray or roller equipment. Single ply systems generally consist of a single layer of synthetic rubber, plastic, or similar material, and a~~

layer of adhesive. Multiple ply systems generally consist of layers of felt and bitumen, and may be covered with a layer of mineral aggregate.

(2) "Built up roofing work" means the hoisting, storage, application, and removal of built up roofing materials and equipment, including related insulation, sheet metal, and vapor barrier work, but not including the construction of the roof deck.

(3) "Floor hole" means an opening measuring less than 12 inches but more than 1 inch in its least dimension in any floor, roof, or platform through which materials but not persons may fall, such as a belt hole, pipe opening, or slot opening.

(4) "Floor opening" means an opening measuring 12 inches or more in its least dimension in any floor, roof, or platform, through which persons may fall.

(5) "Handrail" means a rail used to provide employees with a handhold for support.

(6) "Low pitched roof" means a roof having a slope less than or equal to four in twelve.

(7) "Mechanical equipment" means all motor or human propelled wheeled equipment except for wheelbarrows and moparts.

(8) "Nose, nosing" means that portion of a tread projecting beyond the face of the riser immediately below.

(9) "Platform" means a walking/working surface for persons, elevated above the surrounding floor or ground, such as a balcony or platform for the operation of machinery and equipment.

(10) "Riser height" means the vertical distance from the top of a tread to the top of the next higher tread or platform/landing or the distance from the top of a platform/landing to the top of the next higher tread or platform/landing.

(11) "Roof" means the exterior surface on the top of a building. This does not include floors which, because a building has not been completely built, temporarily become the top surface of a building.

(12) "Runway" means a passageway for persons, elevated above the surrounding floor or ground level, such as a footwalk along shafting or a walkway between buildings.

(13) "Safety monitoring system" means a safety system in which a competent person monitors the safety of all employees in a roofing crew, and warns them when it appears to the monitor that they are unaware of the hazard or are acting in an unsafe manner. The competent person must be on the same roof and within visual distance of the employees, and must be close enough to verbally communicate with the employees.

(14) "Stair platform" means an extended step or landing breaking a continuous run of stairs.

(15) "Stairrail system" means a vertical barrier erected along the unprotected sides and edges of a stairway to prevent employees from falling to lower levels. The top surface of a stairrail system may also be a "handrail."

(16) "Stairs, stairways" means a series of steps leading from one level or floor to another, or leading to platforms, pits, boiler rooms, crossovers, or around machinery, tanks, and other equipment that are used more or less continuously or routinely by employees or only occasionally by specific individuals. For the purpose of this part, a series of steps

and landings having three or more rises constitutes stairs or stairway.

(17) "Standard railing" means a vertical barrier erected along exposed edges of a floor opening, wall opening, ramp, platform, or runway to prevent falls of persons.

(18) "Standard strength and construction" means any construction of railings, covers, or other guards that meets the requirements of this part.

(19) "Toeboard" means a vertical barrier at floor level erected along exposed edges of a floor opening, wall opening, platform, runway, or ramp to prevent falls of materials.

(20) "Tread depth" means the horizontal distance from front to back of tread (excluding nosing, if any).

(21) "Unprotected side or edge" means any side or edge of a roof perimeter where there is no wall three feet (.9 meters) or more in height.

(22) "Wall opening" means an opening at least 30 inches high and 18 inches wide, in any wall or partition, through which persons may fall, such as an opening for a window, a yard arm doorway or chute opening.

(23) "Work area" means that portion of a roof where built up roofing work is being performed.)) Reserved.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-505 ((Guardrails, handrails, and covers. (1) **General provisions.** This part applies to temporary or emergency conditions where there is danger of employees or materials falling through floor, roof, or wall openings, or from stairways, runways, ramps, open sided floors, open sides of structures, bridges, or other open sided walking or working surfaces. When guardrails or covers required by this section must be temporarily removed to perform a specific task, the area shall be constantly attended by a monitor to warn others of the hazard or shall be protected by a movable barrier.

(2) **Guarding of floor openings and floor holes.**

(a) Floor openings shall be guarded by a standard railing and toe boards or cover, as specified in subsections (2)(g) and (5) of this section. In general, the railing shall be provided on all exposed sides, except at entrances to stairways. All vehicle service pits shall have a cover or removable type standard guardrail. When not in use, pits shall be covered or guarded. Where vehicle service pits are to be used again immediately, and the service person is within a 50 foot distance of the unguarded pit and also within line of sight of the unguarded pit, the cover or guardrail need not be replaced between uses. Where vehicle service pits are used frequently, the perimeters of the pits shall be delineated by high visibility, luminescent, skid resistant paint. Such painted delineation shall be kept clean and free of extraneous materials.

(b) Ladderway floor openings or platforms shall be guarded by standard railings with standard toe boards on all exposed sides, except at entrance to opening, with the passage through the railing either provided with a swinging gate or so offset that a person cannot walk directly into the opening.

(c) Hatchways and chute floor openings shall be guarded by one of the following:

(i) Hinged covers of standard strength and construction and a standard railing with only one exposed side. When the opening is not in use, the cover shall be closed or the exposed side shall be guarded at both top and intermediate positions by removable standard railings;

(ii) A removable standard railing with toe board on not more than two sides of the opening and fixed standard railings with toe boards on all other exposed sides. The removable railing shall be kept in place when the opening is not in use and shall be hinged or otherwise mounted so as to be conveniently replaceable.

(d) Wherever there is danger of falling through a skylight opening, and the skylight itself is not capable of sustaining the weight of a two hundred pound person with a safety factor of four, standard guardrails shall be provided on all exposed sides or the skylight shall be covered in accordance with (g) of this subsection.

(e) Pits and trap door floor openings shall be guarded by floor opening covers of standard strength and construction. While the cover is not in place, the pit or trap openings shall be protected on all exposed sides by removable standard railings.

(f) Manhole floor openings shall be guarded by standard covers which need not be hinged in place. While the cover is not in place, the manhole opening shall be protected by standard railings.

(g) All floor opening covers shall be capable of supporting the maximum potential load but never less than two hundred pounds (with a safety factor of four).

(i) The cover shall be recessed to conform to the level of the surrounding floor or to be flush with the perimeter of the opening.

(ii) The cover shall be secured by fastening devices to prevent unintentional removal.

(iii) If it becomes necessary to remove the cover, a monitor shall remain at the opening until the cover is replaced. The monitor shall advise persons entering the area of the hazard, shall prevent exposure to the fall hazard and shall perform no other duties.

(h) Floor holes, into which persons can accidentally walk, shall be guarded by either a standard railing with standard toe board on all exposed sides, or a floor hole cover of standard strength and construction that is secured against accidental displacement. While the cover is not in place, the floor hole shall be protected by a standard railing.

(3) Guarding of wall openings.

(a) Wall openings, from which there is a drop of more than 4 feet, and the bottom of the opening is less than 3 feet above the working surface, shall be guarded as follows:

(i) When the height and placement of the opening in relation to the working surface is such that either a standard rail or intermediate rail will effectively reduce the danger of falling, one or both shall be provided;

(ii) The bottom of a wall opening, which is less than 4 inches above the working surface, regardless of width, shall be protected by a standard toe board or an enclosing screen either of solid construction or as specified in (5)(e)(ii) of this section.

(b) An extension platform, outside a wall opening, onto which materials can be hoisted for handling shall have standard guardrails on all exposed sides or equivalent. One

side of an extension platform may have removable railings in order to facilitate handling materials.

(c) When a chute is attached to an opening, the provisions of (a) of this subsection shall apply, except that a toe board is not required.

(4) Guarding of open sided surfaces.

(a) Every open sided floor, platform or surface four feet or more above adjacent floor or ground level shall be guarded by a standard railing, or the equivalent, as specified in subsection (5)(a) of this section, on all open sides, except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a standard toe board wherever, beneath the open sides, persons can pass, or there is moving machinery, or there is equipment with which falling materials could create a hazard.

(b) Runways shall be guarded by a standard railing, or the equivalent, as specified in subsection (5) of this section, on all open sides, 4 feet or more above floor or ground level. Wherever tools, machine parts, or materials are likely to be used on the runway, a toe board shall also be provided on each exposed side.

(c) Runways used exclusively for special purposes may have the railing on one side omitted where operating conditions necessitate such omission, providing the falling hazard is minimized by using a runway not less than 18 inches wide.

(d) Where employees entering upon runways become thereby exposed to machinery, electrical equipment, or other danger not a falling hazard, additional guarding shall be provided.

(e) Regardless of height, open sided floors, walkways, platforms, or runways above or adjacent to dangerous equipment, pickling or galvanizing tanks, degreasing units, and similar hazards, shall be guarded with a standard railing and toe board.

(f) Open sides of gardens, patios, recreation areas and similar areas located on roofs of buildings or structures shall be guarded by permanent standard railings or the equivalent. Where a planting area has been constructed adjacent to the open sides of the roof and the planting area is raised above the normal walking surface of the roof area, the open side of the planting area shall also be protected with standard railings or the equivalent.

(5) Standard specifications.

(a) A standard railing shall consist of top rail, intermediate rail, toe board, and posts, and shall have a vertical height of 36 inches to 42 inches from upper surface of top rail to floor, platform, runway, or ramp level. Each length of lumber shall be smooth surfaced throughout the length of the railing. The intermediate rail shall be halfway between the top rail and the floor, platform, runway, or ramp. The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard. Minimum requirements for standard railings under various types of construction are specified in the following items:

(i) For wood railings, the posts shall be of at least 2 inch by 4 inch stock spaced not to exceed 8 feet; the top rail shall be of at least 2 inch by 4 inch stock; the intermediate rail shall be of at least 1 inch by 6 inch stock.

(ii) For pipe railings, posts and top and intermediate railings shall be at least 1 1/2 inches nominal OD diameter with posts spaced not more than 8 feet on centers.

(iii) For structural steel railings, posts and top and intermediate rails shall be of 2 inch by 2 inch by 3/8 inch angles or other metal shapes of equivalent bending strength, with posts spaced not more than 8 feet on centers.

(iv) For wire rope railings, the top and intermediate railings shall be at least 1/2 inch fibre core rope, or the equivalent to meet strength factor and deflection of subsection (5)(a)(v). Posts shall be spaced not more than 8 feet on centers. The rope shall be stretched taut, so as to present a minimum deflection.

(v) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least 200 pounds applied in any direction at any point on the top rail, with a minimum of deflection.

(vi) Railings receiving heavy stresses from employees trucking or handling materials shall be provided additional strength by the use of heavier stock, closer spacing of posts, bracing, or by other means.

(vii) Other types, sizes, and arrangements of railing construction are acceptable, provided they meet the following conditions:

(A) A smooth surfaced top rail at a height above floor, platform, runway, or ramp level of between 36 inches and 42 inches;

(B) A strength to withstand at least the minimum requirement of 200 pounds top rail pressure with a minimum of deflection;

(C) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(D) Elimination of overhang of rail ends unless such overhang does not constitute a hazard.

(b)(i) A standard toe board shall be 4 inches minimum in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and have not more than 1/4 inch clearance above floor level. It may be made of any substantial material, either solid, or with openings not over 1 inch in greatest dimension.

(ii) Where material is piled to such height that a standard toe board does not provide protection, paneling, or screening from floor to intermediate rail or to top rail shall be provided.

(c) Floor opening covers shall be of any material that meets the following strength requirements:

(i) Conduits, trenches, and manhole covers and their supports, when located in roadways, and vehicular aisles shall be designed to carry a truck rear axle load of at least 2 times the maximum intended load;

(ii) All floor opening covers shall be capable of supporting the maximum potential load but never less than two hundred pounds (with a safety factor of four).

(A) The cover shall be recessed to conform to the level of the surrounding floor or to be flush with the perimeter of the opening.

(B) The cover shall be secured by fastening devices to prevent unintentional removal.

(C) If it becomes necessary to remove the cover, a monitor shall remain at the opening until the cover is replaced. The monitor shall advise persons entering the area

of the hazard, shall prevent exposure to the fall hazard and shall perform no other duties.

(d) Skylight openings that create a falling hazard shall be guarded with a standard railing, or covered in accordance with (c)(ii) of this subsection.

(e) Wall opening protection shall meet the following requirements:

(i) Barriers shall be of such construction and mounting that, when in place at the opening, the barrier is capable of withstanding a load of at least 200 pounds applied in any direction (except upward), with a minimum of deflection at any point on the top rail or corresponding member.

(ii) Screens shall be of such construction and mounting that they are capable of withstanding a load of at least 200 pounds applied horizontally at any point on the near side of the screen. They may be of solid construction, of grill work with openings not more than 8 inches long, or of slat work with openings not more than 4 inches wide with length unrestricted.) Reserved.

AMENDATORY SECTION (Amending Order 90-18, filed 1/10/91, effective 2/12/91)

WAC 296-155-50503 ((Roofing brackets. (1) Roofing brackets shall be constructed to fit the pitch of the roof.

(2) Securing: Brackets shall be secured in place by nailing in addition to the pointed metal projections. When it is impractical to nail brackets, rope supports shall be used. When rope supports are used, they shall consist of first grade manila of at least 3/4 inch diameter, or equivalent.

(3) Crawling boards or chicken ladders.

(a) Crawling boards shall be not less than ten inches wide and one inch thick, having cleats 1 x 1 1/2 inches.

(i) The cleats shall be equal in length to the width of the board and spaced at equal intervals not to exceed twenty-four inches.

(ii) Nails shall be driven through and clinched on the underside.

(iii) The crawling board shall extend from the ridge pole to the eaves when used in connection with roof construction, repair, or maintenance.

(b) A firmly fastened lifeline of at least 3/4 inch diameter rope, or equivalent, shall be strung beside each crawling board for a handhold.

(c) Crawling boards shall be secured to the roof by means of adequate ridge hooks or other effective means.) Reserved.

AMENDATORY SECTION (Amending Order 86-14, filed 1/21/86)

WAC 296-155-515 ((Ramps, runways, and inclined walkways. (1) Width. Ramps, runways and inclined walkways shall be eighteen inches or more wide.

(2) Standard railings. Ramps, runways and inclined walkways shall be provided with standard railings when located four feet or more above ground or floor level.

(3) Ramp specifications. Ramps, runways and walkways shall not be inclined more than twenty degrees from horizontal and when inclined shall be cleated or otherwise treated to prevent a slipping hazard on the walking surface.) Reserved.

AMENDATORY SECTION (Amending Order 92-06, filed 10/30/92, effective 12/8/92)

WAC 296-155-655 General protection requirements.

(1) Surface encumbrances. All surface encumbrances that are located so as to create a hazard to employees shall be removed or supported, as necessary, to safeguard employees.

(2) Underground installations.

(a) The location of utility installations, such as sewer, telephone, fuel, electric, water lines, or any other underground installations that reasonably may be expected to be encountered during excavation work, shall be located prior to opening an excavation.

(b) Utility companies or owners shall be contacted within established or customary local response times, advised of the proposed work, and asked to locate the underground utility installation prior to the start of actual excavation.

(c) When excavation operations approach the location of underground installations, the exact location of the installations shall be determined by safe and acceptable means.

(d) While the excavation is open, underground installations shall be protected, supported, or removed as necessary to safeguard employees.

(3) Access and egress.

(a) Structural ramps.

(i) Structural ramps that are used solely by employees as a means of access or egress from excavations shall be designed by a competent person. Structural ramps used for access or egress of equipment shall be designed by a competent person qualified in structural design, and shall be constructed in accordance with the design.

(ii) Ramps and runways constructed of two or more structural members shall have the structural members connected together to prevent displacement.

(iii) Structural members used for ramps and runways shall be of uniform thickness.

(iv) Cleats or other appropriate means used to connect runway structural members shall be attached to the bottom of the runway or shall be attached in a manner to prevent tripping.

(v) Structural ramps used in lieu of steps shall be provided with cleats or other surface treatments on the top surface to prevent slipping.

(b) Means of egress from trench excavations. A stairway, ladder, ramp or other safe means of egress shall be located in trench excavations that are 4 feet (1.22 m) or more in depth so as to require no more than 25 feet (7.62 m) of lateral travel for employees.

(4) Exposure to vehicular traffic. Employees exposed to public vehicular traffic shall be provided with, and shall wear, warning vests or other suitable garments marked with or made of reflectorized or high-visibility material.

(5) Exposure to falling loads. No employee shall be permitted underneath loads handled by lifting or digging equipment. Employees shall be required to stand away from any vehicle being loaded or unloaded to avoid being struck by any spillage or falling materials. Operators may remain in the cabs of vehicles being loaded or unloaded when the vehicles are equipped, in accordance with WAC 296-155-610 (2)(g), to provide adequate protection for the operator during loading and unloading operations.

(6) Warning system for mobile equipment. When mobile equipment is operated adjacent to an excavation, or when such equipment is required to approach the edge of an excavation, and the operator does not have a clear and direct view of the edge of the excavation, a warning system shall be utilized such as barricades, hand or mechanical signals, or stop logs. If possible, the grade should be away from the excavation.

(7) Hazardous atmospheres.

(a) Testing and controls. In addition to the requirements set forth in parts B-1, C, and C-1 of this chapter (296-155 WAC) to prevent exposure to harmful levels of atmospheric contaminants and to assure acceptable atmospheric conditions, the following requirements shall apply:

(i) Where oxygen deficiency (atmospheres containing less than 19.5 percent oxygen) or a hazardous atmosphere exists or could reasonably be expected to exist, such as in excavations in landfill areas or excavations in areas where hazardous substances are stored nearby, the atmospheres in the excavation shall be tested before employees enter excavations greater than 4 feet (1.22 m) in depth.

(ii) Adequate precautions shall be taken to prevent employee exposure to atmospheres containing less than 19.5 percent oxygen and other hazardous atmospheres. These precautions include providing proper respiratory protection or ventilation in accordance with parts B-1 and C of this chapter respectively.

(iii) Adequate precaution shall be taken such as providing ventilation, to prevent employee exposure to an atmosphere containing a concentration of a flammable gas in excess of 20 percent of the lower flammable limit of the gas.

(iv) When controls are used that are intended to reduce the level of atmospheric contaminants to acceptable levels, testing shall be conducted as often as necessary to ensure that the atmosphere remains safe.

(b) Emergency rescue equipment.

(i) Emergency rescue equipment, such as breathing apparatus, a safety harness and line, or a basket stretcher, shall be readily available where hazardous atmospheric conditions exist or may reasonably be expected to develop during work in an excavation. This equipment shall be attended when in use.

(ii) Employees entering bell-bottom pier holes, or other similar deep and confined footing excavations, shall wear a harness with a lifeline securely attached to it. The lifeline shall be separate from any line used to handle materials, and shall be individually attended at all times while the employee wearing the lifeline is in the excavation.

Note: See chapter 296-62 WAC, Part M for additional requirements applicable to confined space operations.

(8) Protection from hazards associated with water accumulation.

(a) Employees shall not work in excavations in which there is accumulated water, or in excavations in which water is accumulating, unless adequate precautions have been taken to protect employees against the hazards posed by water accumulation. The precautions necessary to protect employees adequately vary with each situation, but could include special support or shield systems to protect from cave-ins, water removal to control the level of accumulating water, or use of a safety harness and lifeline.

(b) If water is controlled or prevented from accumulating by the use of water removal equipment, the water removal equipment and operations shall be monitored by a competent person to ensure proper operation.

(c) If excavation work interrupts the natural drainage of surface water (such as streams), diversion ditches, dikes, or other suitable means shall be used to prevent surface water from entering the excavation and to provide adequate drainage of the area adjacent to the excavation. Excavations subject to runoff from heavy rains will require an inspection by a competent person and compliance with subdivisions (a) and (b) of this subsection.

(9) Stability of adjacent structures.

(a) Where the stability of adjoining buildings, walls, or other structures is endangered by excavation operations, support systems such as shoring, bracing, or underpinning shall be provided to ensure the stability of such structures for the protection of employees.

(b) Excavation below the level of the base or footing of any foundation or retaining wall that could be reasonably expected to pose a hazard to employees shall not be permitted except when:

(i) A support system, such as underpinning, is provided to ensure the safety of employees and the stability of the structure; or

(ii) The excavation is in stable rock; or

(iii) A registered professional engineer has approved the determination that the structure is sufficiently removed from the excavation so as to be unaffected by the excavation activity; or

(iv) A registered professional engineer has approved the determination that such excavation work will not pose a hazard to employees.

(c) Sidewalks, pavements, and appurtenant structure shall not be undermined unless a support system or another method of protection is provided to protect employees from the possible collapse of such structures.

(10) Protection of employees from loose rock or soil.

(a) Adequate protection shall be provided to protect employees from loose rock or soil that could pose a hazard by falling or rolling from an excavation face. Such protection shall consist of scaling to remove loose material; installation of protective barricades at intervals as necessary on the face to stop and contain falling material; or other means that provide equivalent protection.

(b) Employees shall be protected from excavated or other materials or equipment that could pose a hazard by falling or rolling into excavations. Protection shall be provided by placing and keeping such materials or equipment at least 2 feet (.61 m) from the edge of excavations, or by the use of retaining devices that are sufficient to prevent materials or equipment from falling or rolling into excavations, or by a combination of both if necessary.

(11) Inspections.

(a) Daily inspections of excavations, the adjacent areas, and protective systems shall be made by a competent person for evidence of a situation that could result in possible cave-ins, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions. An inspection shall be conducted by the competent person prior to the start of work and as needed throughout the shift. Inspections shall also be made after every rainstorm or other hazard

increasing occurrence. These inspections are only required when employee exposure can be reasonably anticipated.

(b) Where the competent person finds evidence of a situation that could result in a possible cave-in, indications of failure of protective systems, hazardous atmospheres, or other hazardous conditions, exposed employees shall be removed from the hazardous area until the necessary precautions have been taken to ensure their safety.

(12) Fall protection.

(a) ~~((Where employees or equipment are required or permitted to cross over excavations, walkways or bridges with standard guardrails shall be provided.))~~ Walkways shall be provided where employees or equipment are required or permitted to cross over excavations. Guardrails which comply with chapter 296-155 WAC, Part C-1 shall be provided where walkways are 4 feet or more above lower levels.

(b) Adequate barrier physical protection shall be provided at all remotely located excavations. All wells, pits, shafts, etc., shall be barricaded or covered. Upon completion of exploration and similar operations, temporary wells, pits, shafts, etc., shall be backfilled.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-682 Requirements for equipment and tools. (1) Bulk cement storage. Bulk storage bins, containers, and silos shall be equipped with the following:

(a) Conical or tapered bottoms; and

(b) Mechanical or pneumatic means of starting the flow of material.

(2) No employee shall be permitted to enter storage facilities unless the ejection system has been shut down and locked out in accordance with WAC 296-155-429.

(3) Safety belts, harnesses, lanyards, lifelines or droplines, independently attached or attended, shall be used as prescribed in ~~((WAC 296-155-24510-(5)(a)))~~ chapter 296-155 WAC, Part C-1.

(4) Concrete mixers. Concrete mixers with one cubic yard (.8 m³) or larger loading skips shall be equipped with the following:

(a) A mechanical device to clear the skip of materials; and

(b) Guardrails installed on each side of the skip.

(5) Power concrete trowels. Powered and rotating type concrete troweling machines that are manually guided shall be equipped with a control switch that will automatically shut off the power whenever the hands of the operator are removed from the equipment handles.

(6) Concrete buggies. Concrete buggy handles shall not extend beyond the wheels on either side of the buggy.

Note: Installation of knuckle guards on buggy handles is recommended.

(7) Runways.

(a) Runways shall be constructed to carry the maximum contemplated load with a safety factor of four, have a smooth running surface, and be of sufficient width for two buggies to pass. Single runs to have a minimum width of forty-two inches with turnouts. Runways to have standard railings. Where motor driven concrete buggies are used, a

minimum four-inches by four-inches wheel guard shall be securely fastened to outside edge of runways.

(b) All concrete buggy runways which are 12 inches or more above a work surface or floor, or ramps with more than 4 percent incline shall be considered "elevated" runways.

Exception: Small jobs utilizing only one concrete buggy, or larger jobs utilizing a "one-way traffic pattern" may be exempt from the requirements for "turnouts" or for "sufficient width for two buggies to pass."

Exemption: Runways less than 12 inches above the floor or ground which are utilized by hard-powered buggies only, may be exempt from the requirements for guardrails and wheelguards.

(8) Concrete pumping systems.

(a) The employer shall comply with the manufacturer's specifications and limitations applicable to the operation of pumpcrete or similar systems. Where manufacturer's specifications are not available, the limitations assigned to the equipment shall be based on the determinations of a qualified engineer, competent in this field, and such determinations will be appropriately documented and recorded.

(b) Rated load capacities, and recommended operating speeds and pressures, special hazard warnings, or instructions, shall be conspicuously posted on all equipment. Instructions and warnings shall be visible to the operator while at the control station.

(c) Concrete pumping systems using discharge pipes shall be provided with pipe supports designed for one hundred percent overload.

(d) Compressed air hoses used on concrete pumping systems shall be provided with positive fail-safe joint connectors to prevent separation of sections when pressurized.

(e) No part of the concrete pumping system shall operate closer to high voltage electrical conductors than the distances specified in chapter 296-155 WAC, Part I.

(f) Hoses and/or pipes used to carry concrete under pressure shall be secured one to the other with an adequate length of at least 1/4 inch diameter chain or cable to prevent whipping in the event of an accidental separation of joints. All system safety pins shall be in place during pumping operations.

(g) The employer shall designate a competent person who shall inspect all machinery, equipment, and accessories prior to each use, and periodically during use, to make sure it is in safe operating conditions. Any deficiencies shall be repaired, or defective parts replaced before continued use.

(h) A thorough annual inspection of the equipment including nondestructive testing of all sections of the booms, by a method capable of ensuring the structural integrity of the material being tested shall be made. The inspection and testing shall be conducted by a competent person, or a government or private agency recognized by the department. A record of the test results shall be maintained by the employer, and a copy shall be available in each unit for inspection by the department.

(i) All welding shall conform to AWS B3.0-41 Standard Qualification Procedure: AWS D8.4-61 Recommended Practices of Automotive Welding Design: or AWS D10.9-69 Standard Qualification of Welding Procedures and Welders for Piping and Tubing.

(j) Booms shall not be used for operations other than that for which they are designed.

(9) Concrete buckets.

(a) Concrete buckets equipped with hydraulic or pneumatic gates shall have positive safety latches or similar safety devices installed to prevent premature or accidental dumping.

(b) Concrete buckets shall be designed to prevent concrete from hanging up on top and the sides.

(c) Riding of concrete buckets for any purpose shall be prohibited, and vibrator crews shall be kept out from under concrete buckets suspended from cranes or cableways.

(d) When discharging on a slope, the wheels of ready-mix trucks shall be blocked and the brakes set to prevent movement.

(10) Tremies. Sections of tremies and similar concrete conveyances shall be secured with wire rope (or equivalent materials in addition to the regular couplings or connections).

(11) Bull floats. Bull float handles, used where they might contact energized electrical conductors, shall be constructed of nonconductive material or insulated with a nonconductive sheath whose electrical and mechanical characteristics provide the equivalent protection of a handle constructed of nonconductive material.

(12) Masonry saws shall be constructed, guarded, and operated in accordance with WAC 296-155-367 (1) through (4).

(13) Lockout/tagout procedures. No employee shall be permitted to perform maintenance or repair activity on equipment (such as compressors, mixers, screens, or pumps used for concrete and masonry construction activities) where the inadvertent operation of the equipment could occur and cause injury, unless all potentially hazardous energy sources have been locked out and tagged in accordance with chapter 296-155 WAC, Part I.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-715 Bolting, riveting, fitting-up, and plumbing-up. (1) General requirements.

(a) Containers shall be provided for storing or carrying rivets, bolts, and drift pins, and secured against accidental displacement when aloft.

(b) Pneumatic hand tools shall be disconnected from the power source, and pressure in hose lines shall be released, before any adjustments or repairs are made.

(c) Air line hose sections shall be tied together except when quick disconnect couplers are used to join sections.

(d) Eye protection shall be provided in accordance with Part C of this chapter.

(2) Bolting.

(a) When bolts or drift pins are being knocked out, means shall be provided to keep them from falling.

(b) Impact wrenches shall be provided with a locking device for retaining the socket.

(3) Riveting.

(a) Riveting shall not be done in the vicinity of combustible material unless precautions are taken to prevent fire.

(b) When workers are below and rivet heads are knocked off or backed out, means shall be provided to keep the rivet heads from falling on such workers.

(c) A safety wire shall be properly installed on the snap and on the handle of the pneumatic riveting hammer and shall be used at all times. The wire size shall be not less than No. 9 (B & S gauge), leaving the handle and annealed No. 14 on the snap or equivalent.

(d) The rivet heating equipment shall be kept as near as possible to the riveting gang with whom the rivet heater is working.

(e) Hot rivets shall never be thrown across shaftways or towards the outside of a building.

(f) When riveting is done on an outside wall, the rivets shall be passed by hand or thrown parallel to the wall.

(g) Metal cone shaped buckets shall be used for catching hot rivets.

(h) Riveters shall avoid allowing the air hose to become wrapped or tangled around their legs.

(i) Empty bolt and rivet kegs shall be removed from the floor as soon as possible.

(j) Pails and hand lines shall be used when raising or lowering bolts, rivets or small tools.

(k) The nozzle of the riveting gun shall be periodically inspected and the wire attachment not allowed to become worn so as to permit the nozzle to fly out with the air pressure.

(l) Electric welding equipment shall not be used where wire rope is used to suspend scaffolds.

(4) Plumbing-up.

(a) Connections of the equipment used in plumbing-up shall be properly secured.

(b) The turnbuckles shall be secured to prevent unwinding while under stress.

(c) Plumbing-up guys related equipment shall be placed so that employees can get at the connection points.

(d) Plumbing-up guys shall be removed only under the supervision of a competent person.

(5) Wood planking shall be of proper thickness to carry the working load, but shall be not less than 2 inches thick full size undressed, exterior grade plywood, at least 3/4-inch thick, or equivalent material.

(6) Metal decking of sufficient strength shall be laid tight and secured to prevent movement.

(7) Planks shall overlap the bearing on each end by a minimum of 12 inches.

(8) Wire mesh, exterior plywood, or equivalent, shall be used around columns where planks do not fit tightly.

(9) Provisions shall be made to secure temporary flooring against displacement.

(10) All unused openings in floors, temporary or permanent, shall be completely planked over or guarded in accordance with Part ((K)) C-1 of this chapter.

(11) Temporary bracing and/or guying shall be utilized to stabilize a structure until construction has been completed.

(12) Employees shall use safety belts in accordance with Part C-1 of this chapter when they are working on float scaffolds.

AMENDATORY SECTION (Amending Order 74-26, filed 5/7/74, effective 6/6/74)

WAC 296-155-740 Cofferdams. (1) If overtopping of the cofferdam by high waters is possible, means shall be provided for controlled flooding of the work area.

(2) Warning signals for evacuation of employees in case of emergency shall be developed and posted.

(3) Cofferdam walkways, bridges, or ramps with at least two means of rapid exit, shall be provided with guardrails as specified in Part ((K)) C-1 of this chapter.

(4) Manways and ladderways shall be installed separately from the hoistways and partitioned off to prevent hoisted materials from protruding into or falling into manways and/or ladderways.

(5) Pumping equipment shall be located on substantially constructed platforms and where installed in such a position that persons must work below, toe boards shall be installed on the platform.

(6) Cofferdams located close to navigable shipping channels shall be protected from vessels in transit, where possible.

AMENDATORY SECTION (Amending Order 94-07, filed 7/20/94, effective 9/20/94)

WAC 296-155-745 Compressed air. (1) General provisions.

(a) There shall be present, at all times, at least one competent person designated by and representing the employer, who shall be familiar with this part in all respects and responsible for full compliance with these and other applicable parts.

(b) Every employee shall be instructed in the rules and regulations which concern their safety or the safety of others.

(2) Medical attendance, examination, and regulations.

(a) There shall be retained one or more licensed physicians familiar with and experienced in the physical requirements and the medical aspects of compressed air work and the treatment of decompression illness. They shall be available at all times while work is in progress in order to provide medical supervision of employees employed in compressed air work. They shall be physically qualified and be willing to enter a pressurized environment.

(b) No employee shall be permitted to enter a compressed air environment until they have been examined by the physician and reported to be physically qualified to engage in such work.

(c) In the event an employee is absent from work for 10 days, or is absent due to sickness or injury, they shall not resume work until they are reexamined by the physician, and their physical condition reported, as provided in this subsection, to be such as to permit them to work in compressed air.

(d) After an employee has been employed continuously in compressed air for a period designated by the physician, but not to exceed 1 year, the employee shall be reexamined by the physician to determine if they are still physically qualified to engage in compressed air work.

(e) Such physician shall at all times keep a complete and full record of examinations made by themselves. The physician shall also keep an accurate record of any decompression illness or other illness or injury incapacitating any employee for work, and of all loss of life that occurs in the operation of a tunnel, caisson, or other compartment in which compressed air is used.

(f) Records shall be available for the inspection by the director or his/her representatives, and a copy thereof shall be forwarded to the department within 48 hours following

the occurrence of the accident, death, injury, or decompression illness. It shall state as fully as possible the cause of said death or decompression illness, and the place where the injured or sick employee was taken, and such other relative information as may be required by the director.

(g) A fully equipped first-aid station shall be provided at each tunnel project regardless of the number of persons employed. An ambulance or transportation suitable for a litter case shall be at each project.

(h) Where tunnels are being excavated from portals more than 5 road miles apart, a first-aid station and transportation facilities shall be provided at each portal.

(i) A medical lock shall be established and maintained in immediate working order whenever air pressure in the working chamber is increased above the normal atmosphere.

(j) The medical lock shall:

(i) Have at least 6 feet of clear headroom at the center, and be subdivided into not less than two compartments;

(ii) Be readily accessible to employees working under compressed air;

(iii) Be kept ready for immediate use for at least 5 hours subsequent to the emergence of any employee from the working chamber;

(iv) Be properly heated, lighted and ventilated;

(v) Be maintained in a sanitary condition;

(vi) Have a nonshatterable port through which the occupant(s) may be kept under constant observation;

(vii) Be designed for a working pressure of 75 p.s.i.g.;

(viii) Be equipped with internal controls which may be overridden by external controls;

(ix) Be provided with air pressure gauges to show the air pressure within each compartment to observers inside and outside the medical lock;

(x) Be equipped with a manual type sprinkler system that can be activated inside the lock or by the outside lock tender;

(xi) Be provided with oxygen lines and fittings leading into external tanks. The lines shall be fitted with check valves to prevent reverse flow. The oxygen system inside the chamber shall be of a closed circuit design and be so designed as to automatically shut off the oxygen supply whenever the fire system is activated.

(xii) Be in constant charge of an attendant under the direct control of the retained physician. The attendant shall be trained in the use of the lock and suitably instructed regarding steps to be taken in the treatment of employee exhibiting symptoms compatible with a diagnosis of decompression illness;

(xiii) Be adjacent to an adequate emergency medical facility;

(xiv) The medical facility shall be equipped with demand-type oxygen inhalation equipment approved by the U.S. Bureau of Mines or Mine Safety and Health Administration (MSHA) and the National Institute for Occupational Safety and Health (NIOSH);

(xv) Be capable of being maintained at a temperature, in use, not to exceed 90°F. nor be less than 70°F.; and

(xvi) Be provided with sources of air, free of oil and carbon monoxide, for normal and emergency use, which are capable of raising the air pressure in the lock from 0 to 75 p.s.i.g. in 5 minutes.

(k) Identification badges shall be furnished to all employees, indicating that the wearer is a compressed air worker. A permanent record shall be kept of all identification badges issued. The badge shall give the employee's name, address of the medical lock, the telephone number of the licensed physician for the compressed air project, and contain instructions that in case of emergency of unknown or doubtful cause or illness, the wearer shall be rushed to the medical lock. The badge shall be worn at all times—off the job, as well as on the job.

(3) Telephone and signal communication. Effective and reliable means of communication, such as bells, whistles, or telephones, shall be maintained at all times between all the following locations;

(a) The working chamber face;

(b) The working chamber side of the man lock near the door;

(c) The interior of the man lock;

(d) Lock attendant's station;

(e) The compressor plant;

(f) The first-aid station;

(g) The emergency lock (if one is required); and

(h) The special decompression chamber (if one is required).

(4) Signs and records.

(a) The time of decompression shall be posted in each man lock as follows:

TIME OF DECOMPRESSION FOR THIS LOCK

..... pounds to pounds in minutes.

..... pounds to pounds in minutes.

(Signed by)
(Superintendent)

This form shall be posted in the man lock at all times.

(b) Any code of signals used shall be conspicuously posted near workplace entrances and such other locations as may be necessary to bring them to the attention of all employees concerned.

(c) For each 8-hour shift, a record of employees employed under air pressure shall be kept by an employee who shall remain outside the lock near the entrance. This record shall show the period each employee spends in the air chamber and the time taken from decompression. A copy shall be submitted to the appointed physician after each shift.

(5) Compression.

(a) Every employee going under air pressure for the first time shall be instructed on how to avoid excessive discomfort.

(b) During the compression of employees, the pressure shall not be increased to more than 3 p.s.i.g. within the first minute. The pressure shall be held at 3 p.s.i.g. and again at 7 p.s.i.g. sufficiently long to determine if any employees are experiencing discomfort.

(c) After the first minute the pressure shall be raised uniformly and at a rate not to exceed 10 p.s.i. per minute.

(d) If any employee complains of discomfort, the pressure shall be held to determine if the symptoms are relieved. If, after 5 minutes the discomfort does not disap-

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pear, the lock attendant shall gradually reduce the pressure until the employee signals that the discomfort has ceased. If the employee does not indicate that the discomfort has disappeared, the lock attendant shall reduce the pressure to atmospheric and the employee shall be released from the lock.

(e) No employee shall be subjected to pressure exceeding 50 pounds per square inch except in an emergency.

(6) Decompression.

(a) Decompression to normal condition shall be in accordance with the decompression tables in Appendix A of this part.

(b) In the event it is necessary for an employee to be in compressed air more than once in a 24-hour period, the appointed physician shall be responsible for the establishment of methods and procedures of decompression applicable to repetitive exposures.

(c) If decanting is necessary, the appointed physician shall establish procedures before any employee is permitted to be decompressed by decanting methods. The period of time that the employees spend at atmospheric pressure between the decompression following the shift and recompression shall not exceed 5 minutes.

(7) Man locks and special decompression chambers.

(a) Man locks.

(i) Except in emergency, no employees employed in compressed air shall be permitted to pass from the working chamber to atmospheric pressure until after decompression, in accordance with the procedures in this part.

(ii) The lock attendant in charge of a man lock shall be under the direct supervision of the appointed physician. The lock attendant shall be stationed at the lock controls on the free air side during the period of compression and decompression and shall remain at the lock control station whenever there are persons in the working chamber or in the man lock.

(iii) Except where air pressure in the working chamber is below 12 p.s.i.g., each man lock shall be equipped with automatic controls which, through taped programs, cams, or similar apparatus, shall automatically regulate decompressions. It shall also be equipped with manual controls to permit the lock attendant to override the automatic mechanism in the event of an emergency, as provided in item (viii) of this subdivision.

(iv) A manual control, which can be used in the event of an emergency, shall be placed inside the man lock.

(v) A clock, thermometer, and continuous recording pressure gauge with a 4-hour graph shall be installed outside of each man lock and shall be changed prior to each shift's decompression. The chart shall be of sufficient size to register a legible record of variations in pressure within the man lock and shall be visible to the lock attendant. A copy of each graph shall be submitted to the appointed physician after each shift. In addition, a pressure gauge, clock, and thermometer shall also be installed in each man lock. Additional fittings shall be provided so that the test gauges may be attached whenever necessary.

(vi) Except where air pressure is below 12 p.s.i.g. and there is no danger of rapid flooding, all caissons having a working area greater than 150 square feet, and each bulkhead in tunnels of 14 feet or more in diameter, or equivalent area, shall have at least two locks in perfect working

condition, one of which shall be used exclusively as a man lock, the other, as a materials lock.

(vii) Where only a combination man-and-materials lock is required, this single lock shall be of sufficient capacity to hold the employees constituting two successive shifts.

(viii) Emergency locks shall be large enough to hold an entire heading shift and a limit maintained of 12 p.s.i.g. There shall be a chamber available for oxygen decompression therapy to 28 p.s.i.g.

(ix) The man lock shall be large enough so that those using it are not compelled to be in a cramped position and shall not have less than 5 feet clear head room at the center and a minimum of 30 cubic feet of air space per occupant.

(x) Locks on caissons shall be so located that the bottom door shall be not less than 3 feet above the water level surrounding the caisson on the outside. (The water level, where it is affected by tides, is construed to mean high tide.)

(xi) In addition to the pressure gauge in the locks, an accurate pressure gauge shall be maintained on the outer and inner side of each bulkhead. These gauges shall be accessible at all times and shall be kept in accurate working order.

(xii) Man locks shall have an observation port at least 4 inches in diameter located in such a position that all occupants of the man lock may be observed from the working chamber and from the free air side of the lock.

(xiii) Adequate ventilation in the lock shall be provided.

(xiv) Man locks shall be maintained at a minimum temperature of 70°F.

(xv) When locks are not in use and employees are in the working chamber, lock doors shall be kept open to the working chamber, where practicable.

(xvi) Provision shall be made to allow for rescue parties to enter the tunnel if the working force is disabled.

(xvii) A special decompression chamber of sufficient size to accommodate the entire force of employees being decompressed at the end of a shift shall be provided whenever the regularly established working period requires total time of decompression exceeding 75 minutes.

(b) Special decompression chamber.

(i) The headroom in the special decompression chamber shall be not less than a minimum 7 feet and the cubical content shall provide at least 50 cubic feet of airspace for each employee. For each occupant, there shall be provided 4 square feet of free walking area and 3 square feet of seating space, exclusive of area required for lavatory and toilet facilities. The rated capacity shall be based on the stated minimum space per employee and shall be posted at the chamber entrance. The posted capacity shall not be exceeded, except in case of emergency.

(ii) Each special decompression chamber shall be equipped with the following:

(A) A clock or clocks suitably placed so that the attendant and the chamber occupants can readily ascertain the time;

(B) Pressure gauges which will indicate to the attendants and to the chamber occupants the pressure in the chamber;

(C) Valves to enable the attendant to control the supply and discharge of compressed air into and from the chamber.

(D) Valves and pipes, in connection with the air supply and exhaust, arranged so that the chamber pressure can be controlled from within and without;

(E) Effective means of oral intercommunication between the attendant, occupants of the chamber, and the air compressor plant; and

(F) An observation port at the entrance to permit observation of the chamber occupants.

(iii) Seating facilities in special decompression chambers shall be so arranged as to permit a normal sitting posture without cramping. Seating space, not less than 18 inches by 24 inches wide, shall be provided per occupant.

(iv) Adequate toilet and washing facilities, in a screened or enclosed recess, shall be provided. Toilet bowls shall have a built-in protector on the rim so that an air space is created when the seat lid is closed.

(v) Fresh and pure drinking water shall be available. This may be accomplished by either piping water into the special decompression chamber and providing drinking fountains, or by providing individual canteens, or by some other sanitary means. Community drinking vessels are prohibited.

(vi) No refuse or discarded material of any kind shall be permitted to accumulate, and the chamber shall be kept clean.

(vii) Unless the special decompression chamber is serving as the man lock to atmospheric pressure, the special decompression chamber shall be situated, where practicable, adjacent to the man lock on the atmospheric pressure side of the bulkhead. A passageway shall be provided, connecting the special chamber with the man lock, to permit employees in the process of decompression to move from the man lock to the special chamber without a reduction in the ambient pressure from that designated for the next stage of decompression. The passageway shall be so arranged as to not interfere with the normal operation of the man lock, nor with the release of the occupants of the special chamber to atmospheric pressure upon the completion of the decompression procedure.

(8) Compressor plant and air supply.

(a) At all times there shall be a thoroughly experienced, competent, and reliable person on duty at the air control valves as a gauge tender who shall regulate the pressure in the working areas. During tunneling operations, one gauge tender may regulate the pressure in not more than two headings: Provided; That the gauges and controls are all in one location. In caisson work, there shall be a gauge tender for each caisson.

(b) The low air compressor plant shall be of sufficient capacity to not only permit the work to be done safely, but shall also provide a margin to meet emergencies and repairs.

(c) Low air compressor units shall have at least two independent and separate sources of power supply and each shall be capable of operating the entire low air plant and its accessory systems.

(d) The capacity, arrangement, and number of compressors shall be sufficient to maintain the necessary pressure without overloading the equipment and to assure maintenance of such pressure in the working chamber during periods of breakdown, repair, or emergency.

(e) Switching from one independent source of power supply to the other shall be done periodically to ensure that workability of the apparatus in an emergency.

(f) Duplicate low-pressure air feedlines and regulating valves shall be provided between the source of air supply

and a point beyond the locks with one of the lines extending to within 100 feet of the working face.

(g) All high-pressure and low-pressure air supply lines shall be equipped with check valves.

(h) Low-pressure air shall be regulated automatically. In addition, manually operated valves shall be provided for emergency conditions.

(i) The air intakes for all air compressors shall be located at a place where fumes, exhaust gases, and other air contaminants will be at a minimum.

(j) Gauges indicating the pressure in the working chamber shall be installed in the compressor building, the lock attendant's station, and at the employer's field office.

(9) Ventilation and air quality.

(a) Exhaust valves and exhaust pipes shall be provided and operated so that the working chamber shall be well ventilated, and there shall be no pockets of dead air. Outlets may be required at intermediate points along the main low-pressure air supply line to the heading to eliminate such pockets of dead air. The quantity of ventilation air shall be not less than 30 cubic feet per minute.

(b) The air in the workplace shall be analyzed by the employer not less than once each shift, and records of such tests shall be kept on file at the place where the work is in progress. The test results shall be within the threshold limit values specified in part B of this chapter, for hazardous gases, and within 10 percent of the lower explosive limit of flammable gases. If these limits are not met, immediate action to correct the situation shall be taken by the employer.

(c) The temperature of all working chambers which are subjected to air pressure shall, by means of after-coolers or other suitable devices, be maintained at a temperature not to exceed 85°F.

(d) Forced ventilation shall be provided during decompression. During the entire decompression period, forced ventilation through chemical or mechanical air purifying devices that will ensure a source of fresh air shall be provided.

(e) Whenever heat-producing machines (moles, shields) are used in compressed air tunnel operations, a positive means of removing the heat build-up at the heading shall be provided.

(10) Electricity.

(a) All lighting in compressed-air chambers shall be by electricity exclusively, and two independent electric-lighting systems with independent sources of supply shall be used. The emergency source shall be arranged to become automatically operative in the event of failure of the regularly used source.

(b) The minimum intensity of light on any walkway, ladder, stairway, or working level shall be not less than 10 foot-candles, and in all workplaces the lighting shall at all times be such as to enable employees to see clearly.

(c) All electrical equipment, and wiring for light and power circuits, shall comply with requirements of Part I, of this standard, for use in damp, hazardous, high temperature, and compressed air environments.

(d) External parts of lighting fixtures and all other electrical equipment, when within 8 feet of the floor, shall be constructed of noncombustible, nonabsorptive, insulating materials, except that metal may be used if it is effectively grounded.

(e) Portable lamps shall be equipped with noncombustible, nonabsorptive, insulating sockets, approved handles, basket guards, and approved cords.

(f) The use of worn or defective portable and pendant conductors is prohibited.

(11) Sanitation.

(a) Sanitary, heated, lighted, and ventilated dressing rooms and drying rooms shall be provided for all employees engaged in compressed air work. Such rooms shall contain suitable benches and lockers. Bathing accommodations (showers at the ratio of one to 10 employees per shift), equipped with running hot and cold water, and suitable and adequate toilet accommodations, shall be provided. One toilet for each 15 employees, or fractional part thereof, shall be provided.

(b) When the toilet bowl is shut by a cover, there should be an air space so that the bowl or bucket does not implode when pressure is increased.

(c) All parts of caissons and other working compartments shall be kept in a sanitary condition.

(12) Fire prevention and protection.

(a) Fire fighting equipment shall be available at all times and shall be maintained in working condition.

(b) While welding or flame-cutting is being done in compressed air, a firewatch with a fire hose or approved extinguisher shall stand by until such operation is completed.

(c) Shafts and caissons containing flammable material of any kind, either above or below ground, shall be provided with a waterline and a fire hose connected thereto, so arranged that all points of the shaft or caisson are within reach of the hose stream.

(d) Fire hose shall be at least 1 1/2 inches in nominal diameter; the water pressure shall at all times be adequate for efficient operation of the type of nozzle used; and the water supply shall be such as to ensure an uninterrupted flow. Fire hose, when not in use, shall be located or guarded to prevent injury thereto.

(e) The power house, compressor house, and all buildings housing ventilating equipment, shall be provided with at least one hose connection in the waterline, with a fire hose connected thereto. A fire hose shall be maintained within reach of structures of wood over or near shafts.

(f) Tunnels shall be provided with a 2-inch minimum diameter waterline extending into the working chamber and to within 100 feet of the working face. Such line shall have hose outlets with 100 feet of fire hose attached and maintained as follows: One at the working face; one immediately inside of the bulkhead of the working chamber; and one immediately outside such bulkhead. In addition, hose outlets shall be provided at 200-foot intervals throughout the length of the tunnel, and 100 feet of fire hose shall be attached to the outlet nearest to any location where flammable material is being kept or stored or where any flame is being used.

(g) In addition to fire hose protection required by this part, on every floor of every building not under compressed air, but used in connection with the compressed air work, there shall be provided at least one approved fire extinguisher of the proper type for the hazards involved. At least two approved fire extinguishers shall be provided in the working chamber as follows: One at the working face and one immediately inside the bulkhead (pressure side). Extinguishers in the working chamber shall use water as the

primary extinguishing agent and shall not use any extinguishing agent which could be harmful to the employees in the working chamber. The fire extinguisher shall be protected from damage.

(h) Highly combustible materials shall not be used or stored in the working chamber. Wood, paper, and similar combustible material shall not be used in the working chamber in quantities which could cause a fire hazard. The compressor building shall be constructed of noncombustible material.

(i) Man locks shall be equipped with a manual type fire extinguisher system that can be activated inside the man lock and also by the outside lock attendant. In addition, a fire hose and portable fire extinguisher shall be provided inside and outside the man lock. The portable fire extinguisher shall be the dry chemical type.

(j) Equipment, fixtures, and furniture in man locks and special decompression chambers shall be constructed of noncombustible materials. Bedding, etc., shall be chemically treated so as to be fire resistant.

(k) Head frames shall be constructed of structural steel or open frame-work fireproofed timber. Head houses and other temporary surface buildings or structures within 100 feet of the shaft, caisson, or tunnel opening shall be built of fire-resistant materials.

(l) No oil, gasoline, or other combustible materials shall be stored within 100 feet of any shaft, caisson, or tunnel opening, except that oils may be stored in suitable tanks in isolated fireproof buildings, provided such buildings are not less than 50 feet from any shaft, caisson, or tunnel opening, or any building directly connected thereto.

(m) Positive means shall be taken to prevent leaking flammable liquids from flowing into the areas specifically mentioned in the preceding subdivision.

(n) All explosives used in connection with compressed air work shall be selected, stored, transported, and used as specified in part T of this chapter.

(13) Bulkheads and safety screens.

(a) Intermediate bulkheads with locks, or intermediate safety screens or both, are required where there is danger of rapid flooding.

(b) In tunnels 16 feet or more in diameter, hanging walkways shall be provided from the face to the man lock as high in the tunnel as practicable, with at least 6 feet of head room. Walkways shall be constructed of noncombustible material. Standard railings shall be securely installed throughout the length of all walkways on open sides in accordance with Part ((K)) C-1 of this chapter. Where walkways are ramped under safety screens, the walkway surface shall be skidproofed by cleats or by equivalent means.

(c) Bulkheads used to contain compressed air shall be tested, where practicable, to prove their ability to resist the highest air pressure which may be expected to be used.

WSR 95-10-025
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3847—Filed April 26, 1995, 4:28 p.m.]

Date of Adoption: April 26, 1995.

Purpose: Simplifies the eligibility process. This proposed amendment requires establishment of a separate medical assistance unit only when the income of a financially nonresponsible person's income and/or resources render another person in the household ineligible for a CN program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-506-0610 AFDC-related medical programs.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 95-07-049 on March 8, 1995.

Changes Other than Editing from Proposed to Adopted Version: Editorial change to subsection (3) at end of sentence.

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

April 26, 1995

Jeanette Sevedge-App

Acting Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3767, filed 8/10/94, effective 9/10/94)

WAC 388-506-0610 AFDC-related medical programs. (1) When determining eligibility for medical programs, the department shall consider:

(a) The family unit living in the same household as including all family members when determining program relationship;

(b) A relative financially responsible only as follows:

(i) The natural or adoptive parent or stepparent to a child eighteen years of age or younger living in the same household; and

(ii) Spouse to spouse living in the same household.

(c) As a separate medical assistance unit (MAU) the following family member living in the same household, when ~~((the))~~ a family member is not eligible for a categorically needy medical care program:

(i) A child with countable income ~~((or resources))~~;

(ii) A child with countable resources which render another family member ineligible for a Medicaid program;

(iii) A child in common of unmarried parents;

~~((iii))~~ (iv) Each unmarried parent of a child in common with such parent's separate children, if any; or

~~((iv))~~ (v) A nonresponsible caretaker relative.

(d) Categorically related family members, other than those described under subsection (1)(c) of this ((subsection)) section, in the same MAU; and

(e) A pregnant minor as not living in the same household as her parent regardless of whether she lives with her parent. See subsections (4)(b) and (5)(b) of this section.

(2) The department shall consider income and resources jointly for spouses and spouses' children living in the same household unless the exceptions in subsection (1)(c) of this

section are met. See WAC 388-506-0620 for the financial responsibility requirements for SSI-related clients.

(3) When determining eligibility for medical care, the department shall consider the countable income or resources of a child available only to the child when an exception in subsection (1)(c) of this section is met.

(4) The department shall consider the income of a parent of a child eighteen years of age or younger:

(a) Living in the same household, available to the child whether or not actually contributed. The department shall:

(i) Allow a parent one hundred percent of the Federal Poverty Level (FPL) for the parent and other members of the parent's MAU; and

(ii) Allocate income in excess of one hundred percent of the FPL on a prorated basis to all children eighteen years of age or younger in separate MAUs for whom the parent is financially responsible.

(b) Not living in the same household, only to the extent the parent's income is actually contributed to the child.

(5) The department shall consider the resources of a parent of a child eighteen years of age or younger:

(a) Living in the same household, available to the child whether or not actually contributed. The department shall ensure a parent's countable resources are:

(i) Prorated; and

(ii) Allocated in equal shares to:

(A) The parent; and

(B) Each person for whom the parent is financially responsible.

(b) Not living in the same household, only to the extent the parent's resources are actually contributed to the child.

(6) When determining medical care eligibility, the department shall not consider available, unless actually contributed to the client, the income and resources of a:

(a) Stepparent not legally liable for support of the stepchildren;

(b) Legal guardian other than the parent of the client;

(c) Caretaker other than the parent of the client;

(d) Alien sponsor;

(e) Sibling or child ~~((of the client))~~; or

(f) Spouse not living in the same household as the client.

(7) The department shall determine each MAU's medical care eligibility using:

(a) The MAU's countable income and resources;

(b) Household size for the number of persons in the MAU; and

(c) The income and resource standards that apply to the household size equal to the number of persons in the MAU.

(8) ~~((For each separate MAU.))~~ The department shall exempt one vehicle as described under WAC 388-216-2650, for each separate MAU that owns such vehicle.

(9) When the household contains an SSI-related family member who is ineligible for AFDC-related categorically needy Medicaid because of income or resources, that member shall be removed from the MAU and placed in a separate categorical assistance unit (CAU). The department shall determine eligibility for:

(a) The remaining members of the MAU without consideration of the income or resources of the SSI-related client; and

(b) The SSI-related member using SSI-related income and resource rules.

WSR 95-10-026
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Wildlife)

[Filed April 26, 1995, 4:45 p.m.]

Date of Adoption: April 22, 1995.

Purpose: Amend wildlife possession laws.

Citation of Existing Rules Affected by this Order:
 Amending WAC 232-12-287.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 95-06-095 on March 1, 1995.

Effective Date of Rule: Thirty-one days after filing.
 April 22, 1995

John C. McGlenn, Chair
 Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 165, filed 6/1/81)

WAC 232-12-287 Possession of dead wildlife. (1) Except as authorized by permit of the director or by subsection (2) of this section, it is unlawful to possess wildlife found dead. ~~((Nothing in this regulation will))~~ This rule does not prohibit the possession of naturally shed antlers of deer and elk.

(2) An individual may remove and dispose of wildlife found dead on his or her property or an adjoining public roadway. Before removing the wildlife, the individual shall, by telephone, notify the department or the Washington state patrol communications office, and shall provide his or her name, address, telephone number, and the description and location of the wildlife. The individual may remove the wildlife for disposal only, and may not retain the wildlife for personal use or consumption. Other laws and rules may apply to the disposal, including rules of the department of health (WAC 246-203-120). Wildlife removed under this section remain the property of the state.

WSR 95-10-027
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE
 (Wildlife)

[Filed April 26, 1995, 4:49 p.m.]

Date of Adoption: April 22, 1995.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 232-28-619.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 95-06-093 on March 1, 1995.

Changes Other than Editing from Proposed to Adopted Version: Grande Ronde River season extension with selective fishery gear and wild steelhead release.

Pataha Creek opening date adjusted.

Roosevelt Lake tributaries daily limit liberalized.

Tucannon River steelhead and whitefish season extended.

Baker and Shannon lakes, trout minimum and maximum length established for sockeye protection.

Fly fishing lakes and a river where motors prohibited continue prohibition: Browns, Long (Ferry County), McDowell, Aeneas, Chopaka, Quail, Leech, Ebey, Pass, and Squalicum lakes; Hoko River.

Sauk River wild steelhead release conformed to state-wide rules.

1995 conservation measures established for the following rivers: Cascade, Nooksack and South Fork, Sauk, Skagit, Suiattle, Lake Washington Ship Canal, Coweeman, Cowlitz, Green, Kalama, Toutle River North Fork, Washougal, Dungeness, Grey Wolf, Quilcene, Skokomish, Columbia at Buoy 10.

Marine Area 10 gear restriction established at First Avenue South Bridge to reduce snagging.

Effective Date of Rule: Thirty-one days after filing.
 April 22, 1995

John C. McGlenn, Chair
 Fish and Wildlife Commission

AMENDATORY SECTION (Amending Order 95-11, filed 2/1/95, effective 5/1/95)

WAC 232-28-619 Washington game fish seasons and daily limits—Regional regulation exceptions. Region I.

Description: That area of the state contained within the boundaries of Asotin, Columbia, Ferry, Garfield, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, and Whitman counties.

When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.

When fishing near Snake River dams, be aware of restricted zones upstream and downstream of the dams.

Exceptions - Region I Regulations: State-wide regulations apply to all waters except where modified in special regulations below.

Alkali Flat Creek (Whitman County): Year around season.

Amber Lake: Last Saturday in April through September 30 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations, except electric motors allowed. Additional season October 1 through November 30, catch-and-release only, single barbless hooks, selective fishery regulations.

Alpowa Creek: Last Saturday in April through June 30 season.

Asotin Creek, from mouth upstream to SR129 Bridge: Year around season. Closed to fishing for steelhead.

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From SR129 Bridge upstream to the forks: Trout - daily limit - eight. Closed to fishing for steelhead. Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Trout - daily limit - eight. Closed to fishing for steelhead. Selective fishery regulations.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

B.C. Mill Pond: Last Saturday in April through October 31 season.

Badger Lake: Last Saturday in April through September 30 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Trout - daily limit - two, minimum length fourteen inches. Fly fishing only. Use of motors prohibited.

Additional season. July 5 through October 31. Catch-and-release, fly fishing only. Use of motors prohibited. Inlet stream: Closed waters.

Beaver Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Big Four Lake: March 1 through July 31 season. Trout - daily limit - two. Fly fishing only. Fishing from any floating device prohibited.

Big Meadow Lake: Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Blue Creek (Walla Walla County): Last Saturday in April through June 30 season.

Blue Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Browns Lake and inlet streams (Pend Oreille County): Fly fishing only. Last Saturday in April through October 31 season. Use of motors prohibited.

Burbank Slough: Fishing from any floating device prohibited.

Caldwell Lake: Last Saturday in April through October 31 season. Trout - daily limit - two minimum length twelve inches. Internal combustion engines prohibited.

Calispell River, from mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective fishery regulations.

Carl's Lake: Last Saturday in April through October 31 season.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Chapman Lake: Last Saturday in April through October 31 season. Trout - daily limit - ten, at least five of which must be kokanee. Feeding (chumming) permitted.

Chewelah Creek, forks and tributaries: Selective fishery regulations.

Colville River, from mouth to bridge at Town of Valley: Year around season.

From Valley upstream and tributaries: Selective fishery regulations.

Conger Pond: Last Saturday in April through October 31 season.

Coppei Creek: Last Saturday in April through June 30 season.

Cottonwood Creek (Asotin County): Closed to fishing for steelhead.

Cottonwood Creek (Lincoln County), outside city limits of Davenport: Last Saturday in April through September 30 season.

Crab Creek (Lincoln County) and tributaries: Year around season.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Curl Lake: June 1 through October 31 season. Fishing from any floating device prohibited.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only (under fifteen years old).

Deadman Creek (Garfield County): Year around season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deer Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Stevens County): Last Saturday in April through October 31 season. Trout, no more than two over twenty inches in length.

Diamond Lake: Last Saturday in April through October 31 season.

Downs Lake: Last Saturday in April through September 30 season.

Dry Creek (Walla Walla County): Last Saturday in April through June 30 season.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Fan Lake: Last Saturday in April through September 30 season. Internal combustion engines prohibited.

Fishhook Pond (Walla Walla County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Internal combustion engines prohibited.

Fishtrap Lake: Last Saturday in April through September 30 season.

Fourth of July Lake: December 1 through March 31 season. Trout, no more than two over fourteen inches in length. Internal combustion engines prohibited.

Frater Lake: Last Saturday in April through October 31 season.

Garfield Juvenile Pond (Whitman County): Juveniles only (under fifteen years old).

Gillette Lake: Last Saturday in April through October 31 season.

Goose Creek (Lincoln County), within the city limits of Wilbur: Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses only.

Grande Ronde River, from mouth to County Road Bridge about two and one-half miles upstream: Year around season. Trout, minimum length twelve inches, maximum length twenty inches. Retaining steelhead is prohibited. Selective fishery regulations September 1 through May 31.

From County Road Bridge upstream to Oregon state line and all tributaries: ~~((September))~~ June 1 through April 15 season. Trout, minimum length twelve inches; selective fishery regulations June 1 through August 31. Wild steelhead release September 1 through April 15.

~~((Note: Cottonwood Creek is closed to fishing for steelhead. Trout, minimum length twelve inches; selective fishery regulations June 1 through August 31. Only steelhead with missing adipose fins may be possessed September 1 through April 15. There must be a healed scar in the location of the missing fin.))~~

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Harvey Creek (tributary to Sullivan Lake), from mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 on county road upstream: Selective fishery regulations.

Hatch Lake (Stevens County): December 1 through March 31 season.

Headgate Pond: Last Saturday in April through October 31 season. Limited to juveniles (under fifteen years old) and holders of complimentary or free licenses.

Heritage Lake: Last Saturday in April through October 31 season.

Hog Canyon Lake: December 1 through March 31 season. Trout, no more than two over fourteen inches in length.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout - daily limit - ten, at least five of which must be kokanee. Feeding (chumming) permitted.

Huff Lake (Pend Oreille County): Closed waters.

Jefferson Park Pond (Walla Walla County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Jump-Off Joe Lake: Last Saturday in April through October 31 season.

Kalispell Creek and tributaries: Last Saturday in April through October 31 season. Selective fishery regulations.

Kettle River, from the Burlington-Northern Railroad bridge at Twin Bridges upstream to Napoleon Bridge: June 1 through March 31 season. Walleye - daily limit - eight, no more than one over twenty inches in length. Only walleye less than sixteen inches or over twenty inches in length may be kept. Trout, minimum length twelve inches.

From Napoleon Bridge upstream: Trout, minimum length twelve inches; selective fishery regulations. Only single pointed hooks may be used. Additional season: November 1 through May 31, catch-and-release only, selective fishery regulations. Exception: Bait and single pointed barbed hook may be used for whitefish only November 1 through March 31.

Kings Lake and tributaries: Closed waters.

Latah (Hangman) Creek: Year around season.

Ledbetter Lake: Last Saturday in April through October 31 season.

Ledking Lake: Last Saturday in April through October 31 season.

Leo Lake: Last Saturday in April through October 31 season.

Liberty Lake: Last Saturday in April through September 30 season.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Spokane River, from mouth to SR 291 Bridge: Year around season.

From SR 291 Bridge upstream to the West Branch: April 30 through October 31 season. Additional December 1 through March 31 season for whitefish only.

Little Twin Lake (Stevens County): Last Saturday in April through October 31 season.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Use of motors prohibited.

Long Lake (Spokane River Reservoir): Bass - catch-and-release only, May 1 through June 30. See also Spokane River.

Loon Lake: Last Saturday in April through October 31 season. Trout - daily limit - ten, of which at least five must be kokanee, no more than two over twenty inches in length.

Lyons Park Pond (College Place): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Marshal Lake: Last Saturday in April through October 31 season.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Catch-and-release, fly fishing only. Use of motors prohibited.

Medical Lake: Last Saturday in April through September 30 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Medical Lake, West: Last Saturday in April through September 30 season.

Mill Creek (Walla Walla County), from mouth to 9th St. Bridge: June 1 through April 15 season. Open only to fishing for steelhead from September 1 through April 15. Wild steelhead release.

From 9th St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge to Oregon state line: Trout - daily limit - five.

Mill Creek Reservoir: Internal combustion engines prohibited.

Mill Pond: Last Saturday in April through October 31 season.

Mudget Lake: Last Saturday in April through October 31 season.

Muskegon Lake: Last Saturday in April through October 31 season.

Mystic Lake: Last Saturday in April through October 31 season.

Negro Creek (Lincoln County): June 16 through March 31 season from mouth at Sprague Lake to town of Sprague.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Newman Lake: Tiger musky - daily limit - one, minimum length thirty-six inches.

Nile Lake: Last Saturday in April through October 31 season.

No Name Lake: Last Saturday in April through October 31 season.

Palouse River (Whitman County) and tributaries: Year around season.

Pampa Pond (Whitman County): Last Saturday in April through September 30 season. Fishing from any floating device prohibited.

Parker Lake: Last Saturday in April through October 31 season.

Pataha Creek, mouth to Pomeroy city limits: Year around season.

Within the city limits of Pomeroy: Last Saturday in April ((30)) through October 31 season. Juveniles only (under fifteen years old).

Remainder of creek Selective fishery regulations.

Pend Oreille River: Year around season.

Petit Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.

Phalon Lake: Closed waters.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Potter's Pond: Last Saturday in April through October 31 season.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited.

Rainbow Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Renner Lake: Last Saturday in April through October 31 season.

Rigley Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. From June 1 through October 31 catch-and-release only, selective fishery regulations.

Roosevelt Lake (Columbia River): All species - Closed February 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek. Trout((?)) - no more than two over twenty inches in length. ((Trout - closed March 1 through May 31 in San Poil arm upstream from mouth of Manilla Creek.)) Walleye - daily limit ((-)) eight, not more than one over twenty inches in length((?)); only walleye less than sixteen inches or over twenty inches in length may be kept; closed April 1 through May 31 in Spokane arm upstream from SR25 Bridge((?)) and in Kettle arm upstream from Burlington-Northern Railroad bridge at Twin Bridges((? - in San Poil arm upstream from mouth of Manilla Creek)).

Roosevelt Lake (Columbia River) tributaries: With the exception of those tributaries listed under Regional Regulations; all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport: Trout - catch limit - 5, no minimum size.

Sacheen Lake: Last Saturday in April through October 31 season.

Sherman Creek (Ferry County), from the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters. Exception: From the mouth upstream to the hatchery boat dock December 1 through August 31 season.

Sherry Lake: Last Saturday in April through October 31 season.

Skookum Lake, North: Last Saturday in April through October 31 season.

Skookum Lake, South: Last Saturday in April through October 31 season.

Snake River: Year around season. Closed to the taking of all trout April 1 through May 31. Trout - daily limit - six minimum length ten inches, no more than two over twenty inches. Retaining steelhead is prohibited from June 1 through August 31. Wild steelhead release from September 1 through March 31. Barbless hooks required when fishing for steelhead on that portion of the Snake River which forms the boundary between Washington and Idaho.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Note: On the mainstem Snake River between Washington and Idaho the license of either state is valid. The angler must be in compliance with the laws of the state issuing the license. This provision does not allow an angler licensed in Idaho to fish on the Washington shore, or in the sloughs or tributaries of Washington. An angler fishing the Snake River is restricted to one daily limit even if licensed by both states.

Spokane River, from the mouth at Lake Roosevelt upstream to the Seven Mile Bridge, including Long Lake, formed by Long Lake Dam (see also Long Lake): Year around season. Trout - daily limit - five, no more than two over twenty inches in length. Walleye - daily limit - eight, no more than one over twenty inches in length. Only walleye less than sixteen inches or over twenty inches in length may be kept; closed April 1 through May 31.

From Seven Mile Bridge upstream to the Monroe Street Dam: Year around season. Trout - daily limit - one. Wild trout release (only rainbow trout with missing adipose fins may be possessed. There must be a healed scar in the location of the missing fin.) Selective fishery regulations.

From Monroe Street Dam upstream to Upriver Dam: Year around season.

From Upriver Dam upstream to the Idaho/Washington state line: Trout - daily limit - one, minimum length 12 inches; selective fishery regulations, except motors allowed.

Sprague Lake: Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Closed waters: March 1 through June 30 in that part of the lake and Cow Creek from Harper Island and posted markers on the lake shore southwest to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

Spring Lake (Columbia County): March 1 through July 31 season. Fishing from any floating device prohibited.

Starvation Lake: Last Saturday in April through May 31 season. Additional season June 1 through October 31, catch-and-release only, selective fishery regulations.

Sullivan Creek, from Mill Pond upstream: Selective fishery regulations.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Thomas Lake: Last Saturday in April through October 31 season.

Touchet River, from mouth to Highway 12 Bridge at Waitsburg: June 1 through April 15 season. Open only to fishing for steelhead from September 1 through April 15. Wild steelhead release.

From Highway 12 Bridge at Waitsburg to Wolf Fork Bridge: June 1 through April 15 season. Wild steelhead release. Open only to fishing for steelhead and brown trout over twenty inches in length September 1 through April 15.

From Wolf Fork Bridge upstream and all tributaries: Trout, minimum length twelve inches selective fishery regulations.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Tucannon River, note: All tributaries closed. Wild steelhead release.

~~((Mouth to Highway 261 Bridge: Year around season. Closed to fishing for all trout April 16 through May 31.))~~

From the Highway 261 Bridge upstream to Highway 12 Bridge: June 1 through August 31 season. Open only to fishing for steelhead and whitefish ~~((November))~~ September 1 through April 15.

From the Highway 12 Bridge upstream to the ~~((mouth of))~~ Cummings Creek Bridge: June 1 through October 31, trout, daily limit - five. Open only to fishing for steelhead and whitefish November 1 through April 15.

From the ~~((mouth of))~~ Cummings Creek Bridge upstream to a point four hundred feet upstream of the hatchery intake dam: Closed waters.

From a point four hundred feet upstream of the hatchery intake dam to the ~~((mouth of))~~ Panjab Creek Bridge: Trout - daily limit - five, selective fishery regulations. Only two Dolly Varden/Bull Trout over twenty inches in length may be retained as part of the trout daily limit.

From the ~~((mouth of))~~ Panjab Creek Bridge upstream: Closed waters.

Vanes Lake: Last Saturday in April through October 31 season.

Waitts Lake: Last Saturday in April through February 28 season.

Walla Walla River, wild steelhead release.

From mouth to the Touchet River: Year around season. Closed to fishing for all trout April 1 through May 31 wild steelhead release.

From the Touchet River upstream to state line: June 1 through April 15 season. Open only to fishing for steelhead November 1 through April 15.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Watson Lake: March 1 through July 31 season. Fishing from any floating device prohibited.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Yokum Lake: Last Saturday in April through October 31 season.

Region II.

Description: That area of the state contained within the boundaries of Adams, Douglas, Franklin, Grant, and Okanogan counties.

When fishing or hunting within the boundaries of the Colville Indian Reservation, contact the office of the Colville Confederated Tribes to find out what tribal permits and regulations apply.

Lawful to fish to base of all dams in Region II, except Zosel Dam (Okanogan River).

Exceptions - Region II Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

Note: All seasons apply to inlet and outlet streams of named lakes in Grant and Adams counties.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Use of motors prohibited.

Alkali Lake (Grant County): Closed to the taking of walleye.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one; selective fishery regulations except electric motors permitted.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (Sinlahekin, Washington - Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one; selective fishery regulations, except electric motors allowed.

Blue Lake (near Wannacut Lake - Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one; selective fishery regulations, except electric motors allowed.

Bobcat Creek Ponds (Grant County): March 1 through July 31 season.

Bonaparte Lake (Okanogan County): Trout, no more than one over twenty inches in length.

Burke Lake (Grant County): March 1 through July 31 season.

Caliche Lake (lower) (Grant County): March 1 through July 31 season.

Caliche Lake (upper) (Grant County): March 1 through July 31 season.

Campbell Lake (Okanogan County): September 1 through March 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cattail Lake (Grant County): March 1 through July 31 season.

Chewuch River (Chewack River) (Okanogan County), from mouth to Lake Creek: Trout, minimum length twelve inches. Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one. Fly fishing only. Use of motors prohibited.

Cliff Lake (Grant County): March 1 through July 31 season.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Coot Lake (Grant County): March 1 through July 31 season.

Cougar Lake (near Winthrop - Okanogan County): September 1 through March 31 season.

Cow Lake (Adams County): Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Coyote Creek Ponds (Adams County): March 1 through July 31 season.

Crab Creek, from Morgan Lake Road to Goose Lake Road (excluding Marsh Unit II impoundments): March 1 through July 31 season. Trout - daily limit - five. Fishing from any floating device prohibited.

From Goose Lake Road to O'Sullivan Dam (excluding Marsh Unit I off-stream impoundments): June 15 through September 30 season. Trout - daily limit - five. Fishing from any floating device prohibited.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Davis Lake (Okanogan County): September 1 through March 31 season.

Deadman Lake (Adams County): March 1 through July 31 season.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Dollar Lake (Grant County): March 1 through July 31 season.

Dot Lake (Grant County): March 1 through July 31 season.

Dry Falls Lake: Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations.

Dusty Lake (Grant County): March 1 through July 31 season.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations.

Finnel Lake (Adams County): Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Fish Lake (Okanogan County): Last Saturday in April through September 30 season.

Fourth of July Lake (Adams County): December 1 through March 31 season. Trout, no more than two over fourteen inches in length. Internal combustion engines prohibited.

Gadwall Lake (Grant County): March 1 through July 31 season.

George Lake (Grant County): March 1 through July 31 season.

Gold Creek (Okanogan County), from mouth to Foggy Dew Creek: Selective fishery regulations.

Green Lake (Okanogan County): December 1 through March 31 season.

Green Lake, lower (Okanogan County): December 1 through March 31 season. Trout - daily limit - five.

Grimes Lake: June 1 through August 31 season. Trout - daily limit - one. Selective fishery regulations, except electric motors allowed.

Hallin Lake (Adams County): Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Hampton Lake, lower (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hampton Lake, upper (Grant County): March 1 through July 31 season. Internal combustion engines prohibited.

Hays Creek and Ponds (Adams County): March 1 through July 31 season.

Hourglass Lake (Grant County): March 1 through July 31 season.

Hutchinson Lake (Adams County): March 1 through July 31 season. Internal combustion engines prohibited.

Indian Dan Pond: July 1 through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek: Juveniles only (under fifteen years old).

Lake Creek, upstream from Pasayten Wilderness boundary: June 1 through August 31 season. Selective fishery regulations.

Leader Lake (Okanogan County): Last Saturday in April through October 31 season.

Lemna Lake (Grant County): March 1 through July 31 season.

Lenice Lake: Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations.

Lenore Lake (Grant County): Closed: December 1 through February 28. March 1 through May 31 season. Catch-and-release only, selective fishery regulations, except electric motors allowed. June 1 through November 30 season. Trout - daily limit - one. Selective fishery regulations, except electric motors allowed. Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17.

Little Twin Lake: December 1 through March 31 season.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Lost River (Okanogan County): From one-quarter mile above bridge to mouth of Monument Creek: Trout, minimum length twelve inches. Selective fishery regulations.

From mouth of Drake Creek to outlet of Cougar Lake: Trout and Dolly Varden/Bull Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Marie Lake (Hampton Sloughs) (Grant County): March 1 through July 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Merry Lake: Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations.

Methow River, from mouth (~~((railroad bridge))~~) upstream to second powerline crossing (approximately one mile): June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release.

From second powerline crossing above railroad bridge (approximately one mile) upstream to mouth of Lost River: June 1 through March 31 season. Wild steelhead release. Trout, minimum length twelve inches; selective fishery regulations June 1 through September 30.

Migraine Lake (Grant County): March 1 through July 31 season.

Mirror Lake: Last Saturday in April through September 30 season.

Moran Slough (including inlet and outlet streams): Closed water.

Moses Lake: Crappie - daily limit - five. Only crappie more than ten inches in length may be kept. Bluegill - daily limit - five. Only bluegill more than eight inches in length may be kept.

North Potholes Reserve Ponds (Grant County): February 1 through October 10 season. Fishing from any floating device prohibited, except float tubes permitted.

Nunnally Lake: Last Saturday in April through October 31 season. Trout - daily limit - one. Selective fishery regulations. Closed waters: Outlet stream of Nunnally Lake.

Okanogan River (Okanogan County): Year around season. Wild steelhead release. Trout, minimum length twelve inches. Closed waters: From Zosel Dam downstream one-quarter mile below the railroad trestle.

Palmer Lake (Okanogan County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Set lines may be used for burbot. An angler may use no more than one set line having attached thereto any number of hooks. Set lines must be clearly identified with the angler's name and address.

Para-Juvenile Lake: March 1 through July 31 season. Juveniles only (under fifteen years old).

Park Lake: Last Saturday in April through September 30 season.

Patterson Lake: Last Saturday in April through October 31 season.

Pearygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Perch Lake: Last Saturday in April through September 30 season.

Pillar Lake (Grant County): March 1 through July 31 season.

Poacher Lake (Grant County): March 1 through July 31 season.

Potholes Reservoir: Crappie and bluegill - daily limit - twenty-five (species combined).

~~((Proctor Lake (Okanogan County): Trout - daily limit - one. Selective fishery regulations.))~~

Quail Lake: Catch-and-release, fly fishing only. Use of motors prohibited.

Quincy Lake (Grant County): March 1 through July 31 season.

Rat Lake (Okanogan County): December 1 through March 31 season.

Ringold Springs Creek (Hatchery Creek): Closed waters.

Rocky Ford Creek and Ponds (Grant County): Trout - daily limit - one. Fly fishing only. Fishing from bank only (no wading).

Roosevelt Lake (Columbia River) (Grant County): See Region I.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Royal Lake (Adams County): Last Saturday in April through September 30 season. Internal combustion engines prohibited.

Royal Slough (including Marsh Unit IV impoundments): Closed waters.

Rufus Woods Lake (Douglas County): Trout (including kokanee) - daily limit - two.

Saddle Mountain Lake: Closed waters.

Sago Lake (Grant County): March 1 through July 31 season.

Salmon Creek, North Fork: Selective fishery regulations.

Salmon Creek, West Fork, from mouth to South Fork: Selective fishery regulations.

Scabrock Lake (Grant County): March 1 through July 31 season.

Shiner Lake (Adams County): March 1 through July 31 season. Internal combustion engines prohibited.

Shoveler Lake: March 1 through July 31 season.

Similkameen River (Okanogan County) from mouth to Enloe Dam: June 1 through March 31 season. Wild steelhead release. Trout, minimum length twelve inches. Selective fishery regulations June 1 through October 31.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season for whitefish only.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

Snipe Lake (Grant County): March 1 through July 31 season.

Spectacle Lake (Okanogan County): March 1 through July 31 season. Possession of fish other than trout is prohibited.

Sprague Lake: Channel catfish - daily limit - five. Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Closed waters: March 1 through June 30 in that part of the lake and Cow Creek from Harper Island and posted markers on lake shore southwest to Danekas Road. Note: The inlet stream, Negro Creek, is closed April 1 through June 15.

Spring Lakes (near Quincy - Grant County): March 1 through July 31 season.

Twisp River (Okanogan County), from mouth to War Creek: Trout, minimum length twelve inches. Selective fishery regulations.

Vic Meyers (Rainbow) Lake: Last Saturday in April through September 30 season.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Warden Lake (Grant County): March 1 through July 31 season.

Warden Lake, South (Grant County): March 1 through July 31 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Bass - only bass less than 12 inches or over fifteen inches in length may be kept. Internal combustion engines prohibited.

Whitestone Lake (Okanogan County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Widgeon Lake (Grant County): March 1 through July 31 season.

Region III.

Description: That area of the state contained within the boundaries of Benton, Chelan, Kittitas, and Yakima counties.

When fishing or hunting within the boundaries of the Yakama Indian Reservation contact the Office of the Confederated Tribes and Bands of the Yakama Indian Nation. Phone to find out what tribal permits and regulations apply. Waters open under tribal regulations are also open under state regulations.

In Benton County: Rivers, Streams and Beaver Ponds: Year around.

Exceptions - Region III Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

American River, from mouth to Rainier Fork: Selective fishery regulations.

Bachelor Creek: Year around season. Trout - daily limit - five, no minimum length.

Bear Creek (tributary to South Fork Tieton River): Closed season, August 16 through May 31.

Beehive (Lake) Reservoir: Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Black Lake (Lower Wheeler Reservoir): Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Box Canyon Creek, from mouth to bridge on USFS Road No. 4930 (approximately four miles): Closed waters.

Buckskin Creek and Tributaries (Yakima County), from the west boundary of Suntides Golf Course to its mouth: Closed waters.

Bumping Lake (Reservoir): Kokanee daily limit - sixteen. Feeding (chumming) permitted.

Bumping River, from mouth to American River: Selective fishery regulations. Additional December 1 through March 31 season for whitefish only.

From mouth of American River to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Additional December 1 through March 31 season for whitefish only.

Cashmere Pond: Juveniles only (under fifteen years old).

Chelan Hatchery Creek: Year around season. Juveniles only (under fifteen years old).

Chelan Lake: Trout - daily limit - two, minimum length fifteen inches and kokanee - daily limit - five, no minimum length. Except closed season April 1 through June 30, north (uplake) of a line between Purple Point (at Stehekin) and Painted Rocks, and within four hundred feet of the mouths of all other tributaries uplake from Fields Point. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address. Except east (downlake) of Fields Point from May 15 through September 30: Trout, minimum length eight inches, not more than two over fifteen inches and kokanee - daily limit - five, no minimum length.

Chelan Lake Tributaries from mouths upstream one mile except Stehekin River: July 1 through October 31 season. Selective fishery regulations.

Chelan River: Year around season. Trout, minimum length twelve inches.

Chiwaukum Creek, from mouth to South Fork: Selective fishery regulations.

Chiwawa River, from mouth to Rock Creek: Selective fishery regulations.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Cle Elum Lake (Reservoir): Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Cle Elum River, from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Additional December 1 through March 31 season for whitefish only.

Columbia Park Pond: Juveniles only (under fifteen years old).

Deep Creek (tributary to Bumping Lake): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Eightmile Lake: Trout - daily limit - five, not more than two mackinaw.

North Elton Ponds: December 1 through March 31 season. Trout - daily limit - two. Internal combustion engines prohibited.

Enchantment Park Ponds: Juveniles only (under fifteen years old).

Entiat River, from mouth to Fox Creek: June 1 through March 31 season. Trout, minimum length twelve inches; selective fishery regulations June 1 through November 30. Wild steelhead release.

Fiorito Lakes: Internal combustion engines prohibited.

Fish Lake (Chelan County): Trout, no more than two over fifteen inches in length.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake): Closed waters.

I-82 Ponds (1-7): Internal combustion engines prohibited. In addition, I-82 Ponds (1-2) closed to the taking of walleye.

Icicle Creek (River), from mouth to four hundred feet below Leavenworth National Fish Hatchery rack: June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release.

From Rock Island Bridge upstream to Leland Creek: Selective fishery regulations.

Indian Creek (Yakima County): Closed waters.

Kachess Lake (Reservoir): Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Kachess River: Lawful to fish to base of Kachess Dam. From Kachess Lake (Reservoir) upstream to Mineral Creek: Closed waters.

Keechelus Lake (Reservoir): Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. Feeding (chumming) permitted. An angler may use one set line with any number of hooks for burbot. Set lines must be clearly identified with the angler's name and address.

Leech Lake (White Pass area): Trout, no more than two over twelve inches in length, fly fishing only. Use of motors prohibited.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31 catch-and-release, selective fishery regulations.

Little Naches River, Pileup Creek to Road 1913 Bridge: Selective fishery regulations.

Little Wenatchee River, from Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Selective fishery regulations.

Mad River, from mouth upstream to Jimmy Creek: Closed waters.

McCabe Pond: Five fish daily limit for all species combined. Fishing from any floating device prohibited.

Mercer Creek, that portion within Ellensburg city limits: Juveniles only (under fifteen years old). Trout - daily limit - five, no minimum length.

Merritt Lake: Trout - daily limit - sixteen.

Mineral Creek (tributary to upper Kachess River) from mouth to Wilderness Boundary: Closed waters.

Mud Lake: Trout - daily limit - two. Selective fishery regulations.

Myron Lake: Trout - daily limit - two. Selective fishery regulations.

Naches River, from the mouth to Rattlesnake Creek: Trout, minimum length twelve inches, maximum length twenty inches. Closed to fishing for steelhead. Additional December 1 through March 31 season for whitefish only.

From Rattlesnake Creek to Little Naches River: Trout, maximum length twenty inches. Closed to fishing for steelhead. Additional December 1 through March 31 season for whitefish only.

Naneum Pond: Juveniles only (under fifteen years old).

Nason Creek, from the Kahler Creek Bridge (near Coles Corner) upstream to Stevens Creek: Selective fishery regulations.

Nason Creek Fish Pond: Juveniles (under fifteen years old) and handicapped persons only.

Oak Creek: Trout - daily limit - five, no minimum length.

Panther Creek (Chelan County): Closed waters.

Rattlesnake Creek: Catch-and-release only, selective fishery regulations.

Rimrock Lake (Reservoir): Kokanee - daily limit - sixteen. Feeding (chumming) permitted.

Roses Lake: December 1 through March 31 season.

Schaefer Lake: Trout - daily limit - sixteen.

Spectacle Lake (Kittitas County): Trout - daily limit - sixteen.

Stehekin River, from the mouth to Agnes Creek: July 1 through October 31 season. Trout, minimum length fifteen inches; selective fishery regulations. Additional March 1 through June 30 season: Catch-and-release only, selective fishery regulations.

Swauk Creek, from mouth to Iron Creek: Selective fishery regulations.

Taneum Creek: Selective fishery regulations.

Tieton River: Trout - daily limit - five, no minimum length. Lawful to fish to base of Tieton (Rimrock) Dam. Additional December 1 through March 31 season for whitefish only.

Tieton River, North Fork, from Rimrock Lake to within four hundred feet of Clear Lake Dam: June 1 through August 15 season. Fishing is prohibited in the spillway channel and within four hundred feet of Clear Lake Dam.

Tieton River, South Fork: From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Trapper Lake: Trout - daily limit - two.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Wapato Lake: Last Saturday in April through October 31 season. From August 1 through October 31 Trout - catch-and-release, selective fishery regulations. Internal combustion engines allowed.

Wenas Lake: Trout - daily limit - five, of which not more than two may be brown trout.

Wenatchee Lake: Trout - daily limit - two, minimum length twelve inches. Kokanee daily limit - sixteen. Feeding (chumming) permitted. Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River, from mouth to Icicle River Road Bridge at Leavenworth: June 1 through March 31 season. Trout, minimum length twelve inches. Wild steelhead release. Selective fishery regulations June 1 through November 30.

From Icicle River Road Bridge at Leavenworth to Lake Wenatchee: June 1 through November 30 season. Selective fishery regulations. Trout, minimum length twelve inches, maximum length twenty inches. Retaining steelhead is prohibited.

White River, from mouth of Napeequa River upstream to White River Falls: Selective fishery regulations.

Wide Hollow Creek: Trout - daily limit - five, no minimum length.

Wilson Creek (two branches within Ellensburg city limits): Juveniles only (under fifteen years old). Trout - daily limit - five, no minimum length.

Yakima River, from mouth to four hundred feet below Roza Dam: Year around season. Closed: April 1 through May 31 for trout. Trout, minimum length twelve inches; maximum length twenty inches. Closed to fishing for steelhead in the Yakima River including tributaries and drains.

From Roza Dam to four hundred feet below Easton Dam: Year around season. Trout: Catch-and-release, selective fishery regulations. Exception: Bait and single-pointed, barbed hooks may be used for whitefish only December 1 through February 28. Anglers may fish from boats equipped with motors from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile).

From Lake Easton to Keechelus Dam: Selective fishery regulations.

Yakima Sportsmen's Park Ponds: Juveniles only (under fifteen years old).

Region IV.

Description: That area of the state contained within the boundaries of Island, King, San Juan, Skagit, Snohomish, and Whatcom counties, and that portion of Pierce County east of a line from the mouth of the Nisqually River through Drayton Passage, Pitt Passage, Carr Inlet, and the Tacoma Narrows.

Exceptions Region IV. Regulations. State-wide regulations apply to all waters except where modified in special regulations below.

American Lake: Feeding (chumming) permitted.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Baker Lake: Last Saturday in April through October 31 season. Feeding (chumming) permitted. Trout - minimum length six inches and maximum length eighteen inches. An area two hundred feet in radius around the pump discharge, at the south end of the lake is closed.

Ballinger Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Barnaby Slough: Closed waters.

Bearpaw Lake (Whatcom County): Last Saturday in April through October 31 season. Trout - daily and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Beaver Lake (King County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Big Bear Creek (tributary of Sammamish River): Closed waters.

Big Beaver Creek, from closed water markers on Ross Lake upstream one-quarter mile: Closed waters. Upstream from one-quarter mile markers, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season; catch-and-release only, selective fishery regulations.

Big Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boxley Creek (North Bend), from its mouth to the falls located at approximately rivermile 0.9: Closed waters.

Boyle Lake (the inlet and outlet are closed waters): Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Bridges Lake (the inlet and outlet are closed waters): Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Cain Lake: Last Saturday in April through October 31 season.

Calligan Lake: June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Campbell Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Canyon Creek, (S.F. Stillaguamish River) mouth to forks: June 1 through February 28 season. Trout, minimum length fourteen inches.

Carbon River, from its mouth to the Highway 162 Bridge: June 1 through January 31 season. Trout, minimum length fourteen inches. Additional February 1 through March 31 season: Trout, minimum length fourteen inches. Wild steelhead release.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Note: The area from the Rockport-Cascade Road Bridge to the mouth is closed June 1 through September 30.

1995 Conservation Measures.

Mouth to headwaters: Closed to fishing for steelhead September 1, 1995, through October 31, 1995.

Cassidy Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Cavanaugh Lake: Feeding (chumming) permitted.

Cedar River: Closed waters.

Chambers Bay and that portion of Marine Area 13 inside a line from Gordan Point to the dock at Pioneer gravel pit (second gravel pit approximately 1.2 miles north of Chambers Bay): June 1 through October 31 season.

Chambers Lake (within Ft. Lewis Military Reservation): Trout - catch-and-release only. Selective fishery regulations, except electric motors allowed. Contact Ft. Lewis for a land use permit.

Chaplain Lake: Closed waters.

Clear Lake (Pierce County): Feeding (chumming) permitted.

Clough Creek (North Bend): Closed waters.

Clover Creek, within the boundaries of McChord Air Force Base: Trout - daily limit - one, minimum length twelve inches. Selective fishery regulations.

Coal Creek (tributary of Lake Washington): Closed waters.

Coal Creek, (near Snoqualmie) from Highway 10 downstream: Last Saturday in April through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Cottage Lake (King County): Last Saturday in April through October 31 season.

County Line Ponds: Closed Waters.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

De Coursey Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish): Closed waters.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Desire, Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Eagle Lakes (Big and Little): Closed waters.

Ebey Lake: Fly fishing only. Trout - daily limit - one, minimum length eighteen inches. Use of motors prohibited.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Fazon Lake: Channel catfish - daily and possession limit - two. Bass - only bass less than twelve inches or over fifteen inches in length may be kept. Fishing from any floating device prohibited from first Friday in October through January 15.

Findley Lake: Closed waters.

Fisher Slough: From mouth to Highway 530 Bridge: Year around season. Trout, minimum length fourteen inches entire season. Upstream from Highway 530 Bridge: June 1 through October 31 season. Trout, minimum length fourteen inches.

Fishtrap Creek: From Koh Road to Bender Road: June 1 through October 31 season for juveniles only (under 15 years old).

Flowing Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Fortson Mill Pond #2: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Geneva Lake (King County): Last Saturday in April through October 31 season.

Gissberg Ponds: Closed to fishing for channel catfish.

Goodwin Lake: Feeding (chumming) permitted. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Granite Lakes (Skagit County - near Marblemount): Grayling - catch-and-release only.

~~Green (Duwamish) River((, from its mouth to the First Avenue Bridge)): ((June 1 through February 28 season. Trout, minimum length fourteen inches. Exempt from wild steelhead release July 1 through November 30. It is unlawful to fish with more than one single hook on sinking artificial lures; or with leads, weights, or sinkers less than twelve inches above or below the lure or bait.))~~

From the First Avenue Bridge to Tacoma Headworks Dam: June 1 through February 28 season. Trout, minimum length fourteen inches. Exempt from wild steelhead release July 1 through November 30. Fishing from any floating device prohibited November 1 through February 28. Note: Area from the Auburn-Black Diamond Bridge downstream to the 8th St. N.E. Bridge in Auburn is closed September 1 through October 15 and area from the Auburn-Black Diamond Bridge downstream to the Highway 18 Bridge is closed September 1 through October 31.

From the SR 167 Freeway Bridge to the Tacoma Headworks Dam: Additional March 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from any floating device prohibited.

Greenwater River, from mouth to Greenwater Lakes: Trout, minimum length twelve inches. Selective fishery regulations.

Hancock Lake: June 1 through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harrison Pond: Closed waters.

Hart Lake (Pierce County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Heart Lake (Skagit County, near Anacortes): Last Saturday in April through October 31 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Issaquah Creek: Closed waters.

Jennings Park Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only (under fifteen years old).

Kapowsin Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Kathleen Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Kelsey Creek (tributary of Lake Washington): Closed waters.

Ki Lake (Snohomish County): Last Saturday in April through October 31. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Kimball Creek (near Snoqualmie): Last Saturday in April through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Kings Lake Bog (King County): Closed waters.

Klaus Lake (the inlet and outlet to first Weyerhaeuser spur are closed waters): Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches. Selective fishery regulations.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Little Bear Creek (tributary of Sammamish River): Closed waters.

Loma Lake (Snohomish County): Last Saturday in April through October 31 season.

Lucas Slough: Closed waters.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

May Creek (tributary of Lake Washington): Closed waters.

McMurray Lake (Skagit County): Last Saturday in April through October 31.

Mercer Slough (tributary of Lake Washington): Closed waters.

Mill Pond (Auburn): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Muck Creek and tributaries (within Ft. Lewis Military Reservation): Trout - catch-and-release only. Selective fishery regulations. Contact Ft. Lewis for a land use permit.

New Mire Creek (tributary of Lake Sawyer): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Newhalem Ponds: Closed waters.

Nooksack River from mouth to forks, Middle Fork to Dam. North Fork to Nooksack Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited on the North and Middle Forks November 1 through March 15.

1995 Conservation Measures.

Mouth to Forks, Middle Fork to Dam, North Fork to Nooksack Falls: Closed to fishing for steelhead June 1, 1995, through August 31, 1995.

South Fork, from its mouth to source: Trout, minimum length fourteen inches. Wild steelhead release, and selective fishery regulations.

South Fork, from its mouth to Skookum Creek: Additional November 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. Fishing from boats equipped with motors prohibited.

1995 Conservation Measures.

South Fork, from its mouth to Skookum Creek: Closed to fishing for all game fish June 1, 1995, through September 30, 1995.

North Creek (tributary of Sammamish River): Closed waters.

North Lake (King County): Last Saturday in April through October 31 season.

Northern State Hospital Pond: Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Ohop Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Old Fishing Hole Pond (Kent): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Padden Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.

Pass Lake: Trout - daily limit - one, minimum length eighteen inches. Fly fishing only. Use of motors prohibited.

Phantom Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Philippa Creek (tributary to N.F. Snoqualmie River): Closed waters.

Pilchuck Creek, mouth to Highway 9 Bridge: June 1 through November 30 season. Trout, minimum length fourteen inches. Selective fishing regulations. Additional December 1 through February 28 season. Trout, minimum length fourteen inches.

Pilchuck River, its entire length: Closed March 1 through November 30.

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through February 28 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pipers Creek (Carkeek Creek), from its mouth to its source, including tributaries: Closed waters.

Pratt River (tributary to Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Puyallup River, from its mouth to the Electron power plant outlet: June 1 through January 31 season. Trout, minimum length fourteen inches.

From its mouth to the Soldier's Home Bridge in Orting: Additional February 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Raging River, from its mouth to the Highway 18 Bridge (three miles upstream from Preston): June 1 through February 28 season. Trout, minimum length fourteen inches.

Rapjohn Lake: Last Saturday in April through October 31 season. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Rattlesnake Lake: Last Saturday in April through October 31 season. Selective fishery regulations, except electric motors allowed.

Ravensdale Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length twelve inches. Selective fishery regulations.

Ridley Lake (Whatcom County): July 1 through October 31 season. Trout - daily and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rock Creek (below Landsburg): Closed waters.

Ross Lake (Reservoir): July 1 through October 31 season. Trout - daily limit - three, possession limit - six, minimum length thirteen inches. Selective fishery regulations. Fishing from boats with motors allowed.

Note: The following tributaries to Ross Lake are closed from the closed water markers near their mouths upstream the distance indicated. Big Beaver Creek, one-quarter mile (see special Big Beaver Creek regulations), Ruby Creek, entire stream. All other tributaries - one mile.

Ross Lake Tributary Streams not listed as closed: July 1 through October 31 season.

Samish, Lake: Feeding (chumming) permitted. Cutthroat - daily limit - two, minimum length fourteen inches.

Samish River, from its mouth to the old Highway 99 Bridge and from the department ((of fisheries?)) rack to the Hickson Bridge: June 1 through March 15 season. Trout, minimum length fourteen inches. December 1 through March 15 wild steelhead release. Note: Closed from Highway 99 Bridge to department salmon rack.

Sammamish Lake: Trout - no more than two over fourteen inches in length. December 1 through June 30 season: No retention of steelhead or rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Kokanee may not be kept.

Sammamish River (Slough), from the 68th Avenue N.E. Bridge to Lake Sammamish: Closed waters. All tributaries are closed.

Sauk River, from its mouth to the mouth of the White Chuck River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. ((June 15 through October 31 - wild steelhead release.))

From the mouth of the White Chuck River to headwaters, including North and South Forks: Trout, minimum length fourteen inches. Selective fishery regulations. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From its mouth to the Darrington Bridge: Additional March 1 through April 30 season. Catch-and-release only, and selective fishery regulations.

1995 Conservation Measures.

Mouth to headwaters, including North and South Forks: Closed to fishing for steelhead September 1, 1995, through October 31, 1995.

Sawyer, Lake: Feeding (chumming) permitted.

Sequallitchew Lake: Contact Ft. Lewis for land use permit.

Serene Lake (Snohomish County): Year around season.

Shady Lake: June 1 through October 31 season. Trout, no more than one over fourteen inches in length.

Shannon, Lake: Last Saturday in April through October 31 season. Feeding (chumming) permitted. Trout - minimum length six inches and maximum length eighteen inches.

Shoecraft Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Silver Lake (Pierce County): Last Saturday in April through October 31 season. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River, from its mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year around season. Trout, minimum length fourteen inches. Retaining steelhead is prohibited from April 1 through May 31. (See Fisher Slough.) Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gorge Powerhouse at Newhalem: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) to pipeline crossing at Sedro Woolley: Additional March 1 through March 31 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From pipeline crossing at Sedro Woolley to mouth of Bacon Creek: Additional March 1 through March 15 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Note: Closed waters from the pipeline crossing at Sedro Woolley to the Dalles Bridge at Concrete March 16 through May 31.

From the Dalles Bridge at Concrete to the mouth of Bacon Creek: Additional March 16 through April 30 season. Catch-and-release only, and selective fishery regulations, except lawful to fish from a boat with motor but not while under power.

1995 Conservation Measures.

Waters within 200 feet radius of the mouth of the Baker River: Closed to fishing for steelhead and Dolly Varden/Bull Trout June 1, 1995, through August 15, 1995.

Mouth to mouth of Corkindale Creek: Tackle limited to the use of one single point barbless hook August 16, 1995, through September 30, 1995.

Upstream from the mouth of the Sauk River: Unlawful to fish with bait August 16, 1995, through September 30, 1995.

From the Dalles Bridge upstream to the mouth of the Baker River: Closed to fishing for steelhead and Dolly Varden/Bull Trout October 1, 1995, through October 31, 1995.

Skykomish River, from its mouth to mouth of Sultan River: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Fishing from any floating device prohibited November 1 through February 28 from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Additional March 1 through April 30 season: Trout - catch-and-release only, and selective fishery regulations. Fishing from any floating

device prohibited from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet.

From the mouth of the Sultan River to the forks: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release March 1 through March 31. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds and that same area is closed to fishing June 1 to 8:00 a.m. August 1.

Skykomish River, North Fork, from its mouth to one thousand feet downstream from Bear Creek Falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Closed waters from one thousand feet below Bear Creek Falls to one thousand feet above Bear Creek Falls.

From one thousand feet upstream of Bear Creek Falls to: Quartz Creek: Catch-and-release, selective fishery regulations.

Skykomish River, South Fork, from its mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through February 28 season. Trout, minimum length fourteen inches. Closed waters from Sunset Falls Fishway to a point six hundred feet downstream of the fishway.

From Sunset Falls to source: June 1 through November 30 season. Trout, minimum length fourteen inches. Selective fishery regulations. Additional December 1 through February 28 season for whitefish only.

Snohomish River, all channels, sloughs, and interconnected waterways (excluding all tributaries) from ((Puget Sound)) mouth to Highway 529: Year around season. Trout, minimum length fourteen inches. Wild steelhead release May 1 through November 30. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From Highway 529 upstream (all channels): June 1 through March 31 season. Trout - daily limit - two, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain as part of trout daily limit, minimum length twenty inches.

Snoqualmie River, from its mouth to the falls: June 1 through March 31 season. Trout, minimum length fourteen inches. June 1 through November 30 selective fishery regulations. Fishing from boats with motors allowed. Fishing from any floating device prohibited November 1 through March 31 from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Note: Waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant #2 building (north bank) are closed.

From Snoqualmie Falls, including the North and South Forks: Trout, minimum length ten inches. Selective fishery regulations. Additional November 1 through February 28 season for whitefish only.

Middle Fork Snoqualmie from mouth to source including all tributaries: Catch-and-release only, and selective fishery regulations.

Soos Creek, from mouth to salmon hatchery rack: June 1 through August 31 season. Trout, minimum length fourteen inches.

South Prairie Creek, closed downstream from Page Creek to its mouth.

Spada Lake (Reservoir): Last Saturday in April through October 31 season. Trout - twelve inch minimum length. Selective fishery regulations except use of electric motors allowed. Note: All tributaries to lake are closed to fishing.

Spanaway Lake, and its outlet downstream to the dam (approximately 800 feet): Year around season.

Sportsman's Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Spring Lake (King County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Squalicum Lake: Trout - daily limit - two. Fly fishing only. Use of motors prohibited.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stetattle Creek, from its mouth for one and one-half miles upstream, to mouth of Bucket Creek: Closed waters.

Stevens, Lake: Feeding (chumming) permitted. Bass - daily limit - one over eighteen inches in length.

Stillaguamish River, and all sloughs, downstream of Warm Beach-Stanwood Highway: Year around season. Trout - daily limit - two, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain as part of trout daily limit, minimum length twenty inches.

Stillaguamish River, upstream from the Warm Beach-Stanwood Highway to the forks (except Harvey Creek, Pioneer Ponds, and Portage Creek are closed): June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release May 1 through November 30. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Closed waters from the barrier dam (downstream of I-5) downstream two hundred feet.

Stillaguamish River, North Fork, from its mouth to Swede Heaven Bridge: Year around season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). March 1 through November 30 wild steelhead release. Fly fishing only April 16 through November 30.

Stillaguamish River, South Fork, from its mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Note: Closed from Mt. Loop Highway bridge above Granite Falls downstream to a point four hundred feet below the outlet of the end of the fishway.

Stillaguamish River, South Fork, above Mountain Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stuck River: See White River.

Suiattle River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

1995 Conservation Measures.

Mouth to headwaters: Closed to fishing for steelhead September 1, 1995, through October 31, 1995.

Sultan River, from its mouth to a point four hundred feet downstream from the diversion dam at river mile 16: June 1 through February 28 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Note: North and South Forks are closed to fishing.

Sunday Creek (tributary to N.F. Snoqualmie River): Closed waters.

Swamp Creek (tributary to Sammamish River): Closed waters.

Tanwax Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Tapps Lake (Reservoir) and intake canal—Open area includes intake canal to within four hundred feet of the screen at Dingle Basin: Year around season.

Tate Creek (tributary to N.F. Snoqualmie River): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie): Catch-and-release only, and selective fishery regulations.

Tennant Lake: Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake: Fishing from any floating device prohibited from first Friday in October through January 15 except fishing from floating dock permitted. Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Thornton Creek (tributary to Lake Washington): Closed waters.

Tibbetts Creek (tributary to Lake Sammamish): Closed waters.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek, from its mouth to the posted cable boundary marker located approximately seven hundred feet upstream of the mouth: December 1 through March 31 season. Trout, minimum length fourteen inches. This area is closed to all fishing from April 1 through November 30.

From the posted cable boundary marker located approximately seven hundred feet upstream of the mouth to the railroad trestle: Closed to all fishing year around.

Tolt River, from its mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through February 28 season. Trout, minimum length fourteen inches. June 1 through November 30 season. Selective fishery regulations.

From the USGS trolley cable to the mouth of Yellow Creek on the North Fork, and to the dam on the South Fork: Closed waters.

North Fork above Yellow Creek: Trout - catch-and-release only, selective fishery regulations.

South Fork above the dam: Trout, minimum length ten inches. Selective fishery regulations.

Tradition Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Tye River: Trout, minimum length fourteen inches. Selective fishery regulations. Additional November 1 through February 28 season for whitefish only.

Voight's Creek: Closed waters from mouth to Highway 162 Bridge.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River, from its mouth to the first Burlington-Northern Railroad bridge downstream of the Highway 2 Bridge: June 1 through September 1 season. Trout, minimum length fourteen inches. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Note: Closed waters from the first Burlington-Northern Railroad bridge (below Highway 2) to a point two hundred feet upstream of the water intake of the salmon hatchery.

From the mouth to mouth of Olney Creek: Additional November 1 through February 28 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited. Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Wapato Lake: Juveniles only (under fifteen years old).

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream: December 1 through last day in February season: Trout - no retention of steelhead or rainbow trout over twenty inches in length. March 1 through June 30 season: Trout - (~~daily limit eight,~~) minimum length twelve inches. No retention of steelhead or rainbow trout over twenty inches in length. Closed to boat fishing one hundred yards either side of the floating bridges. Feeding (chumming) permitted year around. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon.

Washington, Lake, Ship Canal (waters east of a north-south line 400 feet west of the fish ladder at the Chittenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): Seasons: West boundary to a north-south line 400 feet east

of the eastern end of the northern wing-wall of Chittenden Locks - Closed waters; 400 feet east of the eastern end of the northern wing-wall of Chittenden Locks to the (~~Fremont Bridge - Open December 1 through February 28 only; Fremont Bridge to~~) east boundary - Open year around. Species restrictions: Trout - December 1 through last day in February (~~season~~): Daily limit five, no minimum length. No retention of steelhead or rainbow trout over twenty inches in length. Trout - March 1 through June 30 (~~season~~): Daily limit five. Minimum length twelve inches. No retention of steelhead or rainbow trout over twenty inches in length. Trout - July 1 through November 30: Daily limit five, no minimum length. Wild steelhead release. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon. Special provisions: West of Fremont Bridge - Unlawful to fish from boats (~~and nonbuoyant lures restricted to only one single hook measuring no more than 3/4 inch point to shank; chumming permitted~~). East of Fremont Bridge - chumming permitted.

1995 Conservation Measures.

Waters east of north-south line 400 feet west of the Chittenden Locks to a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge: Closed to fishing for all game fish except bass May 1, 1995, through October 31, 1995.

Whatcom Creek, mouth to stone bridge at Whatcom Falls Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Trout - no minimum length. Juveniles only (under fifteen years old).

Whatcom, Lake: Last Saturday in April through October 31 season. Trout - no more than one over fourteen inches in length. Feeding (chumming) permitted. (All tributaries are closed to fishing, and, in addition, that portion of Lake Whatcom between the Electric Avenue Bridge and the outlet dam.)

White (Stuck) River, from mouth to Highway 410 Bridge at Buckley: June 1 through September 30 - Closed waters. October 1 through May 31 season: Trout, minimum length fourteen inches. Note: Puget Power canal, including the screen bypass channel, is closed to fishing above the screen at Dingle Basin.

From mouth to R Street SE Bridge in Auburn: Additional November 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: Additional November 1 through January 31 season for whitefish only.

Whitechuck River: Dolly Varden/Bull Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Wilderness Lake (King County): Last Saturday in April through October 31 season.

Willow Lake (Whatcom County): July 1 through October 31 season. Trout - daily and possession limit - one, minimum length eighteen inches. Selective fishery regulations.

Wiser Lake: Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Region V.

Description: That area of the state contained within the boundaries of Clark, Cowlitz, Klickitat, Lewis, Skamania, and Wahkiakum counties.

Exception - Region V regulations. State-wide regulations apply to all waters except where modified in special regulations below.

Abernathy Creek, from Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

Alder Creek: Closed waters.

Battle Ground Lake: Last Saturday in April through October 31 season. Internal combustion engines prohibited.

Beaver Creek (tributary to Elochoman River): Closed waters.

Berry Creek (tributary to Nisqually River): Selective fishery regulations.

Big White Salmon River, from mouth to powerhouse: Year around season. Trout, minimum length fourteen inches. Wild steelhead release. From powerhouse to within four hundred feet of Northwestern Dam: November 16 to June 15 season. Trout, minimum length fourteen inches. Wild steelhead release.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Trout, minimum length twelve inches. Selective fishery regulations.

Bird Creek: Trout - daily limit - five.

Blockhouse Creek: Trout - daily limit - five.

Bloodgood Creek: Trout - daily limit - five.

Blue Creek, from mouth to Spencer Road: Closed waters.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Catch-and-release only. Selective fishery regulations.

Bowman Creek: Trout - daily limit - five.

Butter Creek: Trout, minimum length ten inches. Selective fishery regulations.

Canyon Creek: Trout - daily limit - five.

Carlisle Lake: Last Saturday in April through February 28 season. Internal combustion engines prohibited. Bass - minimum length fourteen inches.

Castle Lake: Trout - daily limit - one, minimum length sixteen inches. Selective fishery regulations.

Cedar Creek (tributary of N.F. Lewis) from mouth to junction of Chelatchie Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release.

Cispus River, North Fork: Trout, no more than one over twelve inches in length.

Clear Creek (tributary to Muddy River, Skamania County): Trout, minimum length twelve inches. Selective fishery regulations.

Clearwater Creek (tributary to Muddy River, Skamania County): Trout, minimum length twelve inches. Selective fishery regulations.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Coldwater Lake: All inlet streams and outlet streams closed waters. Trout - daily limit - one, minimum length sixteen inches. Selective fishery regulations. Note: Limited access available, contact National Volcanic Monument Headquarters for specific information.

Connelly Creek and tributaries, from four hundred feet below the city of Morton Dam to its source: Closed waters.

Cougar Creek (tributary to Yale Reservoir): June 1 through August 31 season.

Coweeman River, from mouth to Mulholland Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

1995 Conservation Measures.

Mouth to Mulholland Creek: Closed to fishing for steelhead August 16, 1995, through October 15, 1995.

Cowlitz Falls Reservoir: June 1 through February 28 season. Trout - daily limit five, minimum length eight inches. The upstream boundary of the reservoir in the Cowlitz arm is the posted markers located approximately 500 feet upstream from the boat ramp at the Lewis County PUD Cowlitz Falls Campground. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms.

Cowlitz River, from mouth to Mayfield Dam: Year around season. Trout - daily limit - five, minimum length twelve inches, no more than two over twenty inches. Wild cutthroat release. Wild steelhead release June 1 through May 31. Closed to fishing for all game fish except steelhead April 1 through May 31. Lawful to fish up to four hundred feet or the posted deadline at barrier dam. From the barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device.

From Mayfield Dam to mouth of Muddy Fork: Year around season. Wild steelhead release.

1995 Conservation Measures.

From Mill Creek upstream to barrier dam: Closed to fishing for steelhead from the south side of the river September 16, 1995, through October 15, 1995.

Cowlitz River, Clear Fork and Muddy Fork: Trout - daily limit - five, no more than one over twelve inches in length.

Davis Lake: Last Saturday in April through February 28 season.

Deep River: Year around season. Trout, minimum length fourteen inches.

Elochoman River, from mouth to West Fork: June 1 through March 15 season. Trout - daily limit - five, minimum length twelve inches, no more than two over twenty inches. Wild steelhead release and wild cutthroat release.

The following waters of the Elochoman River are closed at all times: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the Department of Fish and Wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; waters from the Beaver Creek Bridge to 200 feet below the weir at Beaver Creek Hatchery.

From West Fork to source: Closed waters.

Fort Borst Park Lake: Last Saturday in April through February 28 season. Juveniles only (under fifteen years old).

Franz Lake: Closed waters.

Germany Creek, from mouth to end of Germany Creek Road (approximately five miles): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

Gobar Creek (tributary to Kalama River): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Grays River, from mouth to mouth of South Fork: September 1 through March 15 season. Trout, minimum length twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Grays River, East Fork: Trout, minimum length fourteen inches. Selective fishery regulations.

Grays River, West Fork, downstream from hatchery trap site: June 1 - August 31 season.

Green River, from mouth to 2800 Bridge: June 1 through November 30 season except closed from salmon hatchery rack to a point 1500 feet downstream during the period September 1 through November 30. Trout, minimum length twenty inches. Open only to fishing for steelhead.

Note: All tributaries closed.

From 2800 Bridge to source, including all tributaries: Closed waters.

1995 Conservation Measures.

Mouth to salmon hatchery rack: Closed to fishing for steelhead September 16, 1995, through October 15, 1995.

Grizzly Lake: Closed waters.

Hamilton Creek: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Hemlock Lake (Trout Creek Reservoir): June 1 through October 31 season. Trout - daily limit - two, and minimum length fourteen inches. Wild steelhead release. Selective fishery regulations.

Horseshoe Lake: Last Saturday in April through October 31 season.

Horsethief Lake: Last Saturday in April through ~~(February 28)~~ October 31 season.

Icehouse Lake: Last Saturday in April through February 28 season.

Indian Heaven Wilderness Lakes: Trout - daily limit - three.

Jewitt Creek: Trout - daily limit - five, no minimum length. Juveniles only (under fifteen years old).

Johnson Creek (tributary to Cowlitz River): Trout, minimum length ten inches. Selective fishery regulations.

Kalama River, for all sections from mouth to Kalama Falls that are open to fishing the following regulations apply: (1) Trout, minimum length twelve inches; and (2) wild cutthroat release; and (3) wild steelhead release.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: (1) Year around season; (2) ~~((night closure, April 1 through October 31; (3)))~~ September 1 through October 31 fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery; ~~((4))~~ (3) from two hundred feet above to one thousand five hundred feet below the temporary rack is closed during the period the fish rack is installed; and ~~((5))~~ (4) motors prohibited upstream of Modrow Bridge.

One thousand feet below fishway to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year around season.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fly fishing only.

From 6420 Road (about one mile above the gate at the end of the county road) to Kalama Falls: Closed waters.

1995 Conservation Measures.

Mouth upstream to 200 feet upstream of temporary rack: Closed to fishing for steelhead August 16, 1995, through October 15, 1995.

Kidney Lake: Last Saturday in April through February 28 season.

Klickitat River, from mouth to Fisher Hill Bridge: June 1 through November 30 season. Trout, minimum length twelve inches.

From Fisher Hill Bridge to four hundred feet above #5 fishway: Closed waters.

From four hundred feet above #5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season. Trout, minimum length twelve inches. Additional December 1 through March 31 season for whitefish only. From boundary markers above Klickitat salmon hatchery to boundary markers below hatchery: Closed waters.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds: Last Saturday in April through February 28 season.

Kress Lake: Last Saturday in April through February 28 season. Bass - only bass less than twelve inches or over eighteen inches in length may be kept. Internal combustion engines prohibited.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Lewis River, from mouth to forks: Year around season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Lewis River, North Fork, from mouth to overhead powerlines below Merwin Dam: Year around season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Closed waters: Shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder.

From lower Cedar Creek concrete boat ramp to Colvin Creek: Night closure April 1 through October 31.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: Trout, minimum length twelve inches. Closed October 1 through December 15 to fishing.

From overhead powerlines to Merwin Dam: Closed waters.

From Yale Dam downstream one thousand three hundred feet to the cable crossing: Closed waters.

Lewis River Power Canal and old Lewis River streambed between Swift No. 1 powerhouse and Swift No. 2 powerhouse: Last Saturday in April through October 31 season. Fishing from any floating device prohibited.

From Eagle Cliff Bridge to lower falls: Trout, minimum length twelve inches. Selective fishery regulations.

Lewis River, East Fork (south), the following are closed waters: (1) From the posted markers below to one hundred feet above Lucia Falls; (2) from four hundred feet below to

four hundred feet above Molton Falls; and (3) from four hundred feet below Horseshoe Falls to one hundred feet above Sunset Falls.

From mouth to four hundred feet below Horseshoe Falls: June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release. (~~Night closure June 1 through October 31.~~)

From one hundred feet above Sunset Falls to source: June 1 through December 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mouth to posted markers at top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Wild steelhead release. Open only for steelhead.

Little Ash Lake: Last Saturday in April through February 28 season.

Little Klickitat River, within Goldendale city limits: Last Saturday in April through October 31 season. Trout - daily limit - five, no minimum length. Juveniles only (under fifteen years old).

Little Nisqually River: Trout, minimum length ten inches. Selective fishery regulations.

Little White Salmon River: Trout - daily limit - five. From fishway downstream to markers at federal fish hatchery a distance of one thousand five hundred feet: Closed waters.

Love Lake: Closed waters.

Mayfield Lake (Reservoir): Tiger musky - daily limit - one, minimum length thirty-six inches.

Merrill Lake: Trout - daily limit - two, maximum length twelve inches. Fly fishing only, except motors allowed.

Merwin (Lake) Reservoir: Trout - minimum length six inches.

Mill Creek (Cowlitz County), from mouth to forks (approximately one mile): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. Release all steelhead June 1 through October 31.

Mineral Creek (tributary to Nisqually River): Trout, minimum length twelve inches. Selective fishery regulations.

Mineral Creek, North Fork: Trout, minimum length twelve inches. Selective fishery regulations.

Mineral Lake: Last Saturday in April through September 30 season.

Muddy River (tributary to N.F. Lewis River): Trout, minimum length twelve inches. Selective fishery regulations.

Newaukum River, main river, Middle Fork and South Fork: June 1 through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

Newaukum River, North Fork, from mouth to four hundred feet below Chehalis city water intake: June 1

through March 31 season. Trout, minimum length fourteen inches. Wild steelhead release.

From Chehalis city water intake upstream: Closed waters.

Northwestern Reservoir: Last Saturday in April through February 28 season.

Ohanapocosh Creek (tributary to Cowlitz River): Trout, minimum length twelve inches. Selective fishery regulations.

Olequa Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Outlet Creek: Trout - daily limit - five.

Packwood Lake: All inlet streams and outlet from log boom to dam: Closed waters. Last Saturday in April through October 31 season. Trout - daily limit - five, minimum length ten inches. Selective fishery regulations.

Panther Creek (tributary to Wind River): Trout, minimum length twelve inches. Selective fishery regulations.

Pine Creek (tributary to N.F. Lewis River): Trout, minimum length twelve inches. Selective fishery regulations.

Plummer Lake: Last Saturday in April through February 28 season.

Riffe (Lake) Reservoir: Lawful to fish up to the base of Swofford Pond Dam.

Rock Creek (Skamania County): June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Rowland Lakes: Last Saturday in April through February 28 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through October 31 open to trout only. Release all steelhead and wild cutthroat release. Trout minimum length twelve inches. November 1 through March 15 open to trout and steelhead. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Silver Creek (tributary to Cowlitz River), mouth to USFS Road 4778: Trout, minimum length twelve inches. Selective fishery regulations.

Silver Lake: Bass - minimum length fourteen inches. Use of water dogs or salamanders for fishing prohibited.

Skamokawa Creek, mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. Trout, minimum length twenty inches. Wild steelhead release. Open only to fishing for steelhead.

Skate Creek (tributary to Cowlitz River): Trout - daily limit - five, no more than one over twelve inches in length.

Spearfish Lake: Last Saturday in April through February 28 season.

Spirit Lake (Skamania County): Closed waters.

Spring Creek: Trout - daily limit - five.

Swift Reservoir: Last Saturday in April through October 31 season.

Swofford Pond: Bass - daily and possession limit - two. Only bass less than twelve inches or over eighteen inches in length may be kept. Channel catfish - minimum length twenty inches. Internal combustion engines prohibited.

Tilton River, from mouth to West Fork: June 1 through March 31 season. Trout - daily limit - five, no more than one over twelve inches in length.

Tilton River, South Fork and East Fork: Trout, minimum length ten inches. Selective fishery regulations.

Tilton River, North Fork and West Fork: Trout, minimum length twelve inches. Selective fishery regulations.

Toutle River, mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Trout, minimum length twenty inches. Open only to fishing for steelhead.

~~((From the mouth of the Green River to the posted deadline below the fish collection facility: Night closure and it is unlawful to fish with nonbuoyant artificial lures having more than one single pointed hook.))~~

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries: Closed waters. (Note: Castle Lake, and Coldwater Lake open waters.)

1995 Conservation Measures.

Toutle River - North Fork, from the mouth of the Green River downstream approximately 200 yards to the power line crossing: Closed to fishing for steelhead September 16, 1995, through October 15, 1995.

Toutle River, South Fork, mouth to source (note: All tributaries closed): June 1 through November 30 season. Trout, minimum length twenty inches. Open only to fishing for steelhead.

Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Wild steelhead release. Open only to fishing for steelhead. Selective fishery regulations.

Trout Creek (tributary to Wind River): Trout, minimum length fourteen inches. Selective fishery regulations.

Trout Lake, tributary to Big White Salmon River: June 1 through October 31 season.

Tunnel Lake: Last Saturday in April through February 28 season.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River draw-bridge near Vancouver downstream to Lewis River: Trout - daily limit - two, minimum length twelve inches.

Walupt Lake: All inlet streams closed. Last Saturday in April through October 31 season. Trout, minimum length

ten inches. Selective fishery regulations except motors allowed.

Washougal River, from mouth to bridge at Salmon Falls: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release. (~~Night closure June 1 through October 31.~~)

Mouth to Mt. Norway Bridge: Additional April 15 through May 31 season. Wild steelhead release. Open only for steelhead.

From bridge at Salmon Falls to its source: Closed waters.

1995 Conservation Measures.

Mouth to 3rd Avenue Bridge: Closed to fishing for steelhead August 16, 1995, through October 15, 1995.

Washougal River, West (North Fork), from mouth to the water intake at the department (~~(of wildlife)~~) hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Willame Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fifteen inches. Selective fishery regulations.

Wind River, (~~(Burlington Northern Railroad bridge)~~) mouth to four hundred feet below Shipherd Falls (~~((note: Waters south of the Burlington Northern Railroad bridge are considered part of the Columbia River))~~): June 1 through March 15 season. Trout, minimum length fourteen inches. Wild steelhead release.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source: June 1 through November 30 except closed from an upper boundary sign along Carson National Fish Hatchery grounds to a lower boundary marker 800 yards downstream June 1 through August 31. Wild steelhead release.

Tyee Springs: Closed waters.

From one hundred feet above Shipherd Falls fish ladder to source, including all tributaries: June 1 through November 30 season. Trout, minimum length fourteen inches.

Winston Creek (tributary to Cowlitz River): Trout, minimum length ten inches. Selective fishery regulations.

Yale Reservoir: Kokanee - daily limit - sixteen.

Yellowjacket Creek (tributary to Cispus River): Trout, minimum length twelve inches. Selective fishery regulations.

Yellowjacket Ponds: Last Saturday in April through February 28 season. Trout, no more than one over twelve inches in length.

Region VI.

Description: That area of the state contained within the boundaries of Clallam, Grays Harbor, Jefferson, Kitsap,

Mason, Pacific, and Thurston counties and that portion of Pierce County on the Kitsap Peninsula and Fox Island.

Exceptions - Region VI regulations. State-wide regulations apply to all waters except where modified in special regulations below. For regulations within Olympic National Park, call (206) 452-4501.

Aberdeen Lake: Last Saturday in April through October 31 season.

Aldrich Lake: Last Saturday in April through October 31 season.

Aldwell Lake: Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length twelve inches. Selective fishery regulations, except lawful to fish from any floating device equipped with a motor.

Alexander Lake (Kitsap County): Closed waters.

Anderson Lake (Jefferson County): Internal combustion engines prohibited. Last Saturday in April through October 31 season.

From September 1 through October 31. Catch-and-release only. Selective fishery regulations.

Bay Lake: Last Saturday in April through October 31 season.

Bear River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Beaver Creek (Thurston County): See Black River.

Beaver Ponds in Kitsap County, and those ponds in Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Last Saturday in April through October 31 season. Trout - no minimum length.

Benson Lake: Last Saturday in April through October 31 season.

Big Beef Creek: June 1 through October 31 season. Closed to the taking of cutthroat trout.

Big River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black River, from mouth to Black Lake and all tributaries west of Interstate Highway 5 including Waddell Creek, Mima Creek, Beaver Creek, Salmon Creek, Dempsey Creek, and Blooms Ditch: Trout, minimum length twelve inches. Selective fishery regulations.

Blooms Ditch: See Black River.

Bogachiel River, from mouth to National Park boundary: June 1 through April 30 season. Trout, minimum length fourteen inches.

Buck Lake: Last Saturday in April through October 31 season.

Burley Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Cady Lake: Last Saturday in April through October 31 season. Trout - daily limit - two. Fly fishing only. Internal combustion engines prohibited.

Calawah River, from mouth to forks: June 1 through April 30 season. Trout, minimum length fourteen inches.

South Fork from mouth to National Park boundary: June 1 through February 28 season. Trout, minimum length fourteen inches.

Campbell Creek (Mason County): Closed waters.

Canyon Creek (Mason County): Closed waters.

Capitol Lake, from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: June 1 through July 31 season. Trout - daily limit - five, minimum length eight inches. Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. In accordance with WAC 236-16-020, the operation of all motorboats is prohibited in the area of Capitol Lake north of the railroad trestle crossing said lake unless prior written authorization is first obtained from the director of general administration.

Additional August 1 through March 31 season. Trout - daily limit - two, minimum length fourteen inches.

Carney Lake: Last Saturday in April through June 30 and September 1 through October 31 seasons. Internal combustion engines prohibited.

Carson Lake: Last Saturday in April through October 31 season.

Cases Pond: Juveniles only (under fifteen years old).

Cedar Creek (Jefferson County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Chehalis River, from Union Pacific Railroad Bridge in Aberdeen to high bridge on Weyerhaeuser logging road #17 (approximately seven miles south of Pe Ell): June 1 through April 15 season. Trout, minimum length fourteen inches. Wild cutthroat release. Wild steelhead release.

Chehalis River, south fork from mouth to Highway Bridge at Boistfort: June 1 through April 15 season. Trout, minimum length fourteen inches. Wild cutthroat release. Wild steelhead release.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chimacum Creek, from mouth to Ness's Corner Road: June 1 through August 31 season. Trout, minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout, minimum length fourteen inches.

Clallam River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Clara Lake: Last Saturday in April through October 31 season.

Clear Lake: Last Saturday in April through October 31 season.

Clearwater River, from mouth to Snahapish River: June 1 through April 15 season. Trout, minimum length fourteen inches.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Cloquallum Creek, from mouth to second bridge on Cloquallum Road: June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Copalis River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Coulter Creek: Trout, minimum length fourteen inches.

Cranberry Creek, mouth to Lake Limerick: Closed waters.

Curley Creek: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Cushman Reservoir: Closed to the taking of Dolly Varden Bull Trout.

Deep Creek: Closed waters.

Deep Lake: Last Saturday in April through October 31 season.

Deer Creek (Mason County): Closed waters.

Deer Lake: Last Saturday in April through October 31 season.

Dempsey Creek: See Black River.

Deschutes River, from old U.S. Highway 99 Bridge near Tumwater to Vail Road Bridge one mile southwest of Lawrence Lake: June 1 through March 31 season. Trout, minimum length fourteen inches.

From Old Highway 99 Bridge to four hundred feet below lowest Tumwater Falls fish ladder: Closed waters.

Devereaux Lake: Last Saturday in April through October 31 season.

Devil's Lake: Last Saturday in April through October 31 season.

Dewatto River: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to bridge on Bear Creek-Dewatto Road: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Dickey River (includes all forks): June 1 through April 30 season. Trout, minimum length fourteen inches.

Dosewallips River, from mouth to Olympic National Park boundary about three-quarters mile downstream of falls: June 1 through February 28 season. Trout, minimum length

twelve inches. Wild steelhead release and wild cutthroat release.

Duckabush River, from mouth to the Olympic National Park Boundary: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Dungeness River, from mouth to junction of Gray Wolf and Dungeness River: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release. Closed to taking of steelhead August 1 to October 15.

From junction of Gray Wolf River upstream to headwaters: Trout, minimum length fourteen inches.

1995 Conservation Measures.

Mouth to mouth of Gray Wolf River: Closed to fishing for steelhead, night closure and unlawful to fish with nonbuoyant lures having more than one single pointed hook July 1, 1995, through July 31, 1995.

Upstream of the mouth of the Gray Wolf River: Night closure and unlawful to fish with nonbuoyant lures having more than one single pointed hook July 1, 1995, through July 31, 1995.

East Twin River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Elk River, from the Highway 105 Bridge upstream: June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

Elwha River, from mouth to two hundred feet below the south spillway on the Aldwell Lake Dam: June 1 through April 15 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited. Closed waters: From south spillway on Aldwell Lake Dam downstream two hundred feet and from approximately fifty yards upstream to fifty yards downstream of Elwha Tribal Hatchery outfall as posted.

From Lake Aldwell upstream to four hundred feet below spillway at Lake Mills Dam, including all tributaries except Indian Creek (see below): Trout, minimum length twelve inches; selective fishery regulations.

Failor Lake: Last Saturday in April through October 31 season.

Goldsborough Creek: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Gorst Creek (Kitsap County), from lower bridge on the old Belfair Highway upstream to source (including tributaries): Closed waters.

From mouth upstream to lower bridge: Trout, minimum length fourteen inches.

Gosnell Creek and all its tributaries (tributary to Lake Isabella, Mason County): Trout, minimum length fourteen inches.

Grass Lake: Last Saturday in April through October 31 season.

Gray Wolf River: Trout, minimum length fourteen inches. Selective fishery regulations.

1995 Conservation Measures.

Night closure and unlawful to fish with nonbuoyant lures having more than one single pointed hook July 1, 1995, through July 31, 1995.

Hamma Hamma River, from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From falls to mouth of Boulder Creek: Trout - daily limit - five - no minimum length.

Hammersley Inlet Freshwater Tributaries (except Mill Creek): Closed waters.

Hatchery Lake: Last Saturday in April through October 31 season.

Haven Lake: Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hicks Lake: Last Saturday in April through October 31 season.

Hoh River, from mouth to mouth of South Fork and in South Fork outside National Park boundary: June 1 through April 15 season. Trout, minimum length fourteen inches.

Hoko River: Trout, minimum length fourteen inches.

From mouth to cement bridge on Lake Ozette Highway (upper Hoko Bridge): Additional November 1 through March 15 season. Trout, minimum length fourteen inches.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): Additional November 1 through March 31 season. Catch-and-release ~~((and))~~ fly fishing only and use of motors prohibited.

Hoquiam River (includes all forks): June 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season.

Howell Lake: Last Saturday in April through October 31 season.

Humptulips River (mainstem), from mouth to forks: June 1 through April 30 season. Trout, minimum length fourteen inches.

East Fork, from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: June 1 through April 30 season. Trout, minimum length fourteen inches.

West Fork, from mouth to bridge on Forest Service Road #2204 (about one-half mile above the mouth of Chester Creek): June 1 through April 30 season. Trout, minimum length fourteen inches.

Indian Creek (tributary to Elwha River), from mouth upstream to first Highway 101 crossing: Trout, minimum length twelve inches. Selective fishery regulations.

John's Creek (Mason County): Closed waters.

Johns River (includes North, South forks): June 1 through February 28 season. Trout, minimum length twelve inches. Wild cutthroat release.

Kalaloch Creek, outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Kennedy Creek, from mouth to four hundred feet below falls: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Kennedy Creek Pond: Last Saturday in April through October 31 season.

Koeneman Lake (formerly Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective fishery regulations. Catch-and-release only.

Lawrence Lake (Thurston County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Lincoln Pond (Clallam County): Juveniles only (under fifteen years old).

Little Quilcene River, from mouth to the Little Quilcene River Bridge on Penny Creek Road: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Long Lake (Kitsap County): Bass - only bass less than twelve inches or over fifteen inches in length may be kept.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Loomis Lake: Last Saturday in April through October 31 season.

Lost Lake (Jefferson County): Last Saturday in April through October 31 season. Trout - daily limit - two, minimum length fourteen inches.

Lower Lena Lake, inlet stream from mouth upstream to footbridge (about one hundred feet): Closed waters.

Lyre River, from mouth to falls near river mile 3: June 1 through February 28 season. Trout, minimum length fourteen inches.

Remainder of river: Trout, minimum length twelve inches.

Maggie Lake: Last Saturday in April through October 31 season.

McAllister Creek: Trout, minimum length fourteen inches.

McDonald Creek (Clallam County): Trout, minimum length fourteen inches.

McIntosh Lake: Last Saturday in April through October 31 season.

McLane Creek, from the south bridge on Highway 101 upstream: Trout, minimum length fourteen inches.

McLane Creek Pond: Last Saturday in April through October 31 season.

Melaney Creek: Closed waters.

Melbourne Lake: Last Saturday in April through October 31 season.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old). Trout - no minimum length.

Mill Creek (Mason County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mill Creek Pond (Grays Harbor County): Juveniles only (under fifteen years old).

Mills Lake: Check Olympic National Park regulations, call (206) 452-4501.

Mima Creek: See Black River.

Minter Creek: Trout, minimum length fourteen inches. Area from department intake dam downstream to mouth: Closed waters.

Mission Lake: Last Saturday in April through October 31 season.

Moclips River, from mouth to outside the Quinault Indian Reservation: June 1 through February 28 season. Trout, minimum length fourteen inches.

Mooses Pond (Pacific County): June 1 through October 31 season.

Morse Creek, from mouth to Port Angeles Dam: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Mosquito Creek (Jefferson County) outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Munn Lake: Last Saturday in April through October 31 season.

Naselle River, from Highway 101 Bridge upstream (includes all forks): Trout, minimum length fourteen inches.

Note: Waters within four hundred feet both upstream and downstream of the entrance to the Naselle Salmon Hatchery are closed during the period September 1 through January 31.

That area from falls in Sec. 6, T10N, R8W, (Wahkiakum County) downstream four hundred feet: Closed waters.

From Highway 101 Bridge to mouth of North Fork: Additional November 1 through March 31 season. Trout, minimum length fourteen inches.

South Fork, from mouth to Bean Creek: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Nemah River (North, Middle, South): June 1 through February 28 season. Trout, minimum length fourteen inches.

Nisqually River, from mouth to four hundred feet below LaGrande Powerhouse: June 1 through February 28 season. Trout, minimum length fourteen inches.

From mouth to highway bridge at McKenna: Additional March 1 through March 31 season. Trout, minimum length fourteen inches.

North River, from Highway 105 Bridge upstream: Trout, minimum length fourteen inches.

From Highway 105 Bridge to Falls River: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Oakland Bay freshwater tributaries (except Goldsborough Creek) (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Offutt Lake: Last Saturday in April through October 31 season.

Osborne Lake: Last Saturday in April through October 31 season.

Owens Pond (Pacific County): June 1 through October 31 season.

Ozette Lake: Check Olympic National Park regulations (206) 452-4501.

Ozette River, outside Olympic National Park: June 1 through February 28 season. Trout, minimum length fourteen inches.

Palix River (includes all forks): June 1 through February 28 season. Trout, minimum length fourteen inches.

Panhandle Lake: Last Saturday in April through October 31 season.

Panther Lake: Last Saturday in April through October 31 season.

Pattison Lake: Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Percival Creek: Trout, minimum length fourteen inches.

Pine Lake: Last Saturday in April through October 31 season.

Pleasant Lake: Kokanee - minimum length eight inches, maximum length twenty inches.

Prices Lake: Last Saturday in April through October 31 season. Selective fishery regulations, catch-and-release only.

Purdy Creek (Mason County): June 1 through August 15 season. Trout, minimum length fourteen inches.

Pysht River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Queets River: Check Olympic National Park regulations, (206) 452-4501.

Quilcene River, from mouth to upper boundary of Falls View Campground: June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

From the upper boundary of Falls View Campground to the water diversion at the mouth of Tunnel Creek: Trout - daily limit - five, no minimum length.

1995 Conservation Measures.

Mouth to upper boundary of Falls View Campground: Closed to fishing for steelhead August 16, 1995, through October 31, 1995.

Quillayute River: June 1 through April 30 season. Trout, minimum length fourteen inches.

Quinault Lake and Lower Quinault River: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276-8211.

Quinault River, Upper, from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through March 31 season. Trout, minimum length fourteen inches.

Raft River: When fishing within the boundaries of the Quinault Indian Reservation, contact the Quinault Indian Tribe to find out what tribal permits and regulations apply (206) 276-8211.

Robbins Lake: Last Saturday in April through October 31 season.

Rose Lake: Last Saturday in April through October 31 season.

Salmon Creek (Jefferson County, includes all forks): Closed waters.

Salmon Creek Naselle River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Salmon Creek (Thurston County): See Black River.

Salmon River (Jefferson County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Salt Creek: Trout, minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Satsop Lakes: Last Saturday in April through October 31 season.

Satsop River (includes all forks): Trout, minimum length twelve inches. Wild cutthroat release except on east fork above Bingham Creek. Selective fishery regulations on East Fork upstream from mouth of Bingham Creek.

From mouth to bridge at Schafer Park: Additional November 1 through March 15 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Turnow Branch, from mouth to posted deadline at bridge on Matlock Grisdale Road: Additional November 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

West Fork, from mouth to bridge on Matlock Grisdale Road: Additional November 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Sekiu River: Trout, minimum length fourteen inches.

From mouth to forks: Additional November 1 through February 28 season. Trout, minimum length fourteen inches.

Shelton Creek: Closed waters.

Sherwood Creek: Trout, minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season.

Shoe Lake: Last Saturday in April through October 31 season.

Siebert Creek: Trout, minimum length fourteen inches.

Silent Lake: Last Saturday in April through October 31 season.

Skokomish River, mouth to forks: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

1995 Conservation Measures.

Mouth to Forks: Closed to fishing for steelhead September 1, 1995, through October 31, 1995.

Skokomish River, South Fork, mouth to mouth of Church Creek: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Mouth of Church Creek to headwaters: Trout, minimum length twelve inches. Selective fishery regulations.

Skokomish River, North Fork, mouth to lower dam: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

North Fork above Lake Cushman mouth to Olympic National Park boundary: June 1 through August 31 season. Trout catch-and-release only. Selective fishery regulations.

Skookum Creek (Mason County): June 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Skookumchuck Reservoir: June 1 through October 31 season. Trout - daily limit - two, minimum length twelve inches.

Skookumchuck River, from Skookumchuck Reservoir upstream and all tributaries: Trout, minimum length twelve inches. Selective fishery regulations.

From mouth to four hundred feet below the outlet of the PP&L/((WDFW)) WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Trout, minimum length twelve inches. Wild steelhead release and wild cutthroat release.

Smith Creek (Pacific County near North River): June 1 through February 28 season. Trout, minimum length, fourteen inches.

Snow Creek (includes all tributaries except Crocker Lake): Closed waters.

Soleduck River, from mouth to National Park boundary: Trout, minimum length fourteen inches.

From mouth to the concrete pump station at the Soleduck Hatchery: Additional November 1 through April 30 season. Trout, minimum length fourteen inches.

From the concrete pump station at the Soleduck Hatchery to the Highway 101 Bridge downstream from Snider Creek: Additional November 1 through April 30 season. Trout, minimum length fourteen inches. Wild steelhead release, selective fishery regulations.

South Bend Mill Pond (Pacific County): Juveniles only (under fifteen years old).

Stevens Creek, mouth to Highway 101 Bridge: June 1 through February 28 season. Trout, minimum length fourteen inches.

Steves Lake: Last Saturday in April through October 31 season.

Stump Lake: Last Saturday in April through October 31 season.

Suez River (Sooes River): June 1 through February 28 season. Trout, minimum length fourteen inches.

Summit Lake: Last Saturday in April through October 31 season.

Sutherland Lake: Feeding (chumming) permitted.

Sylvia Lake: Last Saturday in April through October 31 season.

Tahuya River: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to the Bear Creek-Dewatto Road crossing: June 1 through February 28 season. Trout, minimum length twelve inches. Wild steelhead and wild cutthroat release.

Tarboo Lake: Last Saturday in April through October 31 season.

Tenas Lake: Last Saturday in April through October 31 season.

Tiger Lake: Last Saturday in April through October 31 season.

Twin Lake: Last Saturday in April through October 31 season.

U Lake: Last Saturday in April through October 31 season.

Uncle John Creek: Closed waters.

Union River (main river and tributaries upstream from watershed boundary to source): Closed waters.

From mouth to watershed boundary: Trout, minimum length fourteen inches.

From mouth to lower bridge on the Old Belfair Highway: Additional November 1 through February 28 season. Trout, minimum length fourteen inches. Wild steelhead release.

Valley Creek (Clallam County): Last Saturday in April through October 31 season. Juveniles only (under fifteen years old).

Vance Creek (Mason County): Trout, minimum length fourteen inches.

Vance Creek/Elma Ponds: Last Saturday in April through October 31 season.

Waddell Creek: See Black River.

Ward Lake: Last Saturday in April through October 31 season.

West Twin River: June 1 through February 28 season. Trout, minimum length fourteen inches.

Wildberry Lake: Last Saturday in April through October 31 season.

Wildcat Lake: Last Saturday in April through October 31 season.

Willapa River (includes all forks) upstream from department ((of wildlife)) boat launch in South Bend: Trout, minimum length fourteen inches.

From department ((of wildlife)) boat launch in South Bend to Forks Creek: Additional November 1 through March 31 season. Trout, minimum length fourteen inches. Fishing from any floating device prohibited from the bridge on Willapa Road (Camp One Bridge) to Forks Creek.

South Fork: Additional November 1 through last day of February season. Trout, minimum length fourteen inches.

Falls on South Fork downstream four hundred feet: Closed waters.

Williams Creek (Pacific County): June 1 through February 28 season. Trout, minimum length fourteen inches.

Wishkah River (includes all forks): Trout, minimum length twelve inches. Wild cutthroat release.

Mainstem from dam at Wishkah Rearing Ponds (formerly Mayr Bros.) downstream to four hundred feet below the outlet: Closed waters.

From the mouth to Cedar Creek: Additional November 1 through March 31 season. Trout, minimum length twelve

inches. Wild cutthroat release. East and West forks: Closed waters.

Wood Lake: Last Saturday in April through October 31 season.

Woodland Creek: Trout, minimum length fourteen inches.

Wooten Lake: Last Saturday in April through October 31 season.

Wynoochee River, areas four hundred feet downstream from the bases of Wynoochee Dam and the barrier dam near Grisdale: Closed waters.

Remainder of river: Trout, minimum length twelve inches. Wild cutthroat release.

From mouth to 7400 line bridge above mouth of Schafer Creek: Additional November 1 through March 31 season. Trout, minimum length twelve inches. Wild cutthroat release.

Wynoochee Reservoir: June 1 through October 31 season. Trout - daily limit - two, minimum length twelve inches.

Marine waters regulations.

These regulations apply to all marine waters contained within the boundaries of Washington state, within Puget Sound, Hood Canal, the Strait of Juan de Fuca, the San Juan Islands, the Strait of Georgia, and the Pacific Ocean, including estuaries (river mouths) from salt water upstream to a line between the outermost headlands measured at the highest high tide (usually the debris line furthest inshore on surrounding beaches), unless otherwise described under area regulations (see individual areas, below).

Fishing hours: Twenty-four hours per day year around.

License requirements: A valid current Washington state department of fish and wildlife game fishing license is required to fish for game fish in marine waters.

Permit requirements: A valid current steelhead license is required of persons fishing for steelhead in marine waters. All steelhead taken from the above described marine areas shall be entered on the steelhead catch record card using the words Marine Area and followed by the appropriate marine area code number.

Underwater spearfishing: Game fish may be taken by means of legal angling gear only. Spearfishing, gaffing, clubbing, netting, or trapping game fish is unlawful.

MARINE WATERS ((REGULATIONS)) RULES
CATCH AND MINIMUM SIZE LIMITS:

GAME FISH SPECIES	DAILY CATCH LIMITS	MINIMUM SIZE LIMITS
Trout (Including steelhead)	Two, wild cutthroat release in	Fourteen inches

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Marine Areas 12- (Hood Canal) and 13- (South Puget Sound), Wild steelhead release in Marine Areas 1 through 13.

Dolly Varden

Closed year around to fishing for or retaining Dolly Varden/Bull Trout.

Marine waters: Gear restrictions.

Area 10: Those waters downstream of the First Avenue South Bridge to an east-west line through southwest Hanford Street on Harbor Island and parallel to southwest Spokane Street where it crosses Harbor Island - Nonbuoyant lure restriction July 1 through November 30.

Marine waters: Closed waters.

Area 10 - Those waters west of the Lake Washington Ship Canal to a north-south line 175 feet west of the Burlington-Northern Railroad Bridge are closed to fishing at all times.

Marine waters: Area codes and boundaries.

(1) Area 1 (Ilwaco): West of the Megler-Astoria Bridge - north to Leadbetter Point. Effective January 1, 1989, Area 1 includes only waters west of the Buoy 10 Line and north to Leadbetter Point.

(2)(a) Area 2 (Westport-Ocean Shores): From Leadbetter Point north to the Queets River. Area 2 excludes waters of Willapa Bay and Grays Harbor.

(b) Area 2-1: Willapa Bay east of a line from Leadbetter Point to Willapa Channel Marker 8 (Buoy 8) then to the westerly most landfall on Cape Shoalwater.

(c) Area 2-2: Grays Harbor east of a line from the outermost end of the north jetty to the outermost exposed end of the south jetty.

(3) Area 3 (La Push): From the Queets River north to Cape Alava.

(4) Area 4 (Neah Bay): From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River.

(5) Area 5 (Sekiu and Pillar Point): From mouth of Sekiu River east to Low Point, mouth of the Lyre River.

(6) Area 6 (East Juan de Fuca Strait): From Low Point east to the Partridge Point-Point Wilson line north to the line from Trial Island (near Victoria, B.C.) - Navigation Buoy BW "R" - Smith Island - the most northeasterly of the Lawson Reef lighted buoys (RB1 QK Fl Bell) - Northwest Island - the Initiative 77 marker on Fidalgo Island.

(7) Area 7 (San Juan Islands): All marine waters north of the line described under Area 6 to the United States-Canadian boundary.

(8)(a) Area 8 (Deception Pass, Hope and Camano Islands): Line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island east through Deception Pass, including all waters east of Whidbey Island to the Possession Point - Shipwreck Line.

(b) Area 8-1 (Deception Pass and Hope Island): East of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, south of the Burlington Northern Railroad Bridge at the north end of Swinomish

Slough, north of the Highway 532 Bridge between Camano Island and the mainland, and westerly of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (F1 red 4 sec.).

(c) Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #2 on Camano Island (F1 red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

(9) Area 9 (Admiralty Inlet): All waters inside and south of the Partridge Point-Point Wilson Line and a line projected from the southerly tip of Possession Point 110 degrees true to a shipwreck on the opposite shore and northerly of the Hood Canal Bridge and the Apple Cove Point-Edwards Point Line.

(10) Area 10 (Seattle-Bremerton): From the Apple Cove Point-Edwards Point Line to a line projected true east-west through the northern tip of Vashon Island.

(11) Area 11 (Tacoma-Vashon Island): From the northern tip of Vashon Island to the Tacoma Narrows Bridge.

(12) Area 12 (Hood Canal): All contiguous waters south of the Hood Canal Bridge and adjacent waters north of the Hood Canal Bridge when fishing from the pontoon beneath the bridge.

(13) Area 13 (South Puget Sound): All contiguous waters south of the Tacoma Narrows Bridge.

COLUMBIA RIVER REGULATIONS

Daily, size, and possession limits: Unless specified otherwise by special regulations, for waters or categories of waters listed individually, the daily limits and minimum size limits for game fish are as follows:

GAME FISH SPECIES	DAILY LIMITS	MINIMUM SIZE LIMITS
Bass	Five—not more than three over fifteen inches	None
Dolly Varden/ Bull Trout	Closed year around to fishing for or retaining Dolly Varden/Bull Trout.	
Grass Carp	It is unlawful to fish for or retain grass carp	
Trout (Including kokanee and steelhead)	Two	((Eight) twelve inches
Walleye	Five, not more than one over twenty-four inches.	Eighteen inches
Whitefish	Fifteen	None
All other game fish	No limit	None
Bullfrogs	Ten	None

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply

PERMANENT

with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

Including the Columbia River and impoundments and all connecting sloughs, except Wells Ponds in Region II.

Columbia River from a true north-south line through Buoy 10 to the Megler-Astoria Bridge: August 1 through March 31 season for steelhead. Wild steelhead release. Fishing from the north jetty is allowed during salmon season openings.

1995 Conservation Measures.

From a true north and south line (magnetic 338°N) projected through Buoy 10 upstream to Megler-Astoria Bridge: Unlawful to fish for steelhead with barbed hooks August 1, 1995, through September 4, 1995.

From the Megler-Astoria Bridge to the I-5 Bridge: May 16 to March 31 season for steelhead and trout, except closed September 1 through September 30 at mouth of Abernathy Creek from the Washington shore to a line between Abernathy Point light and a boundary marker east of the mouth of Abernathy Creek. Wild steelhead release and wild cutthroat release. Closed to fishing for steelhead April 1 through May 15.

From the I-5 Bridge to the Highway 395 Bridge at Pasco; including Drano Lake: Wild steelhead release. Closed to fishing for steelhead March 16 through June 15.

Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wingwall of the boat lock near the Washington shore.

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E: Year around season. Wild steelhead release.

Closed waters: Ringold Springs Creek (Hatchery Creek).

From the old Hanford townsite (wooden towers) powerline crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24), 46: June 16 through October 22 season. Wild steelhead release.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: June 1 through March 31 season. Wild steelhead release.

Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to midstream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth.

From Priest Rapids Dam to Chief Joseph Dam: Year around season. Lawful to fish to base of Washburn Pond outlet structure. Wild steelhead release.

Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - waters between the west end of the tailrace deck downstream four hundred feet to boundary marker in Okanogan County.

Above Chief Joseph Dam: See Region I, Lake Roosevelt and Region II, Rufus Woods Lake.

Reviser's note: The spelling 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.

WSR 95-10-039

PERMANENT RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-430, Docket No. UT-950134—Filed April 28, 1995, 4:19 p.m.]

In the matter of amending WAC 480-120-141 relating to alternate operator services.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 95-07-130, filed with the code reviser on March 22, 1995. 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 34.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The commission scheduled this matter for oral comment and adoption under Notice No. WSR 95-07-130, for 9:00 a.m., Wednesday, April 26, 1995, 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 April 11, 1995.

No written comments were submitted.

The rule change proposal was considered for adoption at the commission's regularly scheduled open public meeting on April 26, 1995, before Chairman Sharon L. Nelson, Commissioner Richard Hemstad, and Commissioner William R. Gillis. Oral comments were made to the commission by Rebecca Beaton of the commission staff. She briefly explained the history of the rule-making process and described the effect of the proposal, recommending its adoption.

After considering all of the information regarding this proposal, the commission adopted the proposed rules, without changes.

In reviewing the entire record, the commission determines that WAC 480-120-141 should be amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380.

ORDER

THE COMMISSION ORDERS That WAC 480-120-141 is amended to read as set forth in Appendix A, as a rule of the Washington Utilities and Transportation Commission, to take effect pursuant to RCW 34.05.380.

THE COMMISSION FURTHER ORDERS That this order and the rule shown below, after being recorded in the 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.

THE COMMISSION Adopts the commission staff memoranda, presented at those times which the commission considered filing a preproposal statement of intention, and the formal notice of intention to adopt, and adoption of this proposal, as its brief explanatory statement of the reasons for adoption, and for any variances between noticed and adopted versions, under RCW 34.05.355.

DATED at Olympia, Washington, this 28th day of April 1995.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
William R. Gillis, Commissioner

AMENDATORY SECTION (Amending Order R-422, Docket No. UT-940049, filed 9/22/94, effective 10/23/94)

WAC 480-120-141 Alternate operator services. All telecommunications companies providing alternate operator services (AOS), as defined in WAC 480-120-021, shall comply with this and all other rules relating to telecommunications companies not specifically waived by order of the commission.

(1) Each alternate operator services company shall (~~file with the commission at least every six months~~) maintain, revise and provide to the commission upon request a current list of operator services customers which it serves and the locations and telephone numbers to which such service is provided to each customer. A customer list provided pursuant to this rule is proprietary information and, if identified when filed as required in WAC 480-09-015, is subject to the protections of that rule.

(2) Each AOS company is responsible for assuring that each of its customers complies fully with contract and tariff

provisions which are specified in this rule. Failure to secure compliance constitutes a violation by the AOS company.

(a) The AOS company shall withhold on a location-by-location basis the payment of compensation, including commissions, from a call aggregator, if the AOS company reasonably believes that the call aggregator is blocking access to interexchange carriers in violation of these rules.

(b) Violations of tariff, contract or other statements of conditions of service, in commission rules pertaining to AOS company service, or of other requirements contained in these rules, including interexchange carrier access requirements, will subject an aggregator to termination of alternate operator services as follows. When the AOS becomes aware of a violation, prior to disconnection of service, it shall immediately send written notification to the aggregator outlining all deficiencies. If any deficiency is not corrected within five days from the date of written notification to the aggregator, the AOS shall terminate service. Prior to effecting the termination of service, the AOS company shall make two bona fide attempts to reach the subscriber by telephone to advise the subscriber of the impending termination. WAC 480-120-081 shall not apply to such terminations.

(c) AOS company actions in furtherance of this rule may be reviewed by the commission in a formal complaint under WAC 480-09-420 through an adjudicative or a brief adjudicative proceeding under the provisions of chapters 34.05 RCW and 480-09 WAC.

(d) An AOS company shall refuse to provide operator services to a call aggregator who the commission has found to have knowingly and repeatedly violated commission rules regarding the provision of alternate operator service until the commission has found that the call aggregator will comply with relevant law and rule.

(3) For purposes of this section, "consumer" means the party initiating and/or paying for an interexchange or local call. "Customer" means the call aggregator, i.e., the hotel, motel, hospital, prison, campus, pay telephone, etc., contracting with an AOS for service.

(4) An alternate operator services company shall require, as a part of any contract with its customer and as a term and condition of service stated in its tariff, that the customer:

(a) Post on the telephone instrument in plain view of anyone using the telephone, in eight point or larger Stymie Bold type, the information provided in the following notice:

SERVICE ON THIS INSTRUMENT MAY BE PROVIDED AT RATES THAT ARE HIGHER THAN NORMAL. YOU HAVE THE RIGHT TO CONTACT THE OPERATOR FOR INFORMATION REGARDING CHARGES BEFORE PLACING YOUR CALL. INSTRUCTIONS FOR REACHING YOUR PREFERRED CARRIER ARE ALSO AVAILABLE FROM THE OPERATOR.

(b) Post and maintain in legible condition on or near the telephone:

(i) The name, address, and without-charge number of the alternate operator services company, as registered with the commission;

(ii) Dialing directions so that a consumer may reach the AOS operator without charge to receive specific rate information; and

(iii) Directions to allow the consumer to reach the consumer's preferred carrier and to make it clear that the consumer has access to the other providers.

(c) Provide access from every instrument to 1-800 services and all available interexchange carriers; and

(d) Shall post, on or near the instrument, a notice stating whether a location surcharge or any other fee is imposed for telecommunications access through the instrument, the amount of any fee or location surcharge, and the circumstances when it will apply.

(e) Posting under these rules shall begin no later than October 1, 1991, and shall be completed no later than January 31, 1992. In the interim, posting in compliance with the immediate prior posting provisions of WAC 480-120-141 is required and shall constitute compliance with this rule.

(5) The alternate operator services company shall:

(a) Identify the AOS company providing the service audibly and distinctly at the beginning of every call, and again before the call is connected, including an announcement to the called party on calls placed collect.

(i) For purposes of this rule the beginning of the call is no later than immediately following the prompt to enter billing information on automated calls and, on live and automated operator calls, when the call is initially routed to the operator.

(ii) The message used by the AOS company shall state the name of the company as registered with the commission whenever referring to the AOS company. Terms such as "company," "communications," "incorporated," "of the northwest," etc., when not necessary to clear consumer identification of the entity providing service may be omitted when authorized by letter from the secretary of the commission.

(iii) The consumer shall be permitted to terminate the telephone call at no charge before the call is connected.

(iv) The AOS company shall immediately, upon request, and at no charge to the consumer, disclose to the consumer:

(A) A quote of the rates or charges for the call, including any surcharge;

(B) The method by which the rates or charges will be collected; and

(C) The methods by which complaints about the rates, charges, or collection practices will be resolved.

(b) Provide to the local exchange company such information as may be necessary for billing purposes, as well as an address and toll free telephone number for consumer inquiries.

(c) Reoriginate calls to another carrier upon request and without charge, when equipment is in place which will accomplish reorigination with screening and allow billing from the point of origin of the call. If reorigination is not available, the AOS company shall give dialing instructions for the consumer's preferred carrier.

(d) Assure that a minimum of ninety percent of all calls shall be answered by the operator within ten seconds from the time the call reaches the carrier's switch.

(e) Maintain adequate facilities in all locations so the overall blockage rate for lack of facilities, including as pertinent the facilities for access to consumers' preferred interexchange carriers, does not exceed one percent in the time consistent busy hour. Should excessive blockage occur, it shall be the responsibility of the AOS company to deter-

mine what caused the blockage and take immediate steps to correct the problem. This subsection does not apply to blockage during unusually heavy traffic, such as national emergency, local disaster, holidays, etc.

(6) The alternate operator services company shall assure that persons are not billed for calls which are not completed. For billing purposes, calls shall be itemized, identified, and rated from the point of origination to the point of termination. No call shall be transferred to another carrier by an AOS which cannot or will not complete the call, unless the call can be billed in accordance with this subsection.

(7) For purposes of emergency calls, every alternate operator services company shall have the following capabilities:

(a) Automatic identification at the operator's console of the location from which the call is being made;

(b) Automatic identification at the operator's console of the correct telephone numbers of emergency service providers that serve the telephone location, including but not limited to, police, fire, ambulance, and poison control;

(c) Automatic ability at the operator's console of dialing the appropriate emergency service with a single keystroke;

(d) Ability of the operator to stay on the line with the emergency call until the emergency service is dispatched.

No charge shall be imposed on the caller by the telephone company or the alternate operator services company for the emergency call.

If the alternate operator services company does not possess these capabilities, all calls in which the consumer dials zero (0) and no other digits within five seconds shall be routed directly to the local exchange company operator, or to an entity fully capable of complying with these requirements. AOS companies lacking sufficient facilities to provide such routing shall cease operations until such time as the requirements of this section are met.

(8) Complaints and disputes shall be treated in accordance with WAC 480-120-101, Complaints and disputes.

(9) Charges billed to a credit card company (e.g., American Express or Visa) need not conform to the call detail requirements of this section. However, the AOS shall provide specific call detail in accordance with WAC 480-120-106 upon request.

(10) "Public convenience and advantage"; surcharges; variable rates.

(a) For services, public convenience and advantage means at a minimum that the provider of alternate operator services offers operator services which equal or exceed the industry standards in availability, technical quality and response time and which equal or exceed industry standards in variety or which are particularly adapted to meet unique needs of a market segment. In the absence of other persuasive evidence, a demonstration that operator service equals or exceeds that provided by US WEST Communications for intraLATA services or AT&T for interLATA services will be accepted as demonstrating public convenience and advantage.

(b) Charges no greater than ~~((the))~~ those prevailing charges in the relevant market - intraLATA or interLATA - will be accepted as demonstrating that charges are for the public convenience and advantage. In the absence of persuasive contrary evidence, ~~((the charges for US WEST))~~ \$0.25 higher per call than AT&T daytime charges for

intraLATA ((service)) and ((AT&T for)) interLATA service will be accepted as the prevailing charges.

(c) Surcharges; variable rates. No location surcharge may be added to without-charge calls nor to a charge for directory assistance. No tariff may provide for rate levels which vary at the option of a call aggregator, provided, that an aggregator may waive application of the surcharge to calls from its instruments, and provided further, that an AOS company may establish a tariff rate for high-cost locations if the conditions for application of the rate confine it to locations with substantially higher than average operating costs.

(11) Rates to the consumer for the provision of alternate operator services, including directory assistance, shall not exceed the prevailing rates for such services in the relevant market - intraLATA or interLATA - unless need for the excess to produce rates which are fair, just and reasonable is demonstrated to the satisfaction of the commission. In the absence of persuasive contrary evidence, ((rate levels of US WEST)) \$0.25 higher per call than AT&T daytime charges for intraLATA ((service)) and ((AT&T for)) interLATA service will be considered the prevailing rate.

(12) Fraud prevention.

(a) A company providing interexchange telecommunications service may not bill a call aggregator for charges billed to a line for calls which originated from that line through the use of 10XXX+0; 10XXX+01; 950-XXXX; or 1-800 access codes, or when the call originating from that line otherwise reached an operator position, if the originating line subscribed to outgoing call screening and the call was placed after the effective date of the outgoing call screening order.

(b) A company providing interexchange telecommunications service may not bill to a call aggregator any charges for collect or third number billed calls, if the line serving to which the call was billed was subscribed to incoming call screening and the call was placed after the effective date of the call screening service order.

(c) Any calls billed through the local exchange carrier in violation of subparagraphs (a) or (b) above must be removed from the call aggregator's bill by the local exchange company upon identification. If investigation by the local exchange company determines that the pertinent call screening was operational when the call was made, the local exchange company may return the charges for the call to the interexchange telecommunications company as not billable.

(d) Any call billed directly by an alternate operator service company, or through a billing method other than the local exchange company, which is billed in violation of subparagraphs (a) and (b), above, must be removed from the call aggregator's bill. The telecommunications company providing the service may request an investigation by the local exchange company. If the local exchange company, after investigation, determines that call screening which would have protected the call, which is offered by the LEC and was subscribed to by the call aggregator, was not operational at the time the call was placed, the AOS company shall bill the LEC for the call.

WSR 95-10-043
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed May 1, 1995, 9:19 a.m.]

Date of Adoption: April 26, 1995.

Purpose: To incorporate statutory and organizational changes into existing rules.

Citation of Existing Rules Affected by this Order: Amending WAC 246-01-040 and 246-01-080.

Statutory Authority for Adoption: RCW 43.70.040.

Pursuant to notice filed as WSR 95-07-054 on March 9, 1995.

Changes Other than Editing from Proposed to Adopted Version: Three divisions asked that the wording of their descriptions be amended to more accurately reflect their functions.

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

April 28, 1994 [1995]

Bruce Miyahara
Secretary

AMENDATORY SECTION (Amending Order 346, filed 3/24/93, effective 4/24/93)

WAC 246-01-040 Department and professional boards—Relationship. The department works with the following professional boards, commissions, committees, and councils which have varying degrees of statutory authority, ranging from advisory powers to rule adoption and disciplinary powers:

~~((1)) Acupuncture advisory committee.~~

~~((2)) Board of chiropractic examiners.~~

~~((3)) Health professions quality assurance committee.~~

Chiropractic ((disciplinary board)) quality assurance commission.

((4)) Dental ((disciplinary board)) quality assurance commission.

~~((5)) Dental hygiene examining committee.~~

~~((6)) Dental examining board.~~

~~((7)) Dietician/nutrition board advisory committee.~~

~~((8)) Board of denture technology.~~

Dispensing opticians examining committee.

~~((9)) Health care assistants.~~

~~((10)) Hearing aid council.~~

~~((11)) Marriage and family therapist advisory committee.~~

~~((12)) Board on fitting and dispensing of hearing aids.~~

Massage examining board.

((13)) Medical ((examining board)) quality assurance commission.

~~((14)) Medical disciplinary board.~~

((15)) Mental health ((counselor advisory committee)) quality assurance council.

~~((16)) Midwifery advisory committee.~~

~~((17)) Naturopathic advisory committee.~~

~~((18)) Nursing assistants advisory committee.~~

~~((19)) Nursing home administrators board.~~

~~((20)) Board of nursing.~~

~~((21)) Nursing care quality assurance commission.~~

Board of occupational therapy.

~~((22)) Ocularists advisory committee.~~

~~((23)) Optometry board.~~

~~((24)) Board of osteopathic medicine and surgery.~~

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- ~~((25))~~ Board of pharmacy.
~~((26))~~ Board of physical therapy.
~~((27))~~ Podiatry board.
~~((28))~~ Board of practical nursing.
~~((29))~~ Examining board of psychology.
~~((30))~~ Radiologic technical advisory committee.
~~((31))~~ Respiratory care practice advisory committee.
~~((32))~~ Sex offender treatment provider advisory committee.
~~((33))~~ Social worker advisory committee.
~~((34))~~ Veterinary board of governors.

AMENDATORY SECTION (Amending Order 346, filed 3/24/93, effective 4/24/93)

WAC 246-01-080 Organization. (1) The department is headed by the secretary. The office of the secretary provides overall agency management, and is comprised of the secretary, deputy secretary, state health officer, ~~((local health and community services, legislative and congressional relations, and the media relations))~~ policy and planning, legislative and constituent relations, minority affairs, and the communications office.

(2) ~~((Seven))~~ Six assistant secretaries direct specific programs within the department.

(a) *The assistant secretary for ~~((health information))~~ epidemiology and health statistics:*

(i) Collects and analyzes data that provides information about the health of the population, hospital costs, hospital diagnosis and procedures ~~((, disease and birth defect incidence and trends, and specific illnesses occurring within the state));~~ ~~((and))~~

(ii) Collects information on all births, deaths, marriages, and divorces within the state and makes official documentation of these events available to the public;

(iii) Conducts surveillance of communicable and noncommunicable diseases and other health-related events. Investigates disease outbreaks, epidemics, and clusters; provides technical assistance and advice in developing and implementing prevention/control programs; provides expert consultation to local health departments on epidemiologically impacted issues and, when necessary, directs support for responding to emergent public health situations;

(iv) Develops a health services information system that supports the implementation of health reform as envisioned under the Health Services Act of 1993, and monitors the effectiveness of the reformed health care environment;

(v) Monitors the consistency, quality, continuity, and comprehensiveness of the department's health assessment activities, including disease surveillance and program evaluation;

(iv) Provides a scientific basis for health policy and program management decisions within the department and, when requested, to local health departments.

(b) ~~((The assistant secretary for health promotion and disease prevention:~~

~~(i) Implements programs to control the complications of diabetes, assists low income kidney dialysis and transplant patients pay for treatment, and identifies and develops interventions for the prevention of death and disability from intentional and unintentional injury;~~

~~(ii) Identifies needs in rural areas and by underserved populations for preventive and restorative health services. Develops policies to increase availability of needed health services and the resources required to provide them and to empower community based health system development. Assures access to prevention, primary care, and other restorative health services by purchasing services and providing technical and financial assistance to support local delivery systems. Assures availability of personnel and capital facilities and equipment to stabilize and improve health systems;~~

~~(iii) Conducts high visibility public education and marketing campaigns on a full spectrum of health related topics; develops and supplies health and safety educational materials to schools, local health, and community agencies;~~

~~(iv) Provides surveillance, programs, and services designed to reduce death and disease related to cancer, heart disease and stroke by providing public education/awareness programs, screening projects, professional education, and development of community coalitions;~~

~~(v) Interrupts the transmission of human immunodeficiency virus (HIV) and other sexually transmitted diseases (STD), and reduces associated morbidity and mortality by planning, implementing, and evaluating prevention and intervention programs targeting persons at risk of HIV/STD infection, as well as supporting the individual rights and human dignity of those infected and those considered at risk; and~~

~~(vi) Reduces the morbidity and mortality due to tuberculosis and vaccine preventable diseases.~~

~~(e)) The assistant secretary for ~~((licensing and certification))~~ health systems quality assurance:~~

(i) Administers laws and enforces rules, regulations, and standards for the following professions:

Acupuncturists
 Airway management technicians
 Animal technicians
 Chiropractic x-ray technicians
 Controlled substance researchers
 Counselors/registered & certified
 Dental hygienists
 Dentists
 Denturists
 Dieticians/nutritionists
 Dispensing opticians
 Doctors of chiropractic
 Drug manufacturers & wholesalers
 Emergency medical technicians
 First responders
 Health care assistants
 Hearing aid fitters
 Intravenous technicians
 Legend drug sample distributors
 Massage practitioners
 Midwives
 Naturopathic physicians
 Nursing assistants
 Nursing home administrators
 Nursing pools
 Occupational therapists
 Occupational therapists' assistants

Ocularists
 Optometrists
 Osteopathic physicians and surgeons
 Osteopathic physicians' assistants
 Osteopathic physicians' acupuncture assistants
 Pharmacists
 Paramedics
 Pharmacy assistants
 Physical therapists
 Physicians and surgeons
 Physician assistants
 Podiatric physicians and surgeons
 Practical nurses
 Psychologists
 Radiological technologists
 Registered nurses
 Respiratory care practitioners
 Sex offender treatment providers
 Veterinarians
Veterinary med clerks
 X-ray technicians

(ii) Sets standards, inspects, licenses, or certifies, provides consultation, and reviews and approves (~~(plans and specifications for)~~) construction of new buildings, alterations, additions, and conversions of health and residential care facilities (~~(- and sets standards, inspects, licenses, or certifies, and provides consultation to)~~) for:

Acute care hospitals
 Adult residential rehabilitation centers
 Alcoholism treatment facilities
 Alcoholism hospitals
 Ambulatory surgery centers
 Boarding homes
 Childbirth centers
 Child day care centers
 Comprehensive outpatient rehabilitation
 Department of corrections facilities
 ((Department of)) Juvenile rehabilitation facilities
 ((Domestic violence centers))
 End ((state)) stage renal disease centers
 Eye banks
 ((Farm worker housing
 Ferries)) Ferry systems
 ((Hotels/motels))
Group care facilities for children
 Home health care agencies
 Home care agencies
 Hospice agencies
 Hospice care facilities
 ((Induction term centers
 Mammography))
 Occupational therapist-independent practice
 Outpatient physical therapy/speech pathology
 Physical therapist-independent practice
 Private adult treatment homes
 Psychiatric hospitals
Residential treatment facilities for psychiatrically impaired
 children & youth
 Rural health care facilities
 Rural health care clinics
 Soldiers' home

~~((State residential schools))~~
State school for the blind
State school for the deaf
State hospitals for the mentally ill
Temporary worker housing
Transient accommodations
 Veterans' home
 ((Work training release))

(iii) Regulates the development of various new health care facilities and services based on community need, financial feasibility, cost containment, and quality of care;

(iv) Establishes and promotes a system of emergency medical and trauma services, which includes: Developing, evaluating, and monitoring training programs; licensing and inspection; and technical assistance for a comprehensive state-wide integrated emergency medical system; and

(v) Regulates clinical laboratory testing sites and practices.

(c) The assistant secretary for community and family health is responsible for assessing the health status of Washington state citizens regarding disease, injury, and nutrition; developing policy based on those assessments that will prevent disease, premature death and disability, and will promote health lifestyles and environments; and assuring access to quality services consistent with approved policy in the following areas:

(i) Comprehensive planning for health services for children and adolescents and their families and primary caretakers, including parenting education, nutrition consultation, oral health programs, teen pregnancy prevention and immunizations;

(ii) A continuum of services designed for infants or children with, or at risk for, special health care needs and their families;

(iii) High quality low cost, comprehensive family planning and reproductive health care services;

(iv) Health and support services for pregnant women, lactating and other post-partum women, and infants;

(v) Supplemental foods, nutrition education, and referral for health services for eligible pregnant women, lactating and other post-partum women, and infants and children at risk;

(vi) Programs to control the complications of diabetes and to identify and develop interventions for the prevention of death and disability from intentional and unintentional injury;

(vii) Public education and marketing campaigns on a spectrum of health related topics; programs which develop and supply health and safety educational materials to schools, local health, and community agencies;

(viii) Surveillance and services designed to reduce death and disease related to cancer, heart disease and stroke by providing public education/awareness programs, screening projects, professional education, and development of community coalitions;

(ix) Surveillance and services that interrupt the transmission of human immunodeficiency virus (HIV) and other sexually transmitted diseases (STD), and reduce associated morbidity and mortality by planning, as well as supporting the individual rights and human dignity of those infected and those considered at risk; and

(x) Surveillance and services that reduce the morbidity and mortality due to tuberculosis and vaccine-preventable disease.

(d) *The assistant secretary for environmental health* provides training, public education services, and technical assistance to local health agencies and other agencies; and provides direct surveillance, monitoring, and enforcement activities to prevent, control, and abate health hazards and nuisances related to:

- (i) Contaminated shellfish;
- (ii) Contamination due to illegal drug manufacturing and storage;
- (iii) Disease-carrying insects and rodents;
- (iv) Disposal of solid and liquid wastes;
- (v) Food service sanitation;
- (vi) On-site sewage disposal;
- (vii) Public drinking water systems;
- (viii) Ionizing radiation;
- (ix) Schools, campgrounds, and parks;
- (x) Toxic substance exposure; and
- (xi) Water recreation facilities.

(e) *The assistant secretary for public health laboratories* oversees laboratories that aid in the diagnosis, treatment, and prevention of various diseases by:

- (i) Testing and analyzing clinical and environmental specimens and samples including food, food products, shellfish, drinking water, and seawater;
- (ii) Testing to detect certain treatable metabolic disorders in newborns;
- (iii) Testing for radioactivity in materials, mine tailings, and ores; and
- (iv) Performing inorganic and organic chemical analyses on drinking water, and other environmental samples such as soil, paint chips, ceramics and potteries, beverages, food, and others.

(f) ~~((The assistant secretary for parent and child health services is responsible for assuring access to quality maternal and child health care services for children and families who have limited availability to those services, including access to:~~

- ~~(i) Nursing assessment, intervention and follow-up, parenting education, nutrition consultation, system planning, and dental health programs for children, adolescents, and their primary caretakers;~~
- ~~(ii) A continuum of services designed for infants or children with, or at risk for, special health care needs and their families;~~
- ~~(iii) High quality, low cost, comprehensive family planning and reproductive health care services;~~
- ~~(iv) Health and support services for pregnant and post-partum women and infants; and~~
- ~~(v) Supplemental foods, nutrition education, and referral for health services for eligible pregnant women, infants, and children at risk.~~

~~(g))~~ *The assistant secretary for management services* provides administrative, financial, contracting, ~~((rule making,))~~ facility information processing, and human resource services to the department's operating programs.

(3)(a) Each assistant secretary is hereby delegated authority to administer the programs within their respective areas of responsibility, including, without limitation, the authority to sign documents on behalf of the secretary and

the department. Each assistant secretary is authorized to further delegate his or her authority to such persons and in such manner as deemed necessary or appropriate in the management of the department's business.

(b) In the absence of the secretary, the following are authorized to act on behalf of the department:

(i) The deputy secretary;
(ii) In the absence of the deputy secretary, the state health officer;

(iii) In the absence of the state health officer, the assistant secretary for management services;

(iv) In the absence of all of the foregoing, any assistant secretary.

(c) Any person designated as "acting" in a position described in this section shall have the same authority while so designated as if she or he had been appointed to fill the position on a permanent basis.

WSR 95-10-045
PERMANENT RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed May 1, 1995, 11:13 a.m., effective January 16, 1996]

Date of Adoption: May 1, 1995.

Purpose: Chapter 296-306 WAC, Safety standards for agriculture, state-initiated amendments to chapter 296-306 WAC are made to correct a reference necessitated by the federal-initiated change to chapter 296-62 WAC, Part C, Hazard Communication, published in Federal Register Volume 59, Number 27, dated February 9, 1994. (The federal-initiated proposed amendments to chapter 296-62 WAC were made for clarification and were adopted August 3, 1994. The federal-initiated changes to chapter 296-62 WAC, Part C, Hazard Communication, were minor changes and technical amendments to further clarify labeling requirements; duties of distributors, manufacturers, and importers to provide material safety data sheets to employees; clarified MSDS provisions; and removed DOT reference.)

Other state-initiated amendments and new sections to the agriculture safety standards are made to cover specific hazardous conditions under the vertical industry standard. These proposals specifically relate to requirements which exist under chapter 296-24 WAC, General safety and health standards, and address walking working surfaces; ladder use and training requirements; machine controls; guarding for steam pipes, augers, stairs, and guard rails; flammables and combustibles; hydraulic and pneumatic ANSI requirements, employee emergency and fire prevention plans, fire extinguishers, and applicable definitions from the general industry standard.

Additional state-initiated amendments are made to reference applicable information from chapter 296-24 WAC in chapter 296-306 WAC. These amendments relate to requirements for welding and cutting; servicing of multi-piece and single-piece rim wheels; spray finishing and dip tank; motor vehicle use; sanitation for fixed places of employment, and lockout tagout. Other state-initiated amendments are made to amend 90 volts to 50 volts in WAC 296-306-080 (2)(a); add a reference to WAC 296-306-14511 Proximity to overhead lines, in WAC 296-306-120

(11)(b); add a reference to WAC 296-306-060 Personal protective equipment, in WAC 296-306-140; relocate lockout tagout requirements currently in WAC 296-306-165(6) in WAC 296-306-035; amend titles of chapter 296-306 WAC, Parts B, G, and H to more accurately reflect the contents of the part; correct inaccurate references, addresses, and division names.

At the request of many industry representatives to make better use of the industry vertical standard, this proposal seeks to place the most common substantive protections to the above referenced safety hazards applicable to agriculture in the agriculture vertical standard. The proposal is not intended to change substantially or increase the regulatory burden on the industry; it is intended to make it easier for employers and workers to identify those requirements and obligations applicable to agriculture in the least burdensome manner. This proposal does not purport to move all applicable chapter 296-24 WAC requirements into the agriculture vertical standard.

Citation of Existing Rules Affected by this Order: Amending chapter 296-306 WAC, Safety standards for agriculture, WAC 296-306-010 Purpose and scope, 296-306-012 Definitions applicable to all sections of this chapter, 296-306-015 Variance procedures, 296-306-025 Management's responsibility, Part B, First-aid requirements, WAC 296-306-035 Accident prevention program, 296-306-045 First-aid training and certification, 296-306-050 First-aid kit, 296-306-065 Materials handling and storage, 296-306-080 Guarding of hand-held portable power tools, 296-306-085 Fire protection and ignition sources, Part G, Storage and handling of anhydrous ammonia, WAC 296-306-090 Storage and handling of anhydrous ammonia, Part H, Ladders, aerial manlifts, elevated work platforms, bulk storage, pits, and trenches, WAC 296-306-095 Elevated walkways and platforms, 296-306-100 Handrails, 296-306-105 Orchard ladders, 296-306-120 Aerial manlift equipment, 296-306-135 Arc welding and cutting, 296-306-140 Welding areas protected, 296-306-155 General requirements for maintenance of farm motor vehicles and equipment, 296-306-165 General requirements for all agriculture equipment, 296-306-170 Auger conveying equipment, and 296-306-26001 Minimum performance criteria for rollover protective structures for designated scrapers, loaders, dozers, graders, and crawler tractors.

Statutory Authority for Adoption: Chapter 49.17 RCW.

Pursuant to notice filed as WSR 94-21-099 on October 19, 1994.

Changes Other than Editing from Proposed to Adopted Version: The following sections are being withdrawn: WAC 296-306-092 Definitions, 296-306-09201 General requirements, 296-306-09203 Alternating tread-type stairs, and 296-306-330 Decontamination.

The following sections are being adopted with the following changes:

WAC 296-306-010 Purpose and scope. WAC 296-306-010(2): Language referring to the March 1, 1995, effective date for the applicability of chapter 296-24 WAC to agriculture is deleted. The adopted subsection reads, "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 chapter 296-24 WAC apply only when specifically referenced in this chapter."

This change is made as a result of public hearing comment and negotiations between labor and management representatives of the agriculture industry and the department.

WAC 296-306-012 Definitions applicable to all sections of this chapter. The numbering of definitions is deleted to comply with code reviser requirements.

WAC 296-306-025 Management's responsibility. Subsection (7) is added. The subsection reads, "Sanitation for fixed places of employment as prescribed by WAC 296-24-120. The requirements of this subsection are not applicable to field sanitation. The shower requirements in WAC 296-24-12009(3) are not applicable to agricultural operations." This change is made as a result of negotiations between labor and management representatives of the agriculture industry and the department.

WAC 296-306-065 Materials handling and storage. Subsection (8) is deleted. This change is made as a result of public hearing comment and negotiations between labor and management representatives of the agriculture industry and the department.

WAC 296-306-080 Guarding of hand-held portable power tools. WAC 296-306-080(4): The word "circular" is added after the words "power-driven." The amended sentence reads, "All portable, power-driven circular saws shall be equipped with guards above and below the base plate or shoe." This change is made to clarify the type of saw addressed by this section.

WAC 296-306-08501 Scope and application. WAC 296-306-08501(2): The words "fire protection" after the word "egress" are deleted, and the word "through" after the words "Part G-1" is changed to "and." The amended sentence reads, "For work place requirements not addressed by this chapter regarding means of egress and fire suppression equipment see chapter 296-24 WAC, Part G-1 and Part G-3." This change is made to clarify the requirement as a result of public hearing comment and negotiations between labor and management representatives of the agriculture industry and the department.

WAC 296-306-08503 General requirements. WAC 296-306-08503(8): The words "such as carbon Tetrachloride and chlorobromomethane" are added after the word "extinguishers." The amended sentence reads, "Vaporizing type extinguishers such as carbon Tetrachloride and chlorobromomethane shall not be used." This change is made to clarify the type of fire extinguishers covered by this section.

WAC 296-306-09003 Hazardous materials, flammable and combustible liquids, spray finishing, dip tanks. WAC 296-306-09003 (1)(a): "WAC 296-24-33009" is deleted and replaced with the words "the recommendations specified by the National Fire Protection Association (NFPA) and/or other agencies having jurisdiction." The amended sentence reads, "Fuel shall be stored, handled and marked in accordance with the recommendations specified by the National Fire Protection Association (NFPA) and/or other agencies having jurisdiction." This change was made as a result of public hearing comment and negotiations between labor and management representatives of the agriculture industry and the department.

Part H, Ladders, aerial manlifts, elevated work platforms, bulk storage, pits, and trenches. The words "Walking Working Surfaces" are moved to the beginning of the title.

The amended title reads, "Walking Working Surfaces, Ladders, Aerial Manlifts, Elevated Work Platforms, Bulk Storage, Pits, and Trenches." This change was made to clarify subjects covered under this part.

WAC 296-306-095 Elevated walkways and platforms. The words "Walking working surfaces" are added at the beginning of the section title. The amended title reads, "Walking working surfaces, elevated walkways and platforms." Subsections (10) and (11) are added. These sections read, "(10) Stairway construction requirements shall comply with WAC 296-24-765 through 296-24-76555. (11) Guarding of floors, wall openings and holes not covered in this chapter shall comply with the requirements of WAC 296-24-750 through 296-24-75011." These changes were made as a result of public hearing comment and negotiations between labor and management representatives of the agriculture industry and the department.

WAC 296-306-105 Orchard ladders. The title of the section was amended to "Ladders" to more accurately address the contents of the section. Proposed language was modified and reorganized to clarify general requirements, address requirements specific to inspection, training and use of ladders, and reference chapter 296-24 WAC as appropriate. These changes were made as a result of public hearing comment and negotiations between labor and management representatives of the agriculture industry and the department.

WAC 296-306-120 Aerial manlift equipment. WAC 296-306-120 (11)(b): The words "within a radius of ten feet from energized high voltage conductors, or into any part of the zone any distance above such radius (see WAC 296-306-14511 Proximity to overhead lines)" are deleted and replaced with the words "closer to high voltage lines than the requirements set forth in WAC 296-306-14511 Proximity to overhead lines." The amended sentence reads, "The employee or any part of agricultural aerial man-lift equipment shall not come closer to high voltage lines than the requirements set forth in WAC 296-306-14511 Proximity to overhead lines." This change was made to clarify when requirements are applied.

WAC 296-306-155 General requirements for maintenance of farm motor vehicles and equipment. Subsection (6) is added. The subsection reads, "The requirements of WAC 296-24-233, "Motor vehicle trucks and trailers" shall apply to this chapter." This change is made as a result of negotiations between labor and management representatives of the agriculture industry and the department.

Effective Date of Rule: January 16, 1996.

April 27, 1995
Mark O. Brown
Director

AMENDATORY SECTION (Amending Order 93-17, filed 3/2/94, effective 3/1/95)

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). Agriculture operations are defined as all operations necessary to farming and ranching, including maintenance of equipment and machinery, and planting, cultivating,

growing or raising, keeping for sale, harvesting, or transporting on the farm or to the first place of processing any tree, plant, fruit, vegetable, animal, fowl, fish, or insects or products thereof. Agricultural operations include all employees in one or more of the following Standard Industrial Classification (SIC) Codes:

0111	Wheat
0115	Corn
0119	Cash Grains NEC, Barley, Peas, Lentils, Oats, etc.
0133	Sugar Cane and Sugar Beets
0134	Irish Potatoes - All Potatoes except Yams
0139	Field Crops - Hay, Hops, Mint, etc.
0161	Vegetables and Melons, All Inclusive
0171	All Berry Crops
0172	Grapes
0173	Tree Nuts
0175	Deciduous Tree Fruits
0179	Tree Fruits or Tree Nuts Not Elsewhere Classified
0181	Ornamental Floriculture and Nursery Products
0182	Food Crops Grown Under Cover
0191	General Farms, Primarily Crops
0211	Beef Cattle Feedlots
0212	Beef Cattle Except Feedlots - Cattle Ranches
0213	Hogs
0214	Sheep and Goats
0219	General Livestock Except Dairy and Poultry
0241	Dairy Farms
0251	Broiler, Fryer, and Roaster Chickens
0252	Chicken Eggs
0253	Turkeys and Turkey Eggs
0254	Poultry Hatcheries
0259	Poultry and Eggs Not Elsewhere Classified
0271	Fur Bearing Animals and Rabbits
0272	Horses
0273	Animal Aquaculture
0279	Animal Specialties Not Elsewhere Classified
0291	General Farms, Primarily Livestock and Animal Specialties
0711	Soil Preparation Services
0721	Crop Planting, Cultivating, and Protecting
0722	Crop Harvesting, Primarily by Machine
0751	Livestock Services, Except Veterinary
0761	Farm Labor Contractors
0811	Timber Tracts, Christmas Tree Growing, Tree Farms
0831	Forest Nurseries
0851	Forestry Services - Reforestation

(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)) chapter((s)) 296-24 WAC apply only when specifically referenced in this chapter ((until March 1, 1995. Effective March 1, 1995, this standard shall augment the Washington state general safety and health standards, chapter 296-24 WAC and any other standards which are applicable to all industries governed by chapter 80, Laws of 1973, Washington Industrial Safety and Health Act. In the event of any conflict between any portion of this chapter and any portion of any of the general application standards, the

provisions of this chapter (~~chapter 296-306 WAC~~) shall apply)).

(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.

Note: Assignments may involve, but are not limited to activities, such as fruit and vegetable packing, logging, mining, sawmills, etc., when the products of such activities are removed from the farm site for commercial distribution.

(4) The requirement that the employer shall develop and maintain a hazard communication program as required by ~~(WAC 296-62-054 through 296-62-05427)~~ chapter 296-62 WAC, Part C 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.

AMENDATORY SECTION (Amending Order 93-17, filed 3/2/94, effective 4/15/94)

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/her 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:

~~((a))~~ Mixing, loading, transferring, or applying pesticides.

~~((b))~~ Disposing of pesticides or pesticide containers.

~~((c))~~ Handling opened containers of pesticides.

~~((d))~~ Acting as a flagger.

~~((e))~~ Cleaning, adjusting, handling, or repairing the parts of mixing, loading, or application equipment that may contain pesticide residues.

~~((f))~~ Assisting with the application of pesticides.

~~((g))~~ Entering a treated area outdoors after application of any soil fumigant to adjust or remove soil coverings such as tarpaulins.

~~((h))~~ The term does not include any person who is only handling pesticide containers that have been emptied or cleaned according to pesticide product labeling instructions or, in the absence of such instructions, have been subjected to triple-rinsing or its equivalent.

~~((8))~~ "Hazard" means that condition, potential or inherent, which can cause injury, death, or occupational disease.

~~((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.

~~((10))~~ "Shall" or "must" means mandatory.

~~((11))~~ "Should" or "may" means recommended.

~~((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)~~ his/her designated representative.

~~((13))~~ "Suitable" means that which fits, or has the qualities or qualifications to meet a given purpose, occasion, condition, function, or circumstance.

~~((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.

~~((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/her employer whether by way of manual labor or otherwise and every person in this state who is engaged in the employment of or who is working under an independent contract the essence of which is his/her personal labor for an employer whether by manual labor or otherwise.

AMENDATORY SECTION (Amending Order 93-17, filed 3/2/94, effective 4/15/94)

WAC 296-306-015 Variance procedures. (1) In the event some requirements of this agricultural safety standard become impractical under certain conditions, the director of the department of labor and industries may permit a variation from the requirements if the employer provides *equal protection* by other means and complies with the other

requirements of chapter 49.17 RCW and chapter 296-350 WAC, variances.

(2) The written application must certify that the employer has properly notified his/her employees of his/her application for a variance. Proper notice to employees shall mean that a copy of the written application has been posted in a place or places reasonably accessible to all employees. In addition, a copy of the application shall be mailed to the authorized representative of such employees, if any. The notice shall advise employees and their representatives of their right to request the director to conduct a hearing on the variance application. All the above notices to employees must be made prior to the date the employer makes written application to the director.

Note: An employer who wishes to apply for a permanent or temporary variance shall make a request in writing to the (~~Standards Section~~) Department of Labor and Industries, Division of (~~Industrial Safety and Health~~) Consultation and Compliance Services, P.O. Box 44620, Olympia, Washington, (~~98507-4620~~) 98504-4620. The (~~engineering section~~) division will respond by furnishing application forms along with the instructions necessary to meet the intent of the law. A copy of chapter 296-350 WAC, variances will be included if specifically requested.

AMENDATORY SECTION (Amending Order 91-07, filed 11/22/91, effective 12/24/91)

WAC 296-306-025 Management's responsibility. It shall be the responsibility of management to establish, supervise, and enforce, in a manner which is effective in practice:

- (1) A safe and healthful working environment.
- (2) An accident prevention program as required by these standards.
- (3) A system for reporting and recording accidents that will fulfill statistical requirements of the department of labor and industries. (See chapter 296-27 WAC.)
- (4) Safety education and training programs.
- (5) Temporary labor camps, as prescribed in WAC 296-24-125 through 296-24-12523, and shall comply with these rules and regulations.
- (6) Safety marking and color coding for physical hazards required by this chapter and WAC 296-24-135 through 296-24-14011, Part B-2.
- (7) Sanitation for fixed places of employment as prescribed by WAC 296-24-120. The requirements of this subsection are not applicable to field sanitation. The shower requirements in WAC 296-24-12009(3) are not applicable to agricultural operations.

**PART B—ACCIDENT PREVENTION PROGRAM,
FIRST-AID REQUIREMENTS, SAFE PLACE STANDARD**

AMENDATORY SECTION (Amending Order 92-24, filed 3/5/93, effective 6/1/93)

WAC 296-306-035 Accident prevention program.

(1) The agricultural employer shall instruct all employees, including temporary and seasonal employees, in safe working practices. Such instruction shall be tailored to the types of hazards to which the employees will be exposed.

(2) Each employer shall develop an accident prevention program tailored to the needs of the particular farm or agricultural operation and to the types of hazards involved.

(3) Agricultural employers shall give appropriate safety instruction to seasonal employees and temporary crews at the beginning of employment.

(4) The following are minimal program elements, for all agricultural employers, to be included in the safety orientation program:

- (a) How, when, and where to report injuries and illnesses, and the location of first-aid facilities.
- (b) How to report unsafe conditions and practices.
- (c) The use and care of personal protective equipment.
- (d) What to do in emergencies.
- (e) Identification of hazardous chemicals or materials and the instruction for their safe use.
- (f) An on-the-job review of the practices necessary to perform job assignments in a safe and healthful manner.

(5) The accident prevention program shall be outlined in writing.

(6) Every employer shall conduct foreman-crew safety meetings as follows:

(a) Foreman-crew safety meetings shall be held at least monthly or whenever there are significant changes in job assignments. These meetings shall be tailored to the particular operation or activity occurring at the time.

(b) Attendance shall be documented.

(c) Subjects discussed shall be documented in the form of minutes.

(d) Short-term operations, such as harvesting, that lasts less than one week, do not require foreman-crew safety meetings but only require initial safety orientation for the operation.

(7) Minutes of each foreman-crew safety meeting shall be prepared and maintained at the location where the majority of employees report to work each day.

(8) Minutes for foreman-crew safety meetings shall be retained by employers for one year, and shall be made available upon request to personnel of the department of labor and industries.

(9) Every employer shall conduct at least monthly walk-around safety inspections of active jobsites, materials, and equipment involved and operating procedures.

(a) The walk-around safety inspections shall be conducted by a management representative.

(b) A representative chosen by employees shall be invited and allowed to accompany the management representative on the walk-around safety inspection.

(10) Lockout/tagout. The employer shall establish and (implement) a written program consisting of an energy control procedure (lockout/tagout), 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. For lockout/tagout requirements not addressed by

this chapter see WAC 296-24-110 through 296-24-119, Part A-4, general safety and health standards.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-045 First-aid training and certification. (1) One or more persons qualified to render first-aid shall be assigned to each farm or crew during working hours. "Qualified" means that the person holds a current certificate of first-aid training from the (~~department of labor and industries, the United States Bureau of Mines, the~~) American Red Cross or other organizations, or agencies course of training with equivalent content and hours. A "current certificate" must be no more than three years old.

Note: A list of department approved first-aid courses can be obtained from your local department of labor and industries service location.

(2) The above requirement will be met if the farm operator or the spouse of the farm operator holds a current first-aid certificate and is available.

(3) The above requirements shall not apply to employees whose duties require them to be working alone at isolated work stations. However, they shall be checked at intervals by some method agreed upon by the employer and the employee.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-050 First-aid kit. (1) All employers covered by WISHA shall furnish first-aid kits as required by the (~~division of safety and health,~~) department of labor and industries.

(2) First-aid supplies shall be readily accessible and provided for persons working alone at isolated stations.

Note: A ten-package kit shall contain at least the following items:

- 1 package 1-inch adhesive bandages (16 per package)
- 2 packages 4-inch bandage compress (1 per package)
- 1 package scissors and tweezers (1 each per package)
- 2 packages 40-inch triangular bandage (1 per package)
- 1 package antiseptic soap or pads (3 per package)
- 2 packages eye dressing (1 per package)
- 1 package 24" x 72" absorbent gauze (1 per package)

Note: Items may be added at employer's option.

(3) First-aid kit sizes and numbers shall be determined by the number of employees normally dependent upon each kit as outlined in the following table:

NUMBER OF EMPLOYEES NORMALLY ASSIGNED TO WORKSITE	MINIMUM FIRST-AID SUPPLIES REQUIRED AT WORKSITE
1 - 15 employees	1 ten-package kit
16 - 30 employees	2 ten-package kits or 1 24-package kit
31 - 50 employees	3 ten-package kits or 1 36-package kit
Over 50 employees (Within 1/2 mile radius)	First-aid Station - 136 package kit plus Stretcher and 2 blankets

Note: Kits may be carried in any motor vehicle when such vehicle is used near the crew. Such vehicles may be considered stations when so identified and when the driver is trained in first-aid.

(4) Items used from first-aid kits shall be replaced before the next shift. Kits shall be checked at least weekly for unauthorized removal of items.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-065 Materials handling and storage—General requirements. (1) Where mechanical handling equipment is used, safe clearances of three feet shall be allowed for aisles, loading docks, through doorways and wherever turns or passage must be made. Aisles and passageways shall be kept clear and in good repair, with no obstructions across or in aisles that could create hazards.

(2) Bags, bales, boxes and other containers stored in tiers shall be made secure against sliding or collapse.

(3) Storage areas shall be kept free from any accumulation of materials that could cause tripping, fire or explosion.

(4) Workers shall be instructed in proper lifting or moving techniques and methods. Mechanical devices or assistance in lifting shall be used when moving heavy objects.

(5) When removing materials from piles on horizontal surfaces, the face of the pile shall be removed in a manner that will prevent overhangs.

(6) Storage areas shall be provided with proper drainage.

(7) Clearance signs to warn of clearance limits shall be provided.

(8) Conveyors. Conveyors shall be constructed, operated and maintained in accordance with the provisions of ANSI B 20.1-1957. The following additional provisions shall apply where applicable.

(a) When the return strand of a conveyor operates within seven feet of the floor there shall be a trough provided of sufficient strength to carry the weight resulting from a broken chain.

(b) If the strands are over a passageway a means shall be provided to catch and support the ends of the chain in the event of a break.

(c) When the working strand of a conveyor crosses within three feet of the floor level in passageways, the trough in which it works shall be bridged the full width of the passageway.

(d) Whenever conveyors pass adjacent to or over working areas or passageways used by personnel, protective guards shall be installed. These guards shall be designed to catch and hold any load or materials which may fall off or become dislodged and injure a worker.

(e) Employees shall not be allowed to walk on the rolls of roller-type conveyors except for emergency.

(f) Guards, screens or barricades of sufficient strength and size to prevent material from falling shall be installed on all sides of the shaftway of elevator-type conveyors except at openings where material is loaded or unloaded. Automatic shaftway gates or suitable barriers shall be installed at each floor level where material is loaded or unloaded from the platform.

(g) Conveyors shall be provided with an emergency stopping device which can be reached from the conveyor. Such device shall be located near the material entrance to each chopper, mulcher, saw, or similar type of equipment except where the conveyor leading into such equipment is

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under constant control of an operator who has full view of the material entrance and is located where he/she cannot possibly fall onto the conveyor.

(h) Where conveyors are in excess of 7' in height, means shall be provided to safely permit essential inspection and maintenance operations.

(i) Any part showing signs of significant wear shall be inspected carefully and replaced prior to reaching a condition where it may create a hazard.

(j) Replacement parts shall be equal to or exceed the manufacturer's specifications.

(9) Powered industrial trucks (fork lifts). For powered industrial truck requirements, see WAC 296-24-230 through 296-24-23035, Part D.

(10) Changing and charging storage batteries.

(a) Battery changing installations shall be located in areas designated for that purpose.

(b) Facilities shall be provided for flushing and neutralizing spilled electrolyte, for fire protection, for protecting charging apparatus from damage by trucks, and for adequate ventilation for dispersal of fumes from gassing batteries.

(c) When racks are used for support of batteries, they should be made of materials nonconductive to spark generation or be coated or covered to achieve this objective.

(d) A conveyor, overhead hoist, or equivalent material handling equipment shall be provided for handling batteries.

(e) Reinstalled batteries shall be properly positioned and secured in the vehicle.

(f) A carboy tilter or siphon shall be provided for handling electrolyte.

(g) When charging batteries, acid shall be poured into water; water shall not be poured into acid.

(h) Vehicles shall be properly positioned and brake applied before attempting to change or charge batteries.

(i) When charging batteries, the vent caps should be kept in place to avoid electrolyte spray. Care shall be taken to assure that vent caps are functioning. The battery (or compartment) cover(s) shall be open to dissipate heat.

(j) Precautions shall be taken to prevent open flames, sparks, or electric arcs in battery charging areas.

(k) Tools and other metallic objects shall be kept away from the top of uncovered batteries.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-080 Guarding of hand-held portable power tools. (1) "Dead man" controls. Each hand-held, power-driven tool shall be provided with a "dead man" control, such as a spring-actuated switch, valve, or equivalent device, so that the power will be automatically shut off whenever the operator releases the control.

(2) Grounding. Electrical grounding requirements for portable machinery shall conform to the requirements of this section.

(a) The frames and all exposed, noncurrent-carrying metal parts of portable electric machinery operated at more than ~~((90))~~ 50 volts to ground shall be grounded. Other portable motors driving electric tools which are held in the hand while being operated shall be grounded if they operate at more than ~~((90))~~ 50 volts to ground. The ground shall be

provided through use of a separate ground wire and polarized plug and receptacle.

(b) Double insulated tools which are designed and used in accordance with the requirements of Article 250-45 of the National Electrical Code (1971 edition) are exempted from the above grounding requirement in (a).

(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.

(4) All portable, power-driven circular saws 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. Pruning and chain saws are exempt from this requirement.

~~(5) ((Cracked saws. All cracked saws shall be removed from service.))~~ For hand-held powered tools and hand-held equipment requirements not typical to agriculture, see chapter 296-24 WAC, Part H-1, Hand and portable powered tools and other hand-held equipment.

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

WAC 296-306-085 Fire protection and ignition sources. ~~((1))~~ Portable fire extinguishers shall be constructed, tested, maintained and used in accordance with the recommendations specified by the National Fire Protection Association's No. 10A-1970.

Note: ~~The supplier of the extinguisher or local fire official can furnish this information.~~

~~(2) Fire extinguishing equipment suitable for use for the type or types of fire which could be expected in an area shall be provided and shall be available at all times.~~






~~(3) Each person who is expected to use fire extinguishing equipment shall be instructed as to its proper use.~~

~~(4) Employees shall be instructed on procedures to be followed in case of fire.~~

~~(5) Areas where fire or explosion hazards exist shall be posted with NO SMOKING or other suitable signs which warn of such hazards.~~

~~(6) Vaporizing type extinguishers shall not be used.~~

KNOW YOUR FIRE EXTINGUISHERS

 CLASS A FIRES WOOD, PAPER, TRASH HAZARD OF OILING FIBRES 	WATER TYPE				FOAM	CARBON DIOXIDE	DRY-CHEMICAL			
	STORGE PRESSURE	CARTRIDGE OPERATED	WATER PUMP TANK	SODA-ACID	FOAM	CO ₂	SODIUM OR POTASSIUM BICARBONATE	STORGE PRESSURE	STORGE PRESSURE	CARTRIDGE OPERATED
CLASS B FIRES FLAMMABLE LIQUIDS, GASOLINE, OIL, PAINTS, GREASE, ETC. 	YES	YES	YES	YES	YES	NO DO NOT USE ON ELECTRICAL EQUIPMENT	NO DO NOT USE ON ELECTRICAL EQUIPMENT	NO DO NOT USE ON ELECTRICAL EQUIPMENT	YES	YES
CLASS C FIRES ELECTRICAL EQUIPMENT 	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
CLASS D FIRES COMBUSTIBLE METALS 	SPECIAL EXTINGUISHING AGENTS APPROVED BY RECOGNIZED TESTING LABORATORIES									
METHODS OF OPERATION	PULL PIN - SOURCE LEVER	TURN WHEEL DOWN AND PUMP	PUMP HANDLE	TURN UP LENS BOW	TURN WHEEL DOWN	PULL PIN - SOURCE LEVER	RUPTURE CARTRIDGE SOURCE LEVER	PULL PIN - SOURCE LEVER	PULL PIN - SOURCE LEVER	RUPTURE CARTRIDGE SOURCE LEVER
RANGE	30' - 40'	30' - 40'	30' - 40'	30' - 40'	30' - 40'	3' - 8'	5' - 20'	5' - 20'	5' - 20'	5' - 20'
MAINTENANCE	CHARGE AND RECHARGE MONTHLY	RECHARGE GAS CARTRIDGE AND FILL WITH WATER MONTHLY	RECHARGE AND FILL WITH WATER ANNUALLY	DISCHARGE ANNUALLY RECHARGE	RECHARGE ANNUALLY RECHARGE	WITH TEST ANNUALLY	RECHARGE GAS CARTRIDGE OR BY CHEMICAL ANNUALLY	CHARGE PRESSURE GAUGE AND CONDITION OR BY CHEMICAL ANNUALLY	CHARGE PRESSURE GAUGE AND CONDITION OR BY CHEMICAL ANNUALLY	RECHARGE GAS CARTRIDGE OR BY CHEMICAL ANNUALLY

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~~Note: The above department of labor and industries chart on special extinguishing agents approved by recognized testing laboratories is set forth as filed in the office of the code reviser. It is available for inspection in the code reviser's office as well as the department of labor and industries.)~~

NEW SECTION

WAC 296-306-08503 General requirements. (1) Portable fire extinguishers shall be tested, constructed, and used according to the National Fire Protection Association's pamphlet No. 10A-1970.

Note: The supplier of the extinguisher or local fire official can furnish this information.

(2) Fire extinguishing equipment shall be suitable for the hazard.

(3) The employer shall provide, locate, mount and identify portable fire extinguishers so that they are readily accessible to employees without subjecting the employees to possible injury.

(4) Each person expected to use fire extinguishing equipment shall be instructed upon initial employment and at least annually thereafter as to its proper use.

(5) Employees shall be instructed on procedures to be followed in case of fire.

(6) Areas where fire or explosion hazards exist shall be posted with no smoking or other suitable signs which warn of such hazards. Smoking shall be prohibited within fifty feet of all refueling operations. Precautions shall be taken to prevent open flames, sparks or electric arcs in refueling areas.

NEW SECTION

WAC 296-306-08501 Scope and application. (1) The requirements of WAC 296-306-085, Fire protection and ignition sources, apply to the placement, use, maintenance, and testing of portable fire extinguishers provided for the use of employees. The selection and distribution requirements contained in WAC 296-306-08505 does not apply to the outside of workplaces, buildings or structures.

(2) For work place requirements not addressed by this chapter regarding means of egress and fire suppression equipment see chapter 296-24 WAC, Part G-1 and Part G-3.

(3) Where the employer has established and implemented the requirements of WAC 296-306-08509, emergency plan and fire protection, and extinguishers are not required by a specific standard administered by the department of labor and industries or other regulatory agency (ANSI, NFPA, or NEC) the employer is exempt from the requirements contained in WAC 296-306-08505, Selection and distribution.

(7) Portable fire extinguishers shall be maintained in a fully charged and operable condition and kept in their designated places at all times except during use.

(8) Vaporizing type extinguishers such as carbon Tetrachloride and chlorobromomethane shall not be used.

(9) At least one portable fire extinguisher having a rating of not less than 12-B units shall be located outside of, but not more than 10 feet from the door opening into any room used for storage of flammables and or combustibles.

NEW SECTION

WAC 296-306-08505 Selection and distribution. (1) The employer shall distribute portable fire extinguishers for use by employees according to the following travel requirements:

(a) Travel distance to any Class A fire extinguisher is 75 feet (22.9 m) or less.














(b) Travel distance from the Class B hazard area to any extinguisher is 50 feet (15.2 m) or less.

(c) Class C hazards may use appropriate pattern for the existing Class A or Class B hazards.

(d) The travel distance to portable fire extinguishers or other containers of Class D extinguishing agent for use by employees shall be 75 feet (22.9 m) or less. Class D extinguishers are required in those combustible metal working areas where combustible metal powders, flakes, shavings, or similarly sized products are generated at least once every two weeks.

(2) The employer may use uniformly spaced standpipe systems or hose stations connected to a sprinkler system installed for emergency use by employees instead of Class A portable fire extinguishers, the system shall comply with the requirements of WAC 296-24-602 or 296-24-607, and they shall provide total coverage of the area to be protected, and that employees are trained at least annually in their use.

KNOW YOUR FIRE EXTINGUISHERS

	WATER TYPE				FOAM	CARBON DIOXIDE	DRY CHEMICAL			
	 STORED PRESSURE	 CARTRIDGE OPERATED	 WATER PUMP TYPE	 SODA ACID			SODIUM OR POTASSIUM BICARBONATE		MULTI-PURPOSE ABC	
							 CARTRIDGE OPERATED	 STORED PRESSURE	 STORED PRESSURE	 CARTRIDGE OPERATED
CLASS A FIRES WOOD, PAPER, TRASH BURNING COOKING EMBERS 	YES	YES	YES	YES	YES	NO <small>DRY WALL CONTACT SHALL SURFACE FIRES</small>	NO <small>DRY WALL CONTACT SHALL SURFACE FIRES</small>	NO <small>DRY WALL CONTACT SHALL SURFACE FIRES</small>	YES	YES
CLASS B FIRES FLAMMABLE LIQUIDS, GASOLINE, OIL, PAINTS, GREASE, ETC. 	NO	NO	NO	NO	YES	YES	YES	YES	YES	YES
CLASS C FIRES ELECTRICAL EQUIPMENT 	NO	NO	NO	NO	NO	YES	YES	YES	YES	YES
CLASS D FIRES COMBUSTIBLE METALS 	SPECIAL EXTINGUISHING AGENTS APPROVED BY RECOGNIZED TESTING LABORATORIES									
METHODS OF OPERATION	PULL PIN - SQUEEZE LEVER	TURNOFFSIDE DOWN AND PUMP	PUMP HANDLE	TURNOFFSIDE DOWN	TURNOFFSIDE DOWN	PULL PIN - SQUEEZE LEVER	RUPTURE CARTRIDGE SQUEEZE LEVER	PULL PIN - SQUEEZE HANDLE	PULL PIN - SQUEEZE HANDLE	RUPTURE CARTRIDGE SQUEEZE LEVER
RANGE	30' - 40'	30' - 40'	30' - 40'	30' - 40'	30' - 40'	3' - 5'	5' - 20'	5' - 20'	5' - 20'	5' - 20'
MAINTENANCE	CHECK AIR PRESSURE GAUGE MONTHLY	WEIGH GAS CARTRIDGE ADD WATER IF REQUIRED ANNUALLY	DISCHARGE AND FILL WITH WATER ANNUALLY	DISCHARGE ANNUALLY RECHARGE	NO CHANGE ANNUALLY RECHARGE	WEIGH SEMI ANNUALLY	WEIGH GAS CARTRIDGE CHECK CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	CHECK PRESSURE GAUGE AND CONDITION OF DRY CHEMICAL ANNUALLY	WEIGH GAS CARTRIDGE CHECK CONDITION OF DRY CHEMICAL ANNUALLY

Note: The special extinguishing agents chart can be used to determine suitable portable fire extinguishing equipment. The above department of labor and industries chart on special extinguishing agents approved by recognized testing laboratories is set forth as filed in the office of the code reviser. It is available for inspection in the code reviser's office as well as your local department of labor and industries.

NEW SECTION

WAC 296-306-08507 Inspection, maintenance and testing. (1) Portable extinguishers or hose shall be visually inspected monthly.

(2) The employer shall assure that portable fire extinguishers are subjected to an annual maintenance check. Stored pressure extinguishers do not require an internal

examination. The employer shall record the annual maintenance date and retain this record for one year after the last entry or the life of the shell, whichever is less. The record shall be available to the director upon request.

(3) The employer shall assure that stored-pressure dry chemical extinguishers that require a twelve-year hydrostatic test are emptied and subjected to applicable maintenance procedures every six years. Dry chemical extinguishers having nonrefillable disposable containers are exempt from this requirement. When recharging or hydrostatic testing is performed, the six-year requirement begins from that test date.

PERMANENT

(4) The employer shall assure that alternate equivalent protection is provided when portable fire extinguishers are removed from service for maintenance and recharging.

NEW SECTION

WAC 296-306-08509 Employee emergency and fire prevention plans.

Note: Employee emergency and fire prevention plans can be part of the employers written accident prevention plan.

(1) Emergency action plan.

(a) The emergency action plan requirements shall be in writing, and shall cover those designated actions employers and employees must take to ensure employee safety from fire and other emergencies.

(b) The following elements, at a minimum, shall be included in the plan:

(i) Emergency escape procedures and emergency escape route assignments;

(ii) Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;

(iii) Procedures to account for all employees after emergency evacuation has been completed;

(iv) Rescue and medical duties for those employees who are to perform them;

(v) The preferred means of reporting fires and other emergencies; and

(vi) Names or regular job titles of persons or departments who can be contacted for further information or explanation of duties under the plan.

(c) Alarm systems.

(i) The employer shall establish an employee alarm system which complies with WAC 296-24-631.

(ii) If the employee alarm system is used for alerting fire brigade members, or for other purposes, a distinctive signal for each purpose shall be used.

(d) The employer shall establish in the emergency action plan the types of evacuation to be used in emergency circumstances.

(e) Training.

(i) Before implementing the emergency action plan, the employer shall designate and train a sufficient number of persons to assist in the safe and orderly emergency evacuation of employees.

(ii) The employer shall review the plan with each employee covered by the plan at the following times:

(A) Initially when the plan is developed;

(B) Whenever the employee's responsibilities or designated actions under the plan change; and

(C) Whenever the plan is changed.

(iii) The employer shall review with each employee upon initial assignment those parts of the plan which the employee must know to protect the employee in the event of an emergency. The written plan shall be kept at the workplace and made available for employee review.

(2) Fire prevention plan.

(a) Elements. The following elements, at a minimum, shall be included in the fire prevention plan:

(i) A list of the major workplace fire hazards and their proper handling and storage procedures, potential ignition sources (such as welding, smoking and others) and their

control procedures, and the type of fire protection equipment or systems which can control a fire involving them;

(ii) Names or regular job titles of those personnel responsible for maintenance of equipment and systems installed to prevent or control ignitions or fires; and

(iii) Names or regular job titles of those personnel responsible for control of fuel source hazards.

(b) Housekeeping. The employer shall control accumulations of flammable and combustible waste materials and residues so that they do not contribute to a fire emergency.

(c) Training.

(i) The employer shall apprise employees of the fire hazards of the materials and processes to which they are exposed.

(ii) The employer shall review with each employee upon initial assignment those parts of the fire prevention plan which the employee must know to protect the employee in the event of an emergency.

(d) Maintenance. The employer shall regularly and properly maintain, according to established procedures, equipment and systems installed on heat producing equipment to prevent accidental ignition of combustible materials.

PART G—((STORAGE AND HANDLING OF ANHYDROUS AMMONIA)) HAZARDOUS MATERIALS

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

WAC 296-306-090 Storage and handling of anhydrous ammonia. (1) Any agricultural employer or employee who transports or applies anhydrous ammonia shall obtain and comply with the anhydrous ammonia safety rules (WAC 296-24-51019 through 296-24-51021). These may be obtained from the department of labor and industries (~~division of industrial safety and health~~) headquarters in Tumwater, Washington, or your local labor and industries service location.

(2) Gloves and goggles and/or a face shield shall be used by all employees while working on or with charged anhydrous ammonia equipment.

(3) Equipment shall be inspected before each day's work. Conditions that would contribute to accidental leakage shall be corrected.

(4) Hose end-valves must be in a closed position when not in use to prevent accidental discharge in case the main valve is opened.

(5) Five gallons or more of clean water must be provided on the equipment.

(6) Relief and vapor valves shall be positioned to discharge away from operator's working position.

NEW SECTION

WAC 296-306-09001 Storage and handling of liquefied petroleum gases. (1) The storage and handling of liquefied petroleum gases shall comply with the requirements of chapter 296-24 WAC, Part F-1 Storage and handling of liquefied petroleum gases.

(2) Existing plants, appliances, equipment, buildings, structures, and installations for the storage, handling or use of LP-gas, which were in compliance with the current provisions of the National Fire Protection Association

Standard for the Storage and Handling of Liquefied Petroleum Gases NFPA NO. 58-1972, 1973 at the time of manufacture or installation may be continued in use, if such continued use does not constitute a recognized hazard that is causing or is likely to cause death or serious physical harm to employees.

NEW SECTION

WAC 296-306-09003 Hazardous materials, flammable and combustible liquids, spray finishing, dip tanks.

(1) General requirements.

(a) Storage, handling and marking of fuel. Fuel shall be stored, handled and marked in accordance with the recommendations specified by the National Fire Protection Association (NFPA) and/or other agencies having jurisdiction.

(b) Each employer shall determine that compressed gas cylinders under his/her control are in a safe condition to the extent that this can be determined by visual inspection. Visual and other inspections shall be conducted as prescribed in the hazardous materials regulations of the department of transportation (49 CFR Parts 171-179 and 14 CFR Part 103). Where those regulations are not applicable, visual and other inspections shall be conducted in accordance with *Compressed Gas Association Pamphlets C-6-1968 and C-8-1962*.

Note: This section is not applicable to pesticides. For hazards related to pesticides see Part M of this chapter.

(2) Compressed gas cylinders, portable tanks, and cargo tanks shall have pressure relief devices installed and maintained in accordance with Compressed Gas Association Pamphlets S-1.1-1963 and 1965 addenda and S-1.2-1963.

(3) Agricultural equipment employing open flames or equipment with integral containers, such as flame cultivators, weed burners, and, in addition, tractors, shall be shut down during refueling.

(4) Dip tanks shall comply with the requirements of WAC 296-24-405 through 296-24-40515, Part E.

(5) Spray finishing using flammable and combustible materials shall comply with the requirements of WAC 296-24-370, Part E.

PART H—WALKING WORKING SURFACES, LADDERS, AERIAL MANLIFTS, ELEVATED WORK PLATFORMS, BULK STORAGE, PITS, AND TRENCHES

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-095 Walking working surfaces, elevated walkways and platforms. (1) Elevated walkways, platforms and open-sided floors over 48 inches in height shall be guarded by safety railings. ~~((Such railings shall have a top rail approximately 42 inches from the floor and a midrail between the top rail and the working surface. Guard rails shall be strong enough to withstand at least 200 pounds side thrust against the top rail.))~~

(2) A standard railing shall consist of top rail, intermediate rail, and posts, and shall have a vertical height of from thirty-six to forty-two inches nominal from upper surface of top rail to floor, platform, runway, or ramp level and:

(a) The top rail shall be smooth-surfaced throughout the length of the railing.

(b) The intermediate rail shall be approximately halfway between the top rail and the floor, platform, runway, or ramp.

(c) The ends of the rails shall not overhang the terminal posts except where such overhang does not constitute a projection hazard.

(d) Guardrails with heights greater than 42 inches are permissible provided the extra height does not create a dangerous situation for employees and that additional midrails were installed so that openings beneath the top rail would not permit the passage of a 19-inch or larger spherical object.

(3) Railings may be omitted from particular sections of open-sided floors, platforms or walkways where guard rails impair operations.

~~((3) Toeboards shall be required on platforms with railing where objects falling from the platform could create a hazard to persons below.))~~ (4) A stair railing shall be of construction similar to a standard railing but the vertical height shall be not more than thirty-four inches nor less than thirty inches from upper surface of top rail to surface of tread in line with face of riser at forward edge of tread.

(5) Minimum requirements for standard railings under various types of construction are specified in this subsection. Dimensions specified are based on the U.S. Department of Agriculture Wood Handbook, No. 72, 1955 (No. 1 (S4S) Southern Yellow Pine (Modulus of Rupture 7,400 p.s.i.)) for wood; ANSI G 41.5-1970, American National Standard Specifications for Structural Steel, for structural steel; and ANSI B 125.1-1970, American National Standard Specifications for Welded and Seamless Steel Pipe, for pipe.

(a) For wood railings, the posts shall be of at least two-inch by four-inch nominal stock spaced not to exceed six feet; the top and intermediate rails shall be of at least two-inch by four-inch nominal stock. If top rail is made of two right-angle pieces of one-inch by four-inch stock, posts may be spaced on eight-foot centers, with two-inch by four-inch intermediate rail.

(b) For pipe railings, posts and top and intermediate railings shall be at least one and one-half inches nominal diameter (outside diameter) with posts spaced not more than eight feet on centers.

(c) For structural steel railings, posts and top and intermediate rails shall be of two-inch by two-inch by three-eighths-inch angles or other metal shapes of equivalent bending strength with posts spaced not more than eight feet on centers.

(d) The anchoring of posts and framing of members for railings of all types shall be of such construction that the completed structure shall be capable of withstanding a load of at least two hundred pounds applied in any direction at any point on the top rail.

(e) Other types, sizes, and arrangements of railing construction are acceptable provided they meet the following conditions:

(i) A smooth-surfaced top rail at a height above floor, platform, runway, or ramp level of from thirty-six to forty-two inches nominal;

(ii) A strength to withstand at least the minimum requirement of two hundred pounds top rail pressure;

(iii) Protection between top rail and floor, platform, runway, ramp, or stair treads, equivalent at least to that afforded by a standard intermediate rail;

(iv) Elimination of overhang of rail ends unless such overhang does not constitute a hazard; such as, baluster railings, scrollwork railings, paneled railings.

(6) A standard toeboard shall be a minimum of four inches nominal in vertical height from its top edge to the level of the floor, platform, runway, or ramp. It shall be securely fastened in place and with not more than one-quarter-inch clearance above floor level. It may be made of any substantial material either solid or with openings not over one inch in greatest dimension.

(7) Toeboards shall be required on platforms with railing where objects falling from the platform could create a hazard to persons below.

(8) Where material is piled to such height that a standard toeboard does not provide protection, paneling from floor to intermediate rail, or to top rail shall be provided.

(9) Floor opening covers may be of any material that meets the following strength requirements:

(a) Trench or conduit covers and their supports, when located in plant roadways, shall be designed to carry a truck rear-axle load of at least twenty thousand pounds.

(b) Manhole covers and their supports, when located in plant roadways, shall comply with local standard highway requirements if any; otherwise, they shall be designed to carry a truck rear-axle of at least twenty thousand pounds.

(c) The construction of floor opening covers may be of any material that meets the strength requirements. Covers projecting not more than one inch above the floor level may be used providing all edges are chamfered to an angle with the horizontal of not over thirty degrees. All hinges, handles, bolts, or other parts shall set flush with the floor or cover surface.

(10) Stairway construction requirements shall comply with WAC 296-24-765 through 296-24-76555.

(11) Guarding of floors, wall openings and holes not covered in this chapter shall comply with the requirements of WAC 296-24-750 through 296-24-75011.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-100 Handrails. (1) Each fixed stairway with four or more risers, used by employees, shall be equipped with a handrail.

(2) (~~Handrails shall be mounted from 30 to 34 inches above the tread.~~)

(3) ~~Handrails shall be strong enough to withstand a load of at least 200 pounds applied in any direction.~~) A handrail shall consist of a lengthwise member mounted directly on a wall or partition by means of brackets attached to the lower side of the handrail so as to offer no obstruction to a smooth surface along the top and both sides of the handrail. The handrail shall be of rounded or other section that will furnish an adequate handhold for anyone grasping it to avoid falling. The ends of the handrail should be turned in to the supporting wall or otherwise arranged so as not to constitute a projection hazard.

(3) The height of handrails shall be not more than thirty-four inches nor less than thirty inches from upper

surface of handrail to surface of tread in line with face of riser or to surface of ramp.

(4) The mounting of handrails shall be such that the completed structure is capable of withstanding a load of at least two hundred pounds applied in any direction at any point on the rail.

(5) The size of handrails shall be: When of hardwood, at least two inches in diameter; when of metal pipe, at least one and one-half inches in diameter. The length of brackets shall be such as will give a clearance between handrail and wall or any projection thereon of at least one and one-half inches. The spacing of brackets shall not exceed eight feet.

(6) All handrails and railings shall be provided with a clearance of not less than one and one-half inches between the handrail or railing and any other object.

AMENDATORY SECTION (Amending Order 92-24, filed 3/5/93, effective 6/1/93)

WAC 296-306-105 ((Orchard)) Ladders. (1) ((Construction of orchard ladders. Orchard ladders purchased or built on or after the effective date of this section shall meet the following construction requirements:

(a) Orchard ladders longer than 16' shall not be used.

(b) ~~The minimum dimensions of the parts of wood orchard ladders shall not be less than the following when made of group 2 or group 3 woods. (See Table S-2 for wood groups.)~~

	Length 6 to 10 ft.		Length 12 to 16 ft.	
	Thickness (inches)	Depth (inches)	Thickness (inches)	Depth (inches)
Side Rails	2 5/32	2 5/8	2 5/32	2 3/4
Back leg	1 1/2	1 1/2	1 5/8	1 5/8
Steps	2 5/32	2 5/8	2 5/32	2 5/8
Top	2 5/32	5	2 5/32	5

Note: ~~The minimum thickness of side rails provides for the cutting of a groove 1/8" in depth with a tolerance of ±1/32". The thickness of the side rail shall be increased when grooves of greater depth are used.~~

(c) ~~Steps shall be closely fitted into grooves in the side rails 1/8" in depth and secured with at least two 6d nails or equivalent; or they shall be closely fitted into metal brackets of equivalent strength, which in turn shall be firmly secured to the side rails.~~

(i) ~~Each step shall be reinforced by:~~

(A) ~~A steel rod not less than 0.160" in diameter, which shall pass through metal washers of sufficient size to prevent pressing into the side rails, and through a truss block which shall be fitted between the rod and the center of each step; or~~

(B) ~~A metal angle brace on each end firmly secured to the steps and side rails; or~~

(C) ~~Construction of equivalent strength and safety.~~

(ii) ~~Where the rod reinforcement construction is used, the bottom step shall be provided further with a metal angle brace on each end which shall be securely attached to the bottom step and side rails.~~

(iii) ~~All steps 27" or more in length shall be provided with a metal angle brace at each end securely attached to the step and rail.~~

(d) ~~Width and spread. The minimum width between side rails at the step of highest allowable standing, shall be~~

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not less than 9 1/2". From top to bottom the side rails shall spread at least an average of 2 1/2" for each foot of ladder length.

(e) Top. All orchard ladders shall have a top with wood or metal brackets or fittings tightly secured to the top, side rails, and back leg without excessive play or wear at the joints.

(f) Aluminum ladders shall be constructed out of 6061-T6 aluminum alloy or equivalent.

(g) Steps on metal ladders shall be corrugated, knurled, dimpled, or otherwise treated to minimize the possibility of slipping.

TABLE S 2
GROUPING OF WOODS

Group 1

White Ash	Locust
Beech	Hard Maple
Birch	Red Oak
Rock Elm	White Oak
Hickory	Pecan
	Persimmon

Group 2

Douglas Fir (coast region)
Western Larch
Southern Yellow Pine

Group 3

Red Alder	Gum
Oregon	West Coast
Ash	Hemlock
Pumpkin Ash	Magnolia
Alaska Cedar	Oregon Maple
Port Orford	Norway Pine
Cedar	Poplar
Cypress	Redwood
Soft Elm	Eastern Spruce
Douglas Fir	Sitka Spruce
(Rocky Mtn. Region)	Sycamore
	Tamarack
Noble Fir	Tupelo

Group 4

Aspen	Eastern Hemlock
Bashwood	Holly
Buckeye	Soft Maple
Butternut	Idaho White Pine
Incense Cedar	Northern White Pine
Western Red Cedar	Ponderosa Pine
Black Cottonwood	Sugar Pine
White Fir	
Haekberry	

(2) Training and instruction on the use of ladders.

(a) At the beginning of employment, employers shall provide employees with orientation and training on the proper use of ladders including how to set a ladder and properly dismount with a full load.

(b) Employers shall instruct employees to not stand on the top two steps (the top cap and the next step down) of the ladder.

(c) Employers shall instruct employees to not step off the ladder onto branches of trees except onto the main crotch of the tree.

(d) Employers shall instruct employees to not overreach while standing on the ladder to prevent ladder upset.

(3) Care and use of orchard ladders.

(a) Employers shall not require or direct employees to stand on the top two steps of the orchard ladder.

(b) 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 moveable parts shall operate freely without binding or undue play.

(c) Ladders shall be inspected prior to being used. Those ladders which have developed defects shall be withdrawn from service for repair or discard.

(d) Rungs shall be kept reasonably free of any substance which would make them hazardous.) General requirements.

(a) Ladders shall be inspected prior to being used.

(b) 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 moveable parts shall operate freely without binding or undue play.

(c) Employees shall not ascend or descend ladders while carrying tools or materials which will interfere with the free use of both hands.

(d) Ladders which have developed defects shall be withdrawn from service for repair or destruction and tagged or marked as "dangerous, do not use."

(e) Ladders shall not be placed on boxes, barrels, or other unstable bases to obtain additional height.

(f) Ladders carried on vehicles should be adequately supported to avoid sagging and securely fastened in position to minimize chafing and the effects of road shocks.

(g) Portable ladders shall be so placed that the side rails have a secure footing. The top rest for portable rung and cleat ladders shall be reasonably rigid and shall have ample strength to support the applied load.

(h) Employers shall not require or direct employees to stand on the top two steps of the orchard ladder.

(i) Ladders made by fastening cleats across a single rail shall not be used.

(j) Stepladders shall not be used as single ladders.

(k) When working from a ladder over twenty-five feet from the ground or floor, the ladder shall be secured at both top and bottom.

(l) No type of work shall be performed on a ladder over twenty-five feet from the ground or floor that requires the use of both hands to perform the work, unless a safety belt is worn and the safety lanyard is secured to the ladder.

(m) Ladders with broken or missing steps, rungs, or cleats, broken side rails, or other faulty equipment shall not be used; improvised repairs shall not be made.

(n) Ladders shall where necessary have the feet of the ladder equipped with steel points or other nonslipping base designed for the surface on which it will be used.

(2) Care of ladders.

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(a) Ladders shall be handled with care and not subject to unnecessary dropping, jarring, or misuse. (They are designed for a specific purpose or use; therefore, any variation from this use constitutes a mishandling of the equipment.)

(b) Complete ladder inspection shall be periodical. If a ladder is involved in any of the following, immediate inspection is necessary:

(i) If ladders tip over, inspect ladder for side rails dents or bends, or excessively dented rungs; check all rung-to-side-rail connections; check hardware connections; check rivets for shear.

(ii) If ladders are exposed to excessive heat as in the case of fire, the ladder should be inspected visually for damage and tested for deflection and strength characteristics. In doubtful cases, refer to manufacturer.

(c) Ladders having defects are to be marked and taken out of service until repaired by either maintenance department or the manufacturer.

(d) Ladder storage shall:

(i) Be designed to protect the ladder when not in use;

(ii) Have sufficient supporting points to prevent any possibility of excessive sagging;

(iii) Provide ease of access or inspection; and

(iv) Prevent danger of accident when withdrawing a ladder for use.

(3) Training and use of ladders.

(a) At the beginning of employment, employers shall provide employees with orientation and training on the proper use of ladders, including how to set a ladder and properly dismount with a full load.

(b) Employers shall instruct employees to not overreach while standing on the ladder to prevent ladder upset.

(c) Employers shall instruct employees that before climbing ladders, rungs, shoes and/or boots shall be free and clean of any substance which would make them hazardous.

(4) Use of orchard ladders.

(a) Orchard ladders longer than sixteen feet shall not be used.

(b) Employers shall instruct employees to not stand on the top two steps (the top cap and the next step down) of orchard type ladders.

(c) Employers shall instruct employees to not step off the ladder onto branches of trees except onto the main crotch of the tree.

(5) Miscellaneous ladder requirements.

(a) Wood ladders, when not in use, should be stored at a location where they will not be exposed to the elements, but where there is good ventilation. They shall not be stored near radiators, stoves, steam pipes, or other places subjected to excessive heat or dampness.

(b) Wooden ladders should be kept coated with a suitable protective material. The painting of ladders is satisfactory providing the ladders are carefully inspected prior to painting by competent and experienced inspectors acting for, and responsible to, the purchaser, and providing the ladders are not for resale.

(c) Ladders shall not be placed in front of doors opening toward the ladder unless the door is blocked open, locked, or guarded.

(d) Ladder safety devices. Ladder safety devices may be used on tower, water tank and chimney ladders over

twenty feet in unbroken length in lieu of cage protection. No landing platform is required in these cases. All ladder safety devices such as those that incorporate lifebelts, friction brakes, and sliding attachments shall meet the design requirements of the ladders which they serve.

(e) The top of the ladder must be placed with the two rails supported, unless equipped with a single support attachment. Such an attachment should be substantial and large enough to support the ladder under load.

(f) See chapter 296-24 WAC Part L for work practices to be used when work is performed on or near electrical circuits.

AMENDATORY SECTION (Amending Order 93-17, filed 3/2/94, effective 4/15/94)

WAC 296-306-120 Aerial manlift equipment. (1) Safety factor test data on working or structural components submitted by the manufacturer, by a competent testing laboratory, by a registered engineering firm or a registered engineer shall be acceptable evidence that the manlift meets minimum safety requirements. If, however, through use, a reasonable doubt arises as to whether or not this equipment will meet the above requirements, ((the division of industrial safety and health)) a designated representative of the department of labor and industries may require that appropriate tests be conducted and may order any corrections indicated.

(2) Working brake systems shall be on all aerial manlifts.

(3) Automatic restrictive orifices shall be installed in the hydraulic systems of aerial manlifts to maintain the boom in position in case any part of the hydraulic pressure system should fail.

(4) Controls shall be guarded by partial enclosures in order to minimize the chances of accidental contact.

(5) The manufacturer's recommended maximum load limit shall be posted at a conspicuous place near the controls and shall be kept in a legible condition.

(6) The manufacturer's instructional manual, if any, shall be used to establish the proper operational sequences and maintenance procedures. If such a manual does not exist, the employer shall develop the necessary instructions. The instructions shall be available for reference by operators.

(7) A daily visual inspection and the tests in accordance with the manufacturer's recommendations shall be made by the assigned operator.

(8) Only workers qualified by reason of training or experience shall be permitted to operate aerial manlifts.

(9) Defective aerial manlift equipment shall be reported to the employer or his/her designated representative as soon as identified. The use of defective equipment is prohibited when the defect may cause an accident.

(10) When moving to and from the job site, the basket of the manlift shall be in the low position.

(11) Unsafe practices, including but not limited to, sitting or standing on the basket edge, standing on material placed across the basket, or working from a ladder set inside the basket, are prohibited.

(a) The basket shall not be rested on a fixed object in such a way that the weight of the boom is supported by the basket.

(b) The employee or any part of agricultural aerial man-lift equipment shall not come (~~within a radius of ten feet from energized high voltage conductors, or into any part of the zone any distance above such a radius~~) closer to high voltage lines than the requirements set forth in WAC 296-306-14511 Proximity to overhead lines.

(12) All critical hydraulic and pneumatic components shall comply with the provisions of the American National Standards Institute Standard, ANSI A92.2-1969, Section 4.9 Bursting Safety Factor. Critical components are those which a failure would result in a free fall or free rotation of the boom. All noncritical components shall have a bursting safety factor of at least two to one.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-135 Arc welding and cutting. Manual electrode holders.

(1) Only manual electrode holders which are specifically designed for arc welding and cutting, and capable of safely handling the maximum rated current required by the electrodes, shall be used.

(2) Any current-carrying parts passing through the portion of the holder which the arc welder or cutter grips in his hand, and the outer surfaces of the jaws of the holder, shall be fully insulated against the maximum voltage encountered to ground.

(3) When the arc welder or cutter has occasion to leave his work or to stop work for any appreciable length of time, or when the arc welding or cutting machine is to be moved, the power supply switch to the equipment shall be opened.

(4) Welding and cutting requirements not addressed by this chapter can be located in chapter 296-24 WAC, Part I.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-140 Welding areas protected. Areas in which welding is being done shall be screened or barricaded to protect persons from flash burns, when practical and adequate ventilation provided. If the welding process cannot be isolated, all persons who may be exposed to the hazard of arc flash shall wear goggles or glasses with side shields that have tinted lenses meeting the requirements of WAC 296-306-060, Personal protective equipment.

AMENDATORY SECTION (Amending Order 75-2, filed 1/24/75)

WAC 296-306-155 General requirements for maintenance of farm motor vehicles and equipment. (1) Before any person performs service or repair work under hydraulic or mechanical raised dump truck beds, blades, discs, etc., that raised portion of the equipment shall be manually pinned or blocked to prevent falling.

(2) Inflation of tires. Unmounted split-rim wheels shall be placed in a safety cage or other safety device which will prevent a split-rim from striking the worker if it should dislodge while the tire is being inflated. For requirements relating to servicing of multipiece and single-piece rim wheels see WAC 296-24-217 through 296-24-21713, Part D.

(3) If a motor vehicle or other farm equipment is in an unsafe condition to operate, the operator shall report the suspected condition immediately to the person in charge. If any defect would make the vehicle or equipment unsafe to operate under existing conditions, the vehicle or equipment shall be removed from service by the person in charge and repaired before being used.

(4) Vehicles shall not be driven at speeds which exceed that which is safe under existing conditions.

(5) Motors shall be shut off prior to refueling. Care shall be taken to prevent fuel from spilling on hot parts.

(6) The requirements of WAC 296-24-233, "Motor vehicle trucks and trailers" shall apply to this chapter.

AMENDATORY SECTION (Amending Order 92-24, filed 3/5/93, effective 6/1/93)

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

(m) "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))~~ 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/she 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.

~~((8))~~ (7) 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.

~~((9))~~ (8) 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.

Note: Minimum requirements for guards shall correspond to Table K-1 below.

(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.

TABLE K-1

Material	Clearance From Moving Parts at all Points (inches)	Largest Mesh or Opening Allowable (inches)	Minimum Gauge (U.S. Standard) or Thickness
Woven Wire	under 2	3/8	No. 16 Gauge
	2-4	1/2	No. 16 Gauge
	4-15	2	No. 12 Gauge
Expanded Metal	under 4	1/2	No. 18 Gauge
	4-15	2	No. 13 Gauge
Perforated Metal	under 4	1/2	No. 20 Gauge
	4-15	2	No. 14 Gauge
Sheet Metal	under 15		No. 22 Gauge
Plastic	under 15		Tensile strength of 10,000 lb/in ²

~~((10))~~ (9) Guarding by railings. Guardrails or fences shall be capable of preventing employees from inadvertently entering the hazardous area.

~~((11))~~ (10) 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.

~~((12))~~ (11) 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.

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~~((13))~~ (12) 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.

~~((14))~~ (13) Projections, such as exposed bolts, keys, or set screws on sprockets, sheaves or pulleys on stationary equipment shall be shielded unless guarded by location.

(14) Miscellaneous general requirements:

(a) Machines which are of a type that will throw stock, material, or objects shall be covered or provided with a device designed and constructed to minimize this action. (Such machines as rip saws, rotary mowers and beaters, rotary tillers are a few in this classification.)

(b) When the periphery of the blades of a fan is less than seven feet above the floor or working level, the blades shall be guarded. The guard shall have openings no larger than one-half inch.

(15) Machine controls.

(a) If the operation of a machine requires the presence of an operator on the machine, a power control device shall be provided on each machine to enable the operator to stop the machine or machine feed without leaving his/her position.

(b) Power control devices whose function is not readily self-evident to a casual observer shall be marked to indicate their function and the machine which they control. The position of ON and OFF shall be indicated.

(c) "Stop" buttons shall be colored red or orange. Each machine shall have one or more stop buttons according to the working position of the operator or operators.

(d) Machine control devices shall be located or guarded to prevent unexpected or accidental movement of the control. Electrical switch "start" buttons shall be recessed.

(16) Steam pipes.

(a) All steam pipes or pipes heated by any other means to a sufficient temperature to burn a person (other than coil pipes, radiators, for heating rooms or buildings, or pipes on portable steam engines and boilers) and which are within seven feet of a floor or platform, if exposed to contact, shall be guarded with a standard safeguard.

(b) Protection from hot pipes. All exposed hot pipes within seven feet of the floor or working platform, or within 15 inches measured horizontally from stairways, ramps or fixed ladders, shall be covered with an insulating material or be guarded in such a manner as to prevent contact.

AMENDATORY SECTION (Amending Order 76-28, filed 9/28/76)

WAC 296-306-170 Auger conveying equipment. (1) Scope. This section applies only to farm augers as defined in WAC 296-306-165 (1)~~((1))~~ (d).

(2) General specifications.

(a) All shields and guards shall conform to WAC 296-306-165(13).

(b) Power take off shaft guards shall conform to WAC 296-306-165(8).

(3) Specifications.

(a) Each sweep auger shall have its top half shielded by a guard. No opening in such guard shall exceed 4 3/4 inches in length or width.

(b) The exposed auger at the hopper and the intake shall be guarded or otherwise designed to provide a deterrent from accidental contact with the rotating inlet area and extend a minimum of 2 1/2 inches above and below the exposed auger. Openings in the guard, for the free flow of material, shall not exceed 4 3/4 inches in length or width and shall be of sufficient strength to support a concentrated weight of 250 pounds at mid span.

(c) The hand raising winch shall be provided with a control which will hold the auger at any angle of inclination, and respond only to handle actuation. It shall not be necessary to disengage such control to lower the auger. The force required on the handle to raise or lower the auger manually shall not exceed 50 pounds.

(d) The wire rope lifting pulleys shall be grooved to fit the wire rope with which they are used.

(e) In order to avoid separation, a positive restraint shall be provided between the auger tube and the under-carriage lifting arm. Stops that restrict the maximum raised angle and minimum lowered angle shall be provided.

(f) Wire ropes (cables) shall be rust resistant and selected for the design load and service intended.

(g) Service and operation instructions provided the equipment operator shall include those basic practices for safe operation and servicing.

(4) All augers shall be covered or guarded when exposed to contact.

(5) Equipment manufactured after October 25, 1976, shall be guarded in compliance with the following specification:

(a) Sweep arm material gathering mechanisms used on the top surface of materials within silo structures shall be guarded. The lower or leading edge of the guard shall be located no more than 12 inches above the material surface and no less than 6 inches in front of the leading edge of the rotating member of the gathering mechanism. The guard shall be parallel to, and extend the fullest practical length of the material gathering mechanism.

(b) Exposed auger flighting on portable grain augers shall be guarded with either grating type guards or solid baffle style covers as follows:

(i) The largest dimensions or openings in grating type guards through which materials are required to flow shall be 4 3/4 inches. The area of each opening shall be no larger than 10 square inches. The opening shall be located no closer to the rotating flighting than 2 1/2 inches.

(ii) Slotted openings in solid baffle style covers shall be no wider than 1 1/2 inches, or closer than 3 1/2 inches to the exposed flighting.

(iii) Openings larger than those specified in (i) and (ii) of this subdivision may be permitted if necessary to permit the free flow of material which has a tendency to bridge over. Such opening shall be no larger than that required for proper functioning of the auger. In any case, the guard shall be designed, arranged or located so that no part of a worker's person or appendage may contact the auger flighting.

AMENDATORY SECTION (Amending Order 92-24, filed 3/5/93, effective 6/1/93)

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.

(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 C-17 for all types of equipment to which this section applies; and in Figure C-18 for rubber-tired self-propelled scrapers; Figure C-19 for rubber-tired front-end loaders, rubber-tired dozers, and motor graders; and Figure 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 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 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 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 C-22 for rubber-tired self-propelled scrapers; Figure C-23 for rubber-tired front-end loaders and rubber-tired dozers; Figure C-24 for crawler tractors and crawler-type loaders; and Figure C-25 for motor graders. For purposes of this section force and weight are

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April 28, 1995
Mary Riveland
Director

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 C-26 for rubber-tired self-propelled scrapers; in Figure C-27 for rubber-tired front-end loaders and rubber-tired dozers; in Figure C-28 for crawler tractors and crawler-type loaders; and in Figure 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))~~ department of labor and industries regional offices ~~((of the division of industrial safety and health of the department of labor and industries))~~.

WSR 95-10-051
PERMANENT RULES
DEPARTMENT OF ECOLOGY
[Order 94-29—Filed May 2, 1995, 9:13 a.m.]

Date of Adoption: April 28, 1995.

Purpose: To adopt an amendment to the city of Shelton shoreline master program.

Citation of Existing Rules Affected by this Order: Amending chapter 173-19 WAC.

Statutory Authority for Adoption: Chapter 90.58 RCW.

Pursuant to notice filed as WSR 94-23-103 on November 18, 1994.

Changes Other than Editing from Proposed to Adopted Version: The master program has been amended to include the changes recommended by Ecology, Natural Resources and Fish and Wildlife.

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

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-3101 Shelton, city of. City of Shelton master program approved March 18, 1975. Revision approved December 18, 1975. Revision approved April 28, 1995.

WSR 95-10-086
PERMANENT RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
[Filed May 3, 1995, 10:58 a.m.]

Date of Adoption: April 28, 1995.

Purpose: To implement RCW 39.19.030(4) and encourage MWBE participation in state contracting and procurement.

Citation of Existing Rules Affected by this Order: Amending WAC 326-30-041 Annual goals.

Statutory Authority for Adoption: RCW 39.19.030(7). Pursuant to notice filed as WSR 95-07-078 on March 15, 1995.

Effective Date of Rule: Thirty-one days after filing.
April 28, 1995
James A. Medina
Director

AMENDATORY SECTION (Amending WSR 94-03-068, filed 1/14/94, effective 2/14/94)

WAC 326-30-041 Annual goals. The annual overall goals for participation by certified firms in the public works, other contracting, and procurement of each state agency and educational institution, subject to this chapter, shall be as follows:

July 1, ~~((1993))~~ 1994, through June 30, ~~((1994))~~ 1995,

Construction/Public Works	10% MBE	6% WBE
Architect/Engineering	10% MBE	6% WBE
Purchased Goods and Services	8% MBE	4% WBE
Other Consultants	10% MBE	4% WBE

WSR 95-10-097
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
[Filed May 3, 1995, 11:20 a.m.]

Date of Adoption: May 3, 1995.

Purpose: To remove the requirement that Beef Commission assessments be collected by the department brand inspector when a brand inspection is required in conjunction with a change of livestock ownership.

Citation of Existing Rules Affected by this Order: Amending WAC 60-12-010(3), Washington Beef Commission Act rules.

Statutory Authority for Adoption: RCW 16.67.090(4).

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Other Authority: RCW 16.67.122.

Pursuant to notice filed as WSR 95-06-085 on March 1, 1995.

Effective Date of Rule: Thirty-one days after filing.
 May 3, 1995
 Jim Jesernig
 Director

AMENDATORY SECTION (Amending Order 1912, filed 12/9/86)

WAC 60-12-010 Levy of assessment. (1) Pursuant to the National Beef Promotion and Research Program, 7 USC S 2901, et seq., RCW 16.67.120 and 16.67.122, the Washington state beef commission levies an assessment of one dollar per head on all Washington cattle sold in this state or elsewhere, provided that no assessment shall be collected with reference to the following:

(a) Sales by a person who purchased cattle solely for resale when such resale occurs within ten days from such person's purchase of the cattle and when any assessment due in connection with that original purchase has been paid. In order to qualify for this exception, such persons additionally must present a certification of their status under this section, a brand inspection certificate, a bill of sale or other documentation establishing the date of their purchase of the cattle. Such documentation must be presented at the time of sale to the person responsible for collecting the assessment.

(2) Assessments shall be paid by and shall be collected from the seller of the cattle. The term seller shall not include an agent or representative who is compensated in connection with the sale solely on a commission, handling fee or other service fee basis.

(3) Where a brand inspection is conducted in conjunction with a sale, brand inspectors employed by the state department of agriculture (~~shall~~) may collect the assessment from the seller of the cattle. Where no brand inspection is conducted in connection with the sale, the buyer of the cattle shall collect the assessment from the cattle seller at the time of the sale. All assessments so collected shall be transmitted directly to the Washington state beef commission by the fifteenth of the month after the month of collection.

(4) That portion of each assessment remitted to the Washington state beef commission for purposes of providing funds for a National Beef Promotion and Research Program under 7 USC S 2901, et seq., and RCW 16.67.122 shall be remitted to the cattlemen's beef promotion and research board by the Washington state beef commission.



WSR 95-10-001B
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-35—Filed April 20, 1995, 9:28 a.m., effective April 24, 1995]

Date of Adoption: April 20, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-285.

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: Annual harvest guidelines for these fisheries are projected to be reached in these areas.

Effective Date of Rule: April 24, 1995.

April 20, 1995
E. Manary
for Robert Turner
Director

NEW SECTION

WAC 220-56-28500E Sturgeon—Areas and seasons. Notwithstanding the provisions of WAC 220-56-285:

(1) Effective April 24, 1995 until further notice, it is unlawful to retain sturgeon from the Columbia River and its tributaries upstream from Bonneville Dam to The Dalles Dam.

(2) Effective June 1, 1995 until further notice, it is unlawful to retain sturgeon from the Columbia River and its tributaries upstream from The Dalles Dam to McNary Dam.

WSR 95-10-001C
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-34—Filed April 20, 1995, 9:31 a.m., effective May 1, 1995, 12:01 a.m.]

Date of Adoption: April 20, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-44-05000Q; and amending WAC 220-44-050.

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 with regulations adopted by the

National Marine Fisheries Service pursuant to the Pacific Fisheries Management Council.

Effective Date of Rule: May 1, 1995, 12:01 a.m.

April 20, 1995

Edward P. Manary
for Robert Turner
Director

NEW SECTION

WAC 220-44-05000R Coastal bottomfish catch limits. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m. May 1, 1995 until further notice it is unlawful to possess, transport through the waters of the state or land in any Washington State port bottomfish taken from Marine Fish-Shellfish Management and Catch Reporting Areas 29, 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the following species:

(1) The following definitions apply to this section:

(a) Cumulative limit - A cumulative limit is the maximum amount of fish that may be taken and retained, possessed or landed per vessel per calendar month, without a limit on the number of landings or trips. The cumulative limit includes all fish harvested by a vessel during the month, whether taken in limited entry or open access fisheries. Once a cumulative limit has been achieved, an operator may begin fishing on the next cumulative limit so long as the fish are not landed until after the beginning of the next cumulative limit.

(b) Daily trip limit - The maximum amount of fish that may be taken and retained, possessed or landed per vessel from a single fishing trip in 24 consecutive hours, starting at 0001 hours.

(c) Groundfish limited entry fishery - Fishing activity by a trawl, setline or bottomfish pot equipped vessel that has received a federal limited entry permit issued by the National Marine Fisheries Service endorsed for the qualifying gear type.

(d) Groundfish open access fishery - Fishing activity by a vessel equipped with setline or bottomfish pot gear that has not received a federal limited entry permit, or a vessel using gear other than trawl, setline or bottomfish pot gear.

(e) Vessel trip - A vessel trip is defined as having occurred upon the initiation of transfer of catch from a fishing vessel.

(f) Vessel trip limit - The amount of fish that may not be exceeded per vessel trip. All fish aboard a fishing vessel upon the initiation of transfer of catch are to be counted towards the vessel trip limit.

(g) Dressed length - The dressed length of a fish is the distance from the anterior insertion of the first dorsal fin to the tip of the tail.

(2) Groundfish limited entry fishery limits. The following limits apply to the groundfish limited entry fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed bottomfish species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29:

(a) **Pacific ocean perch** - Cumulative limit of 6,000 pounds. No minimum size.

(b) **Widow rockfish** - Cumulative limit of 30,000 pounds. No minimum size.

(c) **Shortbelly rockfish** - No minimum size. No maximum poundage.

(d) **Black rockfish** - The vessel trip limit for black rockfish for commercial fishing vessels using hook-and-line gear between the U.S. Canada border and Cape Alava (48°09'30" N. latitude) and between Destruction Island (47°40'00" N. latitude) and Leadbetter Point (46°38'10" N. latitude), is 100 pounds (round weight) or 30 percent by weight of all fish on board including salmon, whichever is greater, per vessel trip.

(e) **Sebastes complex** - All species of rockfish except Pacific ocean perch, widow, shortbelly, and thornyhead (*Sebastes* spp.)

(i) North of Cape Lookout and south of Cape Lookout if no declaration has been made - Cumulative limit of 35,000 pounds, of which no more than 18,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish. No minimum size on any species in this category.

(ii) South of Cape Lookout - Cumulative limit of 50,000 pounds of which no more than 40,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish, provided the licensee has made a declaration as follows:

(A) The declaration must be made at least 12 hours prior to departing from port by telephoning the Department Montesano Office at (360) 249-4628, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday. The declarer will receive a declaration number from the department.

(B) The declaration must include: vessel name; federal limited entry permit number; operator's name, phone number and address; anticipated date and port of departure; anticipated date and port of return.

(C) Phone declarations must be followed by a written declaration, signed by the operator and mailed or delivered to the Montesano Office at 48 Devonshire Road, Montesano, WA 98563, prior to the day of departure. Forms are available at that office or from coastal processors.

(D) No fishing north of Cape Lookout is allowed after declaring for fishing south of Cape Lookout until the vessel has landed at a Washington or Oregon port and notified the Montesano Office during business hours.

(iii) There is a maximum cumulative limit for landings from both north and south of Cape Lookout of 50,000 pounds of which no more than 40,000 pounds may be yellowtail rockfish and no more than 6,000 pounds may be canary rockfish.

(iv) Wholesale fish dealers purchasing more than 35,000 pounds of sebastes complex or 18,000 pounds of yellowtail rockfish must enter the declaration number on the fish receiving ticket.

(f) **DTS Complex - (Sablefish, Dover sole and thornyhead rockfish)** - Cumulative monthly limit of 35,000 pounds of which no more than 15,000 pounds may be thornyhead rockfish. Of the thornyhead, no more than 3,000 pounds may be shortspine thornyheads.

(g) **Sablefish** -

(i) **Trawl vessels** - Cumulative limit of 7,000 pounds. Vessel trip limit of 1,000 pounds or 25% of the DTS

complex, whichever is greater (sablefish allowance = .33 times the combined weight of Dover sole and thornyhead rockfish. In the trip limit, no more than 500 pounds may be sablefish less than 22 inches total length. Sablefish total length of 22 inches is equivalent to dressed length of 15.5 inches. To convert sablefish from dressed weight to round weight, multiply dressed weight by 1.6.

(ii) **Non-trawl vessels** - Daily trip limit of 300 pounds (round weight). No minimum size.

(h) **Pacific Whiting** - No minimum size. No maximum poundage.

(i) **Lingcod** - Cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed weight to round weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(3) **Groundfish open access fishery limits.** The following limits apply to the groundfish open access fishery in Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, and 63, and apply to all listed species and species complexes taken in Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 29. Notwithstanding the provisions of this subsection, no groundfish open access fishery limit may exceed a groundfish limited entry fishery daily, vessel or cumulative limit:

(a) **Sablefish** - Daily trip limit of 300 pounds (round weight). No minimum size.

(b) **Rockfish** - Vessel trip limit of 10,000 pounds. Cumulative limit of 35,000 pounds.

(c) **Lingcod** - Cumulative limit of 20,000 pounds. Total length minimum size limit of 22 inches. Lingcod total length of 22 inches is equivalent to dressed length of 18 inches. To convert lingcod from dressed, head off, weight, multiply the dressed weight by 1.5. To convert lingcod from dressed, head on (gutted only), weight, multiply the dressed weight by 1.1.

(4) It is unlawful during the unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a cumulative limit, vessel trip limit or daily trip limit.

(5) The fisher's copy of all fish receiving tickets showing landings of species provided for in this section shall be retained aboard the landing vessel for 90 days after landing.

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 220-44-05000Q

Coastal bottomfish catch limits (95-26)

**WSR 95-10-006
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-36—Filed April 21, 1995, 3:48 p.m.]

Date of Adoption: April 21, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-19100I; and amending WAC 220-56-191.

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: These rules are necessary to provide angling opportunity for harvestable quantities of resident blackmouth and resident coho salmon until 1995 permanent regulations can be implemented.

Effective Date of Rule: Immediately.

April 21, 1995
E. Manary
for Robert Turner
Director

NEW SECTION

WAC 220-56-19100J Puget Sound salmon — Saltwater seasons and bag limits. Notwithstanding the provisions of WAC 220-56-191, effective immediately through May 31, 1995 it is unlawful to fish for or possess salmon taken by angling for personal use in Catch Record Card Areas 5-13 except as provided in the sections below:

(1) Daily limit in open areas is 2 salmon. Chinook must be not less than 22 inches in length, but there is no minimum size for other salmon.

(2) Catch Record Card Areas 5, 6, and 7 - Open for salmon angling. Chinook maximum size is 30 inches in length.

(3) Catch Record Card Area 8.1 - Open only May 1, 1995 through May 31, 1995 from shore in Oak Harbor between Forbes Point and Blowers Bluff.

(4) Catch Record Card Areas 8.2 and 12 - Open for salmon angling through April 30, 1995.

(5) Catch Record Card Areas 9, 10, 11, and 13 - Open for salmon angling.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19100I Puget Sound salmon — Saltwater seasons and bag limits.

**WSR 95-10-008
EMERGENCY RULES
PARKS AND RECREATION
COMMISSION**

[Filed April 24, 1995, 3:57 p.m.]

Date of Adoption: April 21, 1995.

Purpose: To delete specific campsite reservation season dates and empower the commission to establish those dates as needed. This extends a previous filing to allow the commission the time to complete the permanent adoption of this rule.

Citation of Existing Rules Affected by this Order:
Amending WAC 352-32-035.

Statutory Authority for Adoption: RCW 43.51.040(2).

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: WAC 352-32-035 Campsite reservation, establishes reservation parks, seasons, and program rules. This amendment eliminates specific reservation season dates, allowing the commission to establish dates for the public to make campsite reservations for an expanded season beginning January 1, 1995.

Effective Date of Rule: Immediately.

April 21, 1995
Bruce Hilyer
Chair

AMENDATORY SECTION (Amending WSR 93-06-001, filed 2/17/93, effective 3/20/93)

WAC 352-32-035 Campsite reservation. (1) Advance campsite reservations will be available in certain state parks as designated by the director.

(2) The period during which campsites may be reserved ~~((is from the Friday before Memorial Day through Labor Day, except for Twin Harbors and Grayland Beach State Parks where the period shall be May 1 through September 30, and except for Fort Canby State Park where the period shall be April 1 through September 30))~~ shall be established by the commission.

(3) Reservation requests can only be made for camping dates within the current calendar year.

(4) Requests for reservations may be made in writing and must be postmarked a minimum of fourteen days in advance of the first camping night requested. Written reservation requests postmarked on or after January 1 will be accepted; reservation requests postmarked prior to January 1 will be returned. Accepted reservation requests will be processed in order of arrival up to fourteen days in advance of Labor Day.

(5) Reservations may be made in person on or after April 1 at the park where camping is to occur.

(6) There will be a \$5.00 nonrefundable fee charged for each reservation made at each park, in addition to the standard campsite fee, regardless of the number of days reserved. Payment of the nonrefundable reservation fee and

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first night's camping fee must accompany the reservation request.

(7) No individual may reserve a campsite in more than one state park, for one or more of the same days.

(8) Reservations for a specific campsite within a park will not be guaranteed.

(9) Campsites which have not been reserved may be used on a first-come-first-served basis without paying a reservation fee, if the site is occupied immediately.

(10) A raincheck will be issued for the camping fee paid for any confirmed reservation which is not used, provided a cancellation request is made by calling the campsite information center or the park in which the site is reserved, no less than twenty-four hours in advance of the first day of the reservation, or in writing to the park, postmarked seven days in advance of the first day of the reservation. Rainchecks will be valid for one year from the date of issue, and may be used toward camping fees in any state park, or may accompany a subsequent reservation request in lieu of payment for the first night's camping fee.

(11) Campers will be declared no-show and forfeit their reservation as well as the reservation fee and the first night's camping fee if they have not cancelled or if the reservation is not claimed by 9:00 p.m. After this time, the site may be reassigned, unless late arrival arrangements are made with the park by telephone between the hours of 7:00 p.m. and 9:00 p.m. on the day of arrival.

(12) Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

AMENDATORY SECTION (Amending Order 122, Resolution Nos. 90-42 and 90-43, filed 9/20/90, effective 10/21/90)

WAC 131-12-010 Minimum standards for admission to a community or technical college. (1) Any applicant for admission to a community or technical college shall be admitted when, as determined by the chief administrative officer of the district or his or her designee, such applicant:

~~((1))~~ (a) Is competent to profit from the curricular offerings of the college; and

~~((2))~~ (b) Would not, by his or her presence or conduct, create a disruptive atmosphere within the community or technical college inconsistent with the purposes of the institution; and

~~((3))~~ (c) Is eighteen years of age or older; or

~~((4))~~ (d) Is a high school graduate; or

~~((5))~~ (e) Has applied for admission under the provisions of a student enrollment options program such as Running Start or a successor program; or other local student enrollment options program.

~~((6) If not qualified under subsections (1) through (5) of this section, has filed a written release from a public, private, or home school he or she is attending or last attended. Provided, That))~~

(2) However, an applicant transferring from another institution of higher education who meets the above criteria, but who is not in good standing at the time of his transfer may be conditionally admitted to a community or technical college on a probationary status as determined by the chief administrative officer of the community or technical college district or his or her designee.

**WSR 95-10-012
EMERGENCY RULES
STATE BOARD FOR COMMUNITY
AND TECHNICAL COLLEGE**

[Filed April 25, 1995, 11:44 a.m.]

Date of Adoption: April 19, 1995.

Purpose: Establish policy re: Underage admissions.

Citation of Existing Rules Affected by this Order:
Amending WAC 131-12-010.

Statutory Authority for Adoption: Chapter 28B.50 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 colleges need a way to deal with underage admissions because of enrollment pressure being experienced because of younger students completing GED[s] at an earlier age, partly because of home-schooling, etc.

Effective Date of Rule: Immediately.

April 25, 1995
Claire C. Krueger
Administrative Rules Coordinator

**WSR 95-10-028
EMERGENCY RULES
BOARD OF
PILOTAGE COMMISSIONERS**

[Filed April 27, 1995, 8:17 a.m.]

Date of Adoption: April 27, 1995.

Purpose: To continue in effect the current Grays Harbor pilotage district tariff.

Citation of Existing Rules Affected by this Order:
Amending WAC 296-116-185.

Statutory Authority for Adoption: RCW 88.16.035.

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 tariff currently in effect expires on April 30, 1995. New rates must be set annually. The public hearing convened on March 9, 1995, to consider the adoption of a new tariff was continued to June 8, 1995, because necessary information was unavailable. Adoption of a new tariff for pilotage services in the Grays Harbor pilotage district is anticipated on June 8, 1995; meanwhile the current rates must continue.

Effective Date of Rule: Immediately.

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April 27, 1995
Larry L. Vognild
Chair

WSR 95-10-030
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-37—Filed April 27, 1995, 11:53 a.m., effective May 1, 1995]

Date of Adoption: April 27, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-071.

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 amounts of sea cucumbers are available for harvest in all four districts. Eagle Harbor and Sinclair Inlet are closed due to contamination and for the economic well-being of the industry.

Effective Date of Rule: May 1, 1995.

April 27, 1995
Judith Freeman
Deputy
for Robert Turner
Director

AMENDATORY SECTION (Amending WSR 94-05-006, filed 2/3/94, effective 3/6/94)

WAC 296-116-185 Tariffs, and pilotage rates for the Grays Harbor pilotage district.

CLASSIFICATION OF PILOTAGE SERVICE RATE

Piloting of vessels in the inland waters and tributaries of Grays Harbor:

Each vessel shall be charged according to its draft and tonnage. The draft charges shall be \$55.95 per meter (or \$17.02 per foot) and the tonnage charge shall be \$0.1784 per net registered ton. The minimum net registered tonnage charge is \$624.27. The charge for an extra vessel (in case of tow) is \$356.74.

Boarding fee:

Per each boarding/deboarding from a boat \$269.15

Harbor shifts:

For each shift from dock to dock, dock to anchorage, anchorage to dock, or anchorage to anchorage \$447.50
Delays per hour \$106.71
Cancellation charge (pilot only) \$178.36
Cancellation charge (pilot boat only) . . \$535.09

Travel allowance:

Boarding or deboarding a vessel off Grays Harbor entrance \$82.82
Pilot when traveling to an outlying port to join a vessel or returning through an outlying port from a vessel which has been piloted to sea shall be paid \$624.28 for each day or fraction thereof, and the travel expense incurred \$624.28

Bridge transit:

Charge for each bridge transited \$195.90

Miscellaneous:

The balance of amounts due for pilotage rates not paid within 30 days of invoice will be assessed at 1 1/2% per month late charge.

Adopted 1-27-94
Filed 2-03-94
Effective 0001 Hours (~~(3-06-94)~~) 4-27-95 (~~(through)~~) up to 2400 Hours (~~(4-30-95)~~) 8-24-95

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

NEW SECTION

WAC 220-52-07100V Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective May 1, 1995, until further notice it is unlawful to fish for or possess sea cucumbers taken for commercial use from all state waters except during the times and in the areas as provided for in this section:

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1, 2, 3, and 4, Monday, Tuesday, and Wednesday of each week from 6:00 a.m. to one-half hour before official sunset of each day, except for closures as provided for in this section.

(2) The following waters are closed to the harvest of sea cucumbers at all times.

(a) Those waters in the San Juan Islands permanently closed under WAC 220-52-071 (1)(a).

(b) Eagle Harbor - All waters westerly of a line projected northerly from Wing Point to Eagle Harbor Creosote Light number one and then due west to the shoreline of Bainbridge Island.

(c) Sinclair Inlet - Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26C west of a line projected southerly from the easternmost point of Point Turner to landfall below the Veterans Home in Annapolis. The remainder of Area 26C is open to harvest.

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WSR 95-10-034
EMERGENCY RULES
DEPARTMENT OF REVENUE
 [Filed April 28, 1995, 3:29 p.m.]

Date of Adoption: April 28, 1995.

Purpose: To define new species for reporting of timber values and to define "thinning" for purposes of stumpage value adjustments for harvesters of timber.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-610 Definitions.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

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 being adopted on an emergency basis in order to implement the stumpage value tables (WAC 458-40-660) that are effective January 1, 1995. Those tables include new species classifications of "chipwood" and "small logs" that are defined in this rule. Without the new definitions, taxpayer reporting of stumpage values in these classifications would be defective. The readoption of this rule on an emergency basis is necessary in order to have the rule in place until the adoption of the rule on a permanent basis.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The department has filed notice of intent to adopt the rule on a permanent basis and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule.

Effective Date of Rule: Immediately.

April 28, 1995
 Russell W. Brubaker
 Assistant Director

AMENDATORY SECTION (Amending WSR 90-14-033, filed 6/29/90, effective 7/30/90)

WAC 458-40-610 Timber excise tax—Definitions.

Unless the context clearly requires otherwise, the definitions in this section apply to WAC 458-40-600 through 458-40-690.

(1) Codominant trees. Trees whose crowns form the general level of the crown cover and receive full light from above, but comparatively little light from the sides.

(2) Competitive sales. The offering for sale of timber which is advertised to the general public for sale at public auction under terms wherein all qualified potential buyers have an equal opportunity to bid on the sale, and the sale is awarded to the highest qualified bidder. The term "competitive sales" includes making available to the general public permits for the removal of forest products.

(3) Department. The department of revenue of the state of Washington.

(4) Dominant trees. Trees whose crowns are higher than the general level of the canopy and which receive full light from the sides as well as from above.

(5) Harvest unit. An area of timber harvest having the same forest excise tax permit number, stumpage value area, hauling distance zone, harvest adjustments, and harvester. It may include more than one section: *Provided*, A harvest unit may not overlap a county boundary.

(6) Hauling distance zone. An area with specified boundaries as shown on the state-wide stumpage value area and hauling distance zone maps contained in WAC 458-40-640, having similar accessibility to timber markets.

(7) Log grade. Those grades listed in the "Official Log Scaling and Grading Rules" handbook developed and authored by the Northwest Log Rules Advisory Group. The utility grade as described in the "Official Rules" is a standard grade to be used in the calculation of quality classes described in WAC 458-40-650.

(8) Lump sum sale. Also known as a cash sale or an 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 volume harvested.

~~((8))~~ (9) MBF. One thousand board feet measured in Scribner Decimal C Log Scale Rule.

~~((9))~~ (10) Noncompetitive sales. Sales of timber in which the purchaser has a preferential right to purchase the timber or a right of first refusal.

~~((10))~~ (11) Other consideration. Value given in lieu of cash as payment for stumpage, such as improvements to the land that are of a permanent nature. It may include, but is not limited to, the construction of permanent roads and the installation of permanent bridges.

~~((11))~~ (12) Permanent road. A road built as part of the harvesting operation which is intended to have a useful life subsequent to the completion of the harvest.

~~((12))~~ (13) Private timber. All timber harvested from privately owned lands, including timber on reclassified reforestation land under chapters 84.28 and 84.33 RCW.

~~((13))~~ (14) Public timber. Timber harvested from federal, state, county, municipal, or other government owned lands.

~~((14))~~ (15) Remote island. An area of land which is totally surrounded by water at normal high tide and which has no bridge or causeway connecting it to the mainland.

~~((15))~~ (16) Sale price. The amount paid for timber in cash or other consideration.

~~((16))~~ (17) 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.

~~((17))~~ (18) Species. A grouping of timber based on biological or physical characteristics. In addition to the designations of species or subclassifications defined in Agriculture Handbook No. 451 Checklist of United States Trees (native and naturalized) found in the state of Washington, the following shall be considered separate species for the purpose of harvest classification used in the stumpage value tables:

(a) Other conifer. All conifers not separately designated in the stumpage value tables. See WAC 458-40-660.

(b) Other hardwood. All hardwoods not separately designated.

(c) ~~Conifer utility.~~ All conifer logs graded as utility.

(d) ~~Hardwood utility.~~ All hardwood logs graded as utility or number four sawmill as defined by the current edition of the "Official Log Scaling and Grading Rules" as

~~developed and authored by the Northwest Log Rules Advisory Group.~~

~~(e))~~ Special forest products. The following are considered to be separate species of special forest products: Christmas trees (various species), posts (various species), western redcedar flatsawn and shingle blocks, western redcedar shake blocks and boards.

~~((18))~~ (d) Chipwood. All timber processed to produce chips or chip products delivered to the facilities listed in WAC 458-40-670(1) or otherwise reportable in accordance with the provisions of WAC 458-40-670 (2) or (3).

(e) Small logs. All conifer logs harvested in stumpage value areas 6 or 7 generally measuring seven inches or less in scaling diameter, delivered to and purchased by weight measure at facilities listed in WAC 458-40-670(4). Log diameter and length is determined by merchandizer scanner with length not to exceed twenty feet.

(f) Sawlog. For purposes of timber harvest in stumpage value areas 6 and 7, a sawlog is a log having a net scale of not less than 33 1/3% of gross scale, nor less than ten board feet and meeting the following minimum characteristics: Gross scaling diameter of five inches and a gross scaling length of eight feet.

(19) Stumpage. Standing or fallen trees, live or dead, having commercial value which have not been severed from the stump.

~~((19))~~ (20) Stumpage value area (SVA). An area with specified boundaries which contains timber having similar growing, harvesting and marketing conditions.

~~((20))~~ (21) Thinning. Timber removed from a harvest unit meeting all the following conditions:

(a) Located in ~~((Western Washington))~~ stumpage value areas 1, 2, 3, 4, 5, and 10;

(b) The total volume removed is less than forty percent of the total merchantable volume of the harvest unit prior to harvest;

~~(c) ((Not more than forty percent of the total volume removed is from the dominant and codominant trees;~~

~~(d) The trees removed in the harvest operation shall be distributed over the entire harvest unit.~~

~~(21))~~ Leave a minimum of one hundred undamaged, evenly spaced, dominant or codominant trees per acre of a commercial species or combination thereof.

(22) Timber. Forest trees, standing or down, on privately or publicly owned land, and except as provided in RCW 84.33.170, includes Christmas trees.

WSR 95-10-035
EMERGENCY RULES
DEPARTMENT OF REVENUE
 [Filed April 28, 1995, 3:31 p.m.]

Date of Adoption: April 28, 1995.

Purpose: To provide a quality code for "chipwood" and "small logs" to be used in the reporting and paying of timber excise tax.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-650 Timber excise tax—Timber quality codes defined.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

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 being adopted on an emergency basis in order to implement the stumpage value tables (WAC 458-40-660) that were effective January 1, 1995. This rule, along with WAC 458-40-610 Definitions, is necessary for taxpayers to properly report and pay timber excise tax. The re-adoption of this rule on an emergency basis is necessary to continue to have a rule in place until the adoption of the rule on a permanent basis.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The department has filed notice of intent to adopt the rule on a permanent basis and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule.

Effective Date of Rule: Immediately.

April 28, 1995
 Russell W. Brubaker
 Assistant Director

AMENDATORY SECTION (Amending WSR 94-14-048, filed 6/30/94, effective 7/1/94)

WAC 458-40-650 Timber excise tax—Timber quality codes defined. The timber quality code numbers for each species of timber shown in the stumpage value tables contained in this chapter are defined as follows:

TABLE 1—Timber Quality Code Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10

Species	Quality Code Number	Log grade specifications ¹
Douglas-fir	1	Over 50% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	2	Over 50% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	3	25-50% inclusive No. 2 Sawmill and better log grade.
Douglas-fir	4	Less than 25% No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	1	Over 30% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	2	Over 30% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	3	5-30% inclusive No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	4	Less than 5% No. 2 Sawmill and better log grade.

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Western Hemlock, True Firs, Other Conifer, and Spruce	1	Over 50% No. 2 Sawmill and better log grade, and 5% and over Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	2	Over 50% No. 2 Sawmill and better log grade, and less than 5% Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	3	25-50% inclusive No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	4	Less than 25% No. 2 Sawmill and better log grade.
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
Lodgepole Pine	1	All log grades.
Red Alder and other hardwoods	1	Over 50% No. 3 Sawmill and better log grades.
Red Alder and other hardwoods	2	10-50% inclusive No. 3 Sawmill and better other hardwoods log grades.
Red Alder and other hardwoods	3	Less than 10% No. 3 Sawmill and better log grades.
Black Cottonwood	1	35% and over Peeler log grade.
Black Cottonwood	2	Less than 35% Peeler log grade and 15% and greater No.1 Sawmill and better log grade.
Black Cottonwood	3	Less than 15% No. 1 Sawmill and better log grade.
((Conifer Utility	1	All conifer logs graded as utility log grade.))
<u>Chipwood</u>	<u>1</u>	<u>All logs that comply with the definition of chipwood in WAC 458-40-610 (18)(d).</u>

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

**TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7**

Species	Quality Code Number	Log grade specifications ¹
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
All conifers other than Ponderosa Pine	1	All log sizes.
Hardwoods	1	Sawlogs only.
((Utility	1	All logs graded as utility.))
<u>Small logs</u>	<u>1</u>	<u>All conifer logs that comply with the definition of small logs in WAC 458-40-610 (18)(e).</u>
<u>Chipwood</u>	<u>1</u>	<u>All logs that comply with the definition of chipwood in WAC 458-40-610 (18)(d).</u>

**WSR 95-10-036
EMERGENCY RULES
DEPARTMENT OF REVENUE**
[Filed April 28, 1995, 3:34 p.m.]

Date of Adoption: April 28, 1995.

Purpose: The amendments to the rule are for the purpose of explaining the process to be followed in the reporting of "chipwood" and "small logs" for the payment of timber excise tax, and also to allow an adjustment for cable logging in certain circumstances.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-670 Timber excise tax—Stumpage value adjustments.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

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 being adopted on an emergency basis in order to implement the stumpage value tables (WAC 458-40-660), effective January 1, 1995. Timber harvesters need this rule to be effective in order to properly report and pay timber excise tax. The readoption of this rule on an emergency basis is necessary to continue to have a rule in place until the adoption of the rule on a permanent basis.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The department has filed notice of intent to adopt the rule on a permanent basis and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule.

Effective Date of Rule: Immediately.

April 28, 1995
Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending WSR 94-14-048, filed 6/30/94, effective 7/1/94)

WAC 458-40-670 Timber excise tax—Chipwood and small log destinations and stumpage value adjustments.

(1) Chipwood destinations. The businesses operating at the following locations are in the business of processing logs to produce chips or chip products. Logs delivered to the log yards listed below for the purpose of being chipped may be reported as chipwood:

- Boise Cascade (Umatilla, OR)
- Brady Chip (Shelton)
- Bullfrog (Cle Elum)
- Columbia Fiber (Kalama)
- DaPaul (Tumwater)
- Diashowa (Port Angeles)
- D K Truck (Beaver, Hoquiam, Montesano, Quinault, Shelton)
- Dodge Logging Inc. (Champion Reload, Glenwood)
- Douglas County Forest Products (Centralia)
- Edmonds Company (Tacoma, Road 6 Rock Pit-Kapowsin Tree Farm)

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- Georgia Pacific (Bellingham)
- Granger Company or Resource Recovery (Clarkston)
- James River Corporation (Wauna, OR)
- Mountain Fir Chip Co. (Clarkston, The Dalles, OR)
- North Mason Fiber (Belfair)
- Northwest Forest Fiber (Morton, North Bend, Tacoma)
- Local Manufacturing (Aberdeen)
- Oakville Forest Products (Oakville)
- Olympic Fiber (Aberdeen)
- Pacific Fiber (Longview)
- Ponderay Valley Fiber (Usk)
- Port Townsend Paper or Evergreen Fiber (Irontdale)
- Rayonier Pulp (Port Angeles)
- Scott Paper (Everett)
- Solo Leasing (Longview)
- Warrenton Fiber or Nygaards (Warrenton, OR)
- Weyerhaeuser (Cosmopolis)
- Weyerhaeuser Silvacel (Hardwood at Snoqualmie Falls)

(a) A log processor that is not listed and is in the business of processing logs to produce chips or chip products may apply to the Department of Revenue, Forest Tax Section, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, Washington to be included in this listing. To qualify, not less than ninety percent of the weight volume of logs delivered to and purchased by the log processor at a specified log yard or location must be processed to produce chips or chip products.

(b) Any applicant seeking administrative review of the department's decision under (a) of this subsection may appeal the decision in accordance with WAC 458-20-100.

(2) Logs chipped in the woods may also be reported as chipwood. Volume shall be measured in net weight of green chips and sufficient, satisfactory documentation of volume shall be provided to the department at the time of reporting.

(3) Logs processed to produce chips or chip products at locations other than those listed in subsection (1) of this section and other than as provided in subsection (2) of this section may be reported as chipwood only when the harvester provides the department with sufficient, satisfactory documentation to accurately show the specific volume of logs processed to produce chips or chip products, measured in net weight of green chips. A sample log scaling showing volume of utility grade logs is not, by itself, sufficient for purposes of reporting the volume of chipwood.

(4) Small log destinations. The businesses operating at the following locations are in the business of processing small logs as defined in WAC 458-40-610.

- Longview Fibre Co. (Winton)
- Vaagen Brothers Lumber Co. (Colville)

(a) A log processor that is not listed and is in the business of processing small logs as defined in WAC 458-40-610 may apply to the Department of Revenue, Forest Tax Section, Target Place Building No. 4, 2735 Harrison Avenue N.W., Olympia, Washington to be included in this listing.

(b) Any applicant seeking administrative review of the department's decision under (a) of this subsection may appeal the decision in accordance with WAC 458-20-100.

(5) Harvest value adjustments. Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in

WAC 458-40-660 for the designated stumpage value areas with the following limitations:

~~((1))~~ (a) No harvest adjustment shall be allowed against special forest products, chipwood, or small logs as those terms are defined in WAC 458-40-610.

~~((2))~~ (b) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

~~((3))~~ (c) Timber harvesters planning to remove timber from areas having damaged timber may apply to the department for adjustment in stumpage values. Such applications shall contain a map with the legal descriptions of the area, a description of the damage sustained by the timber with an evaluation of the extent to which the stumpage values have been materially reduced from the values shown in the applicable tables, and a list of estimated additional costs to be incurred resulting from the removal of the damaged timber. Such applications must be received by the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed and notify the harvester. In the event the extent of the damage or additional costs is not known at the time the application is filed, the harvester may provide relevant information to the department for a period not exceeding ninety days following completion of the harvest unit.

(6) The following harvest adjustment tables are hereby adopted for use during the period of ~~((July))~~ January 1 through ~~((December 31, 1994))~~ June 30, 1995:

**TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10**

~~((July))~~ January 1 through ~~((December 31, 1994))~~ June 30, 1995

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	- \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	- \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	- \$10.00
II. Logging conditions		
((Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	\$17.00
Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	\$25.00))
Class 1	Most of the harvest unit has less than 30% slope. No significant rock outcrops or swamp barriers.	\$0.00

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Class 2 Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers. - \$17.00

Class 3 Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs. - \$25.00

Class 4 For logs which are yarded from stump to landing by helicopter. This does not include special forest products. ~~((-\$69.00))~~ - \$145.00

Note: A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.

III. Remote island adjustment:
For timber harvested from a remote island - \$50.00

IV. Thinning (see WAC 458-40-610(20))
Class 1 Average log volume of 50 board feet or more. - \$25.00
Class 2 Average log volume of less than 50 board feet. - \$125.00

**TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6 and 7**

~~((July))~~ January 1 through ((December 31, 1994)) June 30, 1995

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging conditions		
((Class 1	Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	\$20.00
Class 3	Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	(\$30.00))
<u>Class 1</u>	<u>Most of the harvest unit has less than 30% slope. No significant rock outcrops or swamp barriers.</u>	<u>\$0.00</u>
<u>Class 2</u>	<u>Most of the harvest unit has slopes between 30% and 60%. Some rock outcrops or swamp barriers.</u>	<u>- \$20.00</u>
<u>Class 3</u>	<u>Most of the harvest unit has rough, broken ground with slopes over 60%. Numerous rock outcrops and bluffs.</u>	<u>- \$30.00</u>
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products. ((-\$69.00))	- \$145.00

Note: A Class 2 adjustment may be used for slopes less than 30% when cable logging is required by a duly promulgated forest practice regulation. Written documentation of this requirement must be provided by the taxpayer to the department.

III. Remote island adjustment:
For timber harvested from a remote island - \$50.00

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TABLE 3—Domestic Market Adjustment

Public Timber

Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

State, and Other Nonfederal, Public Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

Private timber

Harvest of private timber which is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i); a Cooperative Sustained Yield Unit Agreement made pursuant to the Act of March 29, 1944, (16 U.S.C. Sec. 583-583i); or Washington Administrative Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

- Class 1: SVA's 1 through 6, and 10 \$0.00 per MBF
- Class 2: SVA 7 \$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

**WSR 95-10-037
EMERGENCY RULES
DEPARTMENT OF REVENUE**

[Filed April 28, 1995, 3:37 p.m.]

Date of Adoption: April 28, 1995.

Purpose: To allow for scaling of lodge pole pine in stumpage value areas 6, 7, and 10 to be done in accordance with industry practice and to amend the definition of "utility grade" to conform with industry rule.

Citation of Existing Rules Affected by this Order: Amending WAC 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

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 being adopted on an emergency basis in order to have the amended taper factor allowance be effective on January 1, 1995, to coincide with the stumpage value tables (WAC 458-40-660), this will enable timber harvesters to properly report and pay timber excise tax. The readoption of this rule on an emergency

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basis is necessary to continue to have a rule in place until the adoption of the rule on a permanent basis.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: The department has filed notice of intent to adopt the rule on a permanent basis and is actively undertaking the appropriate procedures to adopt the rule as a permanent rule.

Effective Date of Rule: Immediately.

April 28, 1995
Russell W. Brubaker
Assistant Director

AMENDATORY SECTION (Amending Order 86-4, filed 12/31/86)

WAC 458-40-680 Timber excise tax—Volume harvested—Approved scaling and grading methods. (1)

Acceptable log scaling and grading rules—(~~Western Washington~~) Stumpage value areas 1, 2, 3, 4, 5, and 10: The acceptable log scaling and grading rule shall be the Scribner Decimal C log rule as described in the most current edition of the "Official Log Scaling and Grading Rules" handbook developed and authored by the Northwest Log Rules Advisory Group. These are the official rules for the following log scaling and grading bureaus: Columbia River, Grays Harbor, Northern California, Puget Sound, Southern Oregon, and Yamhill.

(2) Acceptable log scaling rule—(~~Eastern Washington~~) Stumpage value areas 6 and 7: (~~For Eastern Washington,~~) The acceptable log scaling rule shall be the Scribner Decimal C log rule described in the most current edition of the "National Forest Log Scaling Handbook" (FSH 2409.11) as published by the United States Forest Service. Provided, the maximum scaling length is twenty feet and maximum trim allowance shall be six inches for logs eight to twenty feet in length; and provided, further, that lodgepole pine harvested in stumpage value areas 6, 7, or 10 shall be scaled using a one inch taper allowance per log segment.

(3) Utility grade defined: For (~~both Western and Eastern Washington~~) all stumpage value areas, utility grade is defined as logs that do not meet the minimum requirements of peeler or sawmill grades as defined in the handbook published by the Northwest Log Rules Advisory Group, but are suitable for the production of firm (~~usable pulp~~) useable chips to an amount of not less than fifty percent of the gross scale; and meeting the following minimum requirements:

Minimum gross diameter—(~~six~~) two inches.

Minimum gross length—twelve feet.

Minimum volume—ten board feet net scale.

Minimum recovery requirements—one hundred percent of adjusted gross scale in firm useable (~~pulp~~) chips.

(4) Special services scaling: Special services scaling as described in the Northwest Log Rules Advisory Group handbook shall not be used for tax reporting purposes without prior written approval of the department; and all measurements and grades must be converted to standard Scribner Decimal C log rules as they are described in the handbook.

WSR 95-10-038

EMERGENCY RULES

**UTILITIES AND TRANSPORTATION
COMMISSION**

[Order R-429, Docket No. TV-941290—Filed April 28, 1995, 4:16 p.m.]

In the matter of amending chapter 480-12 WAC to repeal WAC 480-12-075, 480-12-082, 480-12-085, 480-12-090, 480-12-095, 480-12-105, 480-12-110, 480-12-131, 480-12-137, 480-12-140, 480-12-155, 480-12-160, 480-12-181, 480-12-195, 480-12-196, 480-12-205, 480-12-225, 480-12-230, 480-12-233, 480-12-240, 480-12-245, 480-12-253, 480-12-260, 480-12-305, 480-12-310, 480-12-321, 480-12-322, 480-12-380, 480-12-500, 480-12-510, 480-12-520; and to adopt WAC 480-12-001; and adopting chapter 480-14 WAC relating to motor carriers.

This is an emergency rule-making proceeding that is designed to continue the amendment and adoption of rules that became effective January 1, 1995, at 12:01 a.m.

The Washington Utilities and Transportation Commission is conducting this rule making pursuant to RCW 80.01.040 and RCW 34.05.350. 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 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

The facts requiring emergency action are as follows:

In late August 1994, the president signed federal legislation which preempts the states' rights to regulate most economic areas of intrastate motor carriage. This legislation became effective January 1, 1995. Because the commission's rules governing motor carriers, specifically chapter 480-12 WAC, includes economic regulation, it must revise those rules prior to the January 1, 1995, effective date of the federal law. Failure to make changes in commission rules would leave patently illegal rules in place and would hamper the implementation of state laws that remain effective to govern motor carrier safety.

In order to remain in compliance with federal requirements, the Washington Utilities and Transportation Commission adopted alternative motor carrier rules which are consistent with federal legislation to be in effect on January 1, 1995. A permanent alternative rule could not be promulgated in time to meet the January 1, 1995, implementation date of the federal legislation. Emergency rules are authorized under RCW 34.05.350 [(1)](b).

The federal legislation did not change the regulatory structure for household goods carriers or intrastate common carrier brokers. This means that the commission needs two sets of motor carrier regulatory rules, one which includes economic regulation for those industries not affected by the federal legislation, and one which does not include economic regulation for those industries preempted by the federal action. Because of this requirement, the commission is leaving chapter 480-12 WAC in place, repealing the sections that do not apply to household goods carriers and brokers. The commission is also establishing a new chapter 480-14 WAC, for all other intrastate motor carriers.

Reason for refiling emergency rules: The commission has filed a preproposal notice of its intention to promulgate permanent rules on the subjects addressed by these emergency rules. That process is underway, has not been completed, and requires additional time to complete. The existence of pending permanent rule changes is a circumstance under which identical emergency rules may be adopted in sequence. In addition, legislation has been passed that would transfer jurisdiction for motor carrier safety enforcement to the Washington State Patrol. Implementing that legislation may require further amendment of the proposed permanent rules. That change constitutes a change of conditions requiring the readoption of the present emergency rules.

The Washington Utilities and Transportation Commission finds that an emergency exists. It finds that the federal law amendments require immediate adoption of new commission rules and amendment of existing rules. It finds that immediate adoption of new rules and immediate amendment of existing rules are necessary for the preservation of the public health, safety, or general welfare, and that observing the statutory requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest. It further finds that readoption of these emergency rules is necessary to allow completion of the process of promulgating permanent rules and that it is required by state legislative action transferring jurisdiction over motor carrier safety to the Washington State Patrol.

This adoption of new rules and amendment of existing rules affects no economic values and has no adverse environmental effect, in that they merely implement the changes required by federal law against the framework of existing statutes.

In reviewing the entire record, the commission determines that it should amend chapter 480-12 WAC to adopt WAC 480-12-001 and to repeal WAC 480-12-075, 480-12-082, 480-12-085, 480-12-090, 480-12-095, 480-12-105, 480-12-110, 480-12-131, 480-12-137, 480-12-140, 480-12-155, 480-12-160, 480-12-181, 480-12-195, 480-12-196, 480-12-205, 480-12-225, 480-12-230, 480-12-233, 480-12-240, 480-12-253, 480-12-260, 480-12-305, 480-12-310, 480-12-321, 480-12-322, 480-12-380, 480-12-500, 480-12-510, 480-12-520, and should adopt a new chapter 480-14 WAC, to read as set forth in Appendix A, shown below in this order and included in it by this reference, to be effective May 1, 1995, at 12:01 a.m. These rule changes will allow the commission to comply with federal legislation.

ORDER

THE COMMISSION ORDERS That WAC 480-12-001, as set forth in Appendix A shown below, is amended, to take effect as an emergency rule of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and 34.05.380(2), on May 1, 1995, at 12:01 a.m.

THE COMMISSION FURTHER ORDERS That chapter 480-14 WAC, as set forth in Appendix A shown below, is adopted, to take effect as an emergency rule of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and 34.05.380(2), on May 1, 1995, at 12:01 a.m.

THE COMMISSION FURTHER ORDERS That WAC 480-12-075, 480-12-082, 480-12-085, 480-12-090, 480-12-095, 480-12-105, 480-12-110, 480-12-131, 480-12-137, 480-

12-140, 480-12-155, 480-12-160, 480-12-181, 480-12-195, 480-12-196, 480-12-205, 480-12-225, 480-12-230, 480-12-233, 480-12-240, 480-12-245, 480-12-253, 480-12-260, 480-12-305, 480-12-310, 480-12-321, 480-12-322, 480-12-380, 480-12-500, 480-12-510, 480-12-520, as set forth in Appendix A shown below, are repealed, to take effect as emergency rules of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and 34.05.380(2), on May 1, 1995, at 12:01 a.m.

THE COMMISSION FURTHER ORDERS That this order and the rules set forth in Appendix A, shown below, after being first recorded in the order register of the Washington Utilities and Transportation Commission, be forwarded to the code reviser for filing pursuant to chapters 34.05 RCW and 1-21 WAC.

DATED at Olympia, Washington, this 28th day of April 1995.

Washington Utilities and Transportation Commission
 Sharon L. Nelson, Chairman
 William R. Gillis, Commissioner

NEW SECTION

WAC 480-12-001 Supersession of this chapter. Most intrastate carriers of property for hire have been exempted from state economic regulation by operation of federal law. The commission has established chapter 480-14 WAC to comply with federal law effective January 1, 1995. Only carriers of household goods and common carrier brokers continue to be regulated under this chapter.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 480-12-075 Permit phraseology defined.
- WAC 480-12-082 Terminal areas defined.
- WAC 480-12-085 Common or contract carrier may not act as private carrier.
- WAC 480-12-090 "Off-route points" defined.
- WAC 480-12-095 "Intermediate points" defined.
- WAC 480-12-105 Primary agricultural carriers.
- WAC 480-12-110 Permit, must abide by—"Tacking"—Extension.
- WAC 480-12-131 Interstate trip permits.
- WAC 480-12-137 Private carriers.
- WAC 480-12-140 Equipment, standby.
- WAC 480-12-155 Equipment—Interchange of.
- WAC 480-12-160 Disabled motor vehicles—Substitution.
- WAC 480-12-181 Pole trailers.
- WAC 480-12-195 Hazardous materials regulations.
- WAC 480-12-196 Transportation of radioactive materials—Driving and parking rules.
- WAC 480-12-205 Passengers—Carrying prohibited—Exceptions.
- WAC 480-12-225 Advertising on equipment.
- WAC 480-12-230 Service, scheduled, discontinuance of.

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- WAC 480-12-233 Agreements for pooling of freight.
- WAC 480-12-240 Shipments on hand undelivered.
- WAC 480-12-245 Commissions.
- WAC 480-12-253 Continuing traffic study instituted—Requirements—Penalties.
- WAC 480-12-260 Bills of lading.
- WAC 480-12-305 Billing—Method to be used.
- WAC 480-12-310 Gross shipment weight.
- WAC 480-12-321 Log road classification—Must have.
- WAC 480-12-322 Log shipments—Intrastate rates—Applicability.
- WAC 480-12-380 Common carrier C.O.D. shipments—Bond required—Handling of shipments.
- WAC 480-12-500 Definitions concerning recovered materials.
- WAC 480-12-510 Application procedures for transportation of recovered materials.
- WAC 480-12-520 Reporting requirements for transportation of recovered materials.

**Chapter 480-14 WAC
MOTOR CARRIERS, EXCLUDING HOUSEHOLD
GOODS CARRIERS AND COMMON CARRIER
BROKERS**

NEW SECTION

WAC 480-14-010 Purpose and application. The federal government has preempted state economic regulation of motor carriers effective January 1, 1995, except for carriers of household goods and common carrier brokers. These rules are established to comply with federal law. This chapter supersedes chapter 480-12 WAC for all common and contract carriers previously regulated in that chapter except carriers of household goods and common carrier brokers, who continue to be regulated by that chapter.

NEW SECTION

WAC 480-14-020 Rules, general application of rules—How changed. (1) No rule contained in this chapter can be changed, altered or revised except by general order of the commission pursuant to the Washington state Administrative Procedure Act.

(2) The rules in this chapter are for general application only, and are subject to such changes and modifications as the commission may deem advisable from time to time, and also to such exceptions as may be considered just and reasonable in individual cases.

(3) Application for exception to any of the rules and regulations of the commission shall be made in accordance with the following instructions:

(a) Application should be directed to the commission at its Olympia headquarters office. The application should be typewritten on 8-1/2 x 11 inch paper, on one side of the sheet only.

(b) The applicant must identify the rule from which exemption is sought and give a full explanation as to the reason(s) the exception is desired.

NEW SECTION

WAC 480-14-030 Permits during interim period. The commission recognizes that federal law effective January 1, 1995, destroys prior intrastate common and contract carrier operating rights in all areas except household goods and transportation brokerage. Each carrier operating under an active common or contract carrier permit in existence as of December 31, 1994, ("1994 permit" for purposes of this rule) who chooses to continue in the business of transporting the property of others and who complies with pertinent law and regulation, and whose authority continues in good standing, will be entitled to a new permit identifying whether it is registered and insured as a carrier of hazardous materials, a carrier providing armored car service, a carrier of property other than hazardous materials, or all three. Because it was physically impossible to identify the proper documentation required for all existing carriers and have new permits distributed by January 1, 1995, the commission determines that an existing common or contract carrier permit that is valid on December 31, 1994, shall be recognized as an interim permit for the conduct of operations on and after January 1, 1995, as follows:

(1) A 1994 permit authorizing the transportation of any nonhazardous property shall be recognized as reflecting authority to transport general commodities.

(2) A 1994 permit authorizing transportation of both hazardous and nonhazardous materials will be recognized as reflecting the authority to transport general commodities. If the carrier verifies to the commission that it wishes to engage in transportation of hazardous materials and if the carrier verifies that it has the required insurance coverage, the permit will also reflect the authorization to transport hazardous materials.

(3) A 1994 permit authorizing armored car service will be recognized as reflecting the authority to transport general commodities. If the carrier verifies to the commission that it wishes to engage in providing armored car service, the permit will also reflect the authorization to provide armored car service.

(4) 1994 permits shall serve as evidence of authority only until the carrier receives its new permit or until July 15, 1995, whichever first occurs. A new permit will not be issued to a carrier whose permit is canceled or suspended.

(5) For the purposes of this rule, an active common or contract carrier permit does not include those carriers with suspended permits or carriers with unsatisfied safety penalties.

NEW SECTION

WAC 480-14-040 Definitions. As used in this chapter, the following definitions shall apply:

(1) The term "motor carrier" means "common carrier," "private carrier" and "exempt carrier," as herein defined.

(2) The term "common carrier" means any person who undertakes to transport property, including general commodities, materials transported by armored car service, and/or

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hazardous materials, for the general public by motor vehicle for compensation, including motor vehicle operations of other carriers by rail or water and of express or forwarding companies. For the purposes of chapter 480-12 WAC, the term "common carrier" also includes persons engaged in the business of transporting household goods as common carriers or of providing, contracting for, or undertaking to provide transportation of property for compensation over the public highways of the state of Washington as brokers or forwarders.

(3) The term "private carrier" means a person who, in its own vehicle, transports only property owned or being bought or sold by it in good faith and only when such transportation is purely an incidental adjunct to some established private business owned or operated by it in good faith.

(4) The term "exempt carrier" means any person operating a vehicle exempted from certain provisions of the act under RCW 81.80.040.

(5) The terms "registered carrier" and "registered exempt carrier" have the meanings set out in WAC 480-14-290.

(6) The term "carrier of hazardous materials" means any person who transports radioactive materials, hazardous waste, hazardous materials and hazardous substances as defined in Title 49 Code of Federal Regulations.

(7) The term "carrier of general commodities" means any person transporting the property of others for compensation, except persons performing the service of transporting household goods as defined in WAC 480-12-990.

(8) The term "armored car service" means carriers transporting property of very high value (gold, silver, currency, valuable securities, jewels and other property of very high value) using specially constructed armored trucks and providing policy protection to safeguard freight while it is being transported and delivered. It also means carriers which operate ordinary equipment in the carriage of high value commodities when guards are necessary to accompany the shipment.

NEW SECTION

WAC 480-14-050 Reference to other chapters. (1) **Procedure.** Except as otherwise provided in this chapter, the commission's rules relating to procedure, chapter 480-09 WAC, shall govern the administrative practice and procedure in and before the commission in proceedings involving motor freight carriers.

(2) **Communications.** Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to the secretary, Washington utilities and transportation commission, at the headquarters office of the commission at Olympia, Washington, and not to individual members of the commission staff.

(a) Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary.

(b) In addressing communications to the commission each permit holder must use the name shown upon its permit and indicate permit number.

(c) Except as provided in WAC 480-09-120 and 480-14-420, receipt in the commission's telefacsimile machine does not constitute filing with the commission.

(3) **Documents—When filed.** Except as provided in chapter 480-04 WAC, all petitions, complaints, applications for common carrier permits or extensions, or any other matter required to be served upon or filed with the Washington utilities and transportation commission shall be served or filed upon the commission at its headquarters office as shown in WAC 480-04-030, upon the secretary of the commission. Except as provided in chapter 480-04 WAC, any petition, complaint, application, or other matter required to be served upon or filed with the commission shall not be considered served or filed until it is received at the headquarters office of the commission at Olympia, Washington. Applications for common carrier permits, or for extensions may be transmitted to any office of the commission for forwarding to the headquarters office of the commission at Olympia, but are not considered as served or filed until they are received at the Olympia office.

NEW SECTION

WAC 480-14-060 Adoption by reference defined. Where referred to in this chapter, the following definitions shall apply:

(1) "North American Uniform Out-of-Service Criteria" published by Commercial Vehicle Safety Alliance (CVSA) refers to the version in effect on May 16, 1994.

(2) "Title 49 Code of Federal Regulations," cited as 49 CFR, includes the regulations and all appendices and amendments in effect on April 1, 1994.

(3) The documents are available for public inspection at the commission branch of the Washington state library, located with the headquarters office of the commission. A copy of either document may be obtained upon request from the commission secretary, subject to any pertinent charge. The Code of Federal Regulations is also available from the Government Printing Office, Seattle office.

NEW SECTION

WAC 480-14-070 Federal regulations, 49 CFR, Part 390—Adoption by reference. (1) The provisions of Title 49, Code of Federal Regulations, Part 390, are adopted and prescribed by the commission, except carriers operating exclusively in intrastate commerce shall not be subject to the provisions of paragraph (c) of section 390.3, section 390.21, and for the purposes of application of federal regulations on intrastate commerce.

(2) With respect to section 390.5, the definitions shown for "exempt intracity zone," "farm to market agricultural transportation," "farm vehicle driver," "farmer," "private motor carrier of passengers," "private motor carrier of property," "school bus," and "school bus operation" shall not apply.

(3) Whenever the designation "commercial motor vehicle" is used, it shall mean a motor carrier as defined in RCW 81.80.010.

(4) "Exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" shall have the meanings subjoined to them by RCW 81.80.010.

(5) Whenever the designation "director" is used it shall mean the Washington utilities and transportation commission.

NEW SECTION

WAC 480-14-080 Rule book fee—Updates—Notification of pending and adopted rule changes—Compliance with rules. (1) The commission shall by order establish a fee for the motor carrier rule book entitled, "*Laws and Rules Related to Motor Carriers of General Commodities, Commodities Transported in Armored Cars and Hazardous Materials*". The fee shall be set according to the estimated cost of compiling, printing, and distributing the rule book.

(a) The commission will give applicants for temporary or permanent permit authority who do not hold motor carrier authority issued by the commission one copy of the rule book at no charge at the time the application is filed with the commission.

(b) The commission will charge its established rule book fee to other persons and for replacement or additional copies.

(2) Rule books may be purchased at any commission office. All fees must be prepaid.

(3) The commission will send one annual update, containing rules becoming effective during the prior year, to each common carrier without charge. The commission shall establish and collect a fee for updates for other persons or additional copies.

(4) Carriers must comply with all rules when they become effective, and rules become effective at various times throughout the year. The commission will notify carrier associations of potential and approved rule amendments, adoptions, and repealers. The commission will also provide notification to every person who requests to be on its rule notification list for the topics desired. Proposed and adopted rules are also published in the *Washington State Register*, available at libraries throughout the state or by subscription from the Washington state code reviser, Olympia. The commission welcomes comments on proposed rules.

NEW SECTION

WAC 480-14-090 Permits. (1) **Location of original copy.** Permits must be kept at the main office of the carrier.

(2) **Copies required on power units.** Permit holders must carry a copy of operating authority issued by the Washington utilities and transportation commission on each power unit operated in intrastate operations.

(3) **Replacement of lost permits.** Application for the issuance of a duplicate permit shall be in writing and accompanied by the appropriate fee. The commission shall establish, by order, a fee for replacement of lost permits. The fee to be set according to the estimated cost of producing, printing and mailing the replacement permit.

NEW SECTION

WAC 480-14-100 Operations must be under permit name. Every common carrier shall conduct its operations under the name, corporate, trade, or assumed, that is described in its permit, and no carrier shall perform any carrier service, or hold itself out to perform such service, by advertisement or otherwise in any name other than that in which its permit is issued.

NEW SECTION

WAC 480-14-110 Improper use of permit or registration receipt. The use of a permit or registration receipt by any person or firm other than the carrier to whom it was issued is unlawful.

NEW SECTION

WAC 480-14-120 Address, change of. A carrier must immediately report to the commission in writing any change in the address of its principal place of business.

NEW SECTION

WAC 480-14-130 Remittances. (1) Remittances to the commission may be made by money order, bank draft, check, or certified check payable to the Washington utilities and transportation commission.

(2) Remittances in currency or coin are wholly at the risk of the remitter. The commission assumes no responsibility for loss of currency or coin sent by mail.

(3) All remittances must be made in U.S. funds.

NEW SECTION

WAC 480-14-140 Fees. Fees for applications shall be as follows:

Type of Application	Fee Applicable
Conversion of permits existing prior to January 1, 1995, to new permits	\$0
Change of name or business structure	\$50
Permanent common carrier operating authority	
Hazardous materials	\$450
General commodities	\$400
Armored car service	\$400
Extension of common carrier permit authority	
Hazardous materials	\$225
General commodities	\$200
Armored car service	\$200
Reinstatement of authority (within 6 months of cancellation)	
Hazardous materials	\$200
General commodities	\$200
Armored car service	\$200
Temporary common carrier authority	\$50 per vehicle (not to exceed \$250 per application filed on the same date)

NEW SECTION

WAC 480-14-150 Regulatory fee. (1) Every common motor carrier operating in intrastate commerce shall, on or before the first day of May of each year, file with the commission with its periodic special report as defined in WAC 480-14-170, on a form provided by the commission, a statement on oath showing its gross operating revenue from intrastate operations during the prior calendar year.

(2) Each carrier shall submit with its statement of gross operating revenue the carrier's regulatory fee, calculated as 0.0025 times the stated gross operating revenue, unless that rate is reduced by commission order.

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NEW SECTION**WAC 480-14-160 Procedures for contest of fees.**

Any fee imposed by the authority of chapter 81.80 RCW shall be contested under RCW 81.80.115 by the procedure set out in this section.

Any person on whom a fee is imposed by the authority of chapter 81.80 RCW shall pay the fee. The payor may petition for a refund of the fee paid, in writing, filed no later than six months after the fee is first due and payable.

The petition shall state the name of the payor/petitioner; the date and the amount paid, including a copy of any receipt, if available; the nature of the fee paid; the amount of the fee that is contested; the statute under which the fee is imposed, if known to the petitioner; and any reasons why the commission may not impose the fee.

The commission may grant the petition administratively or may set the petition for adjudication or for brief adjudication.

NEW SECTION**WAC 480-14-170 Periodic reporting requirements.**

The commission will require, on an annual basis, a special report from each common carrier who operated within the state during the prior calendar year. The report shall be due on or before the first day of May of each year, to cover the operations of the prior calendar year. The report will contain information including, but not limited to, the carrier's business structure, operating revenues, equipment placed in service, driver information, accident information and safety-related operating statistics.

NEW SECTION**WAC 480-14-180 Applications. (1) Intrastate authority.**

(a) Applications to acquire temporary or permanent common carrier authority, extension of permanent common carrier authority, or change of carrier name or business structure shall be made on forms furnished by the commission and shall contain all the information, documents, and exhibits called for in the form or the form's instructions. The commission may refuse to accept any application until all required information is supplied.

(b) No application will be accepted for filing unless it is accompanied by the required fee as shown in WAC 480-14-140.

(c) The commission's acceptance of an application for filing does not indicate the commission's approval, nor is the commission precluded from finding that the information presented in the application is insufficient.

(2) **Interstate authority.** Each carrier operating in interstate commerce on the public roads of the state of Washington shall apply to register its insurance with the commission pursuant to WAC 480-14-250. Every such application shall be granted if it contains all necessary information and documentation, if the information provided is true and correct, and if the required fee is paid.

(3) All exhibits or papers submitted with an application must be legibly written or typed on one side only of 8 1/2 by 11 inch paper.

(4) Applications for permits and for registration shall require that the applicant certify the truth of all information submitted with the application, under penalties of perjury. False, misleading, or incomplete information may subject the applicant to prosecution, to civil penalties, or to revocation or suspension of authority.

NEW SECTION

WAC 480-14-190 Permanent common carrier permits. (1) For the purposes of this rule, applications for authority shall include applications for original or extended common carrier authority for general commodities (excluding household goods), materials transported by armored car, and/or hazardous materials. Applications for temporary authority are governed by WAC 480-14-200.

(2) A common carrier permit shall be issued to any applicant satisfying the following requirements:

(a) Filing an application satisfying the requirements of WAC 480-14-180.

(b) Filing, or causing to be filed, insurance in accordance with the requirements of WAC 480-14-250.

(c) Passing a safety fitness review of the applicant's knowledge and ability to conform with the motor carrier safety and/or hazardous materials regulations. The safety fitness review may be waived if the applicant can furnish a copy of a U.S. Department of Transportation "satisfactory" safety rating issued within twenty-four months before the date of the application. The commission may require an on-site safety compliance review to satisfy the safety fitness review requirements prior to issuing any permit.

(3) An application may be dismissed for failure to complete needed steps and it may be dismissed, denied, or granted in part based upon the satisfactory compliance with this chapter. The applicant may request a review of dismissal or full or partial denial through a brief adjudicative proceeding, pursuant to WAC 480-09-500.

NEW SECTION

WAC 480-14-200 Temporary common carrier permits. (1) The commission may issue temporary permits for authority to engage in common carrier operations for a period of up to ninety days. Application for temporary authority may be made to the commission or any of its duly authorized personnel. The application fee shall be as provided for in WAC 480-14-140.

(2) The commission may impose special terms and conditions in connection with the grant of any temporary permit.

(3) A separate application shall be made for each vehicle the carrier is to operate under temporary authority.

(4) The term of the temporary authority shall not exceed the evidence of the carrier's currently effective liability and property damage insurance on file with the commission. If such evidence is not on file it must be submitted with the application. The evidence of insurance must cover each vehicle for which application is made and shall be for the limits provided for in WAC 480-14-250.

(5) Temporary permits may be authorized only when the vehicle and driver to perform the hauling under the temporary permit have passed a safety inspection by an authorized agent of the commission. The safety inspection may be

waived for any vehicle displaying a valid CVSA inspection decal. Emergency substitution of a vehicle or driver authorized under a temporary permit may be made only after approval by authorized commission personnel.

(6) A temporary permit may be cancelled at any time if the commission determines that its grant was based on fraud, misrepresentation or erroneous information from the applicant, or if it appears that operations under the permit pose a hazard to the public health, safety or welfare. Review of administrative cancellation is available at the carrier's request through a brief adjudicative proceeding pursuant to WAC 480-09-500, or, at the commission's discretion, an adjudication.

NEW SECTION

WAC 480-14-210 Change of carrier name and business structure. (1) For the purposes of this rule, applications to change carrier name or business structure means the following:

(a) Change of the carrier's registered name, with no change in ownership or business structure.

(b) Change of business structure from individual to corporation to incorporate an individual's business, when the individual is the majority stockholder, or by an individual to a partnership, when the individual is the majority partner, or from a corporation to a proprietorship of the majority shareholder, or by a partnership to a proprietorship of the majority partner.

(c) Change of name resulting from a change in business structure from a partnership to a corporation established to incorporate the partnership business, when the partners are the majority stockholders in the same proportionate ownership.

(d) Change of name resulting from a change in business structure from a corporation to another corporation where both corporations are wholly owned by the same stockholders in the same proportions.

(2) A new permanent common carrier application is required, rather than a change of name, when the resulting business entity does more or less than assume all of the existing business. If the transaction involves the sale or acquisition of assets other than the property of the acquired or substituted business, or the conduct of different activities, a new permit must be applied for.

NEW SECTION

WAC 480-14-220 Permits, cancelled—New application. When a permit is cancelled by the commission either for cause, or on request of the carrier, the carrier may secure a new permit by correcting the cause of cancellation, satisfying any outstanding fees or filings, and submitting the appropriate application with the pertinent application fee within six months after date of cancellation.

If not filed within six months, the application will be considered in all respects as a new application and must be accompanied by full fees and subject to all provisions of WAC 480-14-180.

NEW SECTION

WAC 480-14-230 Operation of equipment by a cancelled or suspended carrier; voluntary cancellation; involuntary suspension and cancellation. (1) The operation of its equipment in any manner by a carrier whose permit has been cancelled or suspended is unlawful. Carrier permits may be suspended or cancelled by the commission under the following circumstances.

(2) **Voluntary cancellation.** A carrier may request that its permit be cancelled. Cancellation will be effective upon entry of an order of voluntary cancellation by the commission secretary. The commission will reinstate any permit that has been voluntarily cancelled by order of the secretary upon application of the carrier and payment of the required fee within six months after the order of cancellation, provided the permit holder meets current entry requirements.

(3) **Policy regarding compliance activities; penalties; remediation; involuntary suspension or cancellation.** It is the policy of the commission that the purpose of the regulations implemented in this chapter is to secure compliance with laws and rules protecting the public health and safety, and that the commission shall direct its efforts toward education to the end that voluntary compliance is achieved.

(a) Penalties are intended as a tool of enforcement and remediation and may be assessed upon violations in the manner the commission believes will best assure future compliance by the responding carrier and other carriers.

(b) In addition to or in lieu of penalties, suspension or cancellation, the commission may require a carrier to attend individual or group education regarding the subject of violations and may require the carrier to pay the reasonable cost of providing the education.

(c) Involuntary suspension and cancellation are intended for circumstances in which the commission believes education and penalties have not been or will not be effective to secure compliance and for serious actions such as fraud, misrepresentation, and willful violation of legal requirements.

(4) **Involuntary suspension.**

(a) The commission may suspend a carrier permit for cause. Cause includes, but is not limited to, the following circumstances:

(i) The carrier has failed to maintain evidence that it has the required level of insurance in effect for its operations.

(ii) The carrier fails or refuses to participate in compliance education or conferences, or fails or refuses to comply with rules or other requirements protecting the public health or safety following commission staff instructions regarding compliance.

(iii) The carrier commits or allows to exist an infraction of rule or law that poses an immediate danger to the public health or safety, when putting one or more vehicles out of service will not protect the public health or safety.

(b) The commission will provide to the carrier such notice as is feasible of a commission action suspending a permit, weighing the potential threat to the public health, safety or welfare and the effect of the suspension on the carrier.

(i) The commission will make a good faith effort to notify a carrier that its evidence of insurance is likely to become invalid, but will suspend any carrier who fails to maintain evidence of current insurance on file with the

commission, whether or not it is able to provide advance notice.

(ii) The commission may suspend a carrier permit, effective with the service of notice, when it believes that the carrier's continued operations pose an imminent danger to the public health, safety or welfare.

(c) The commission may suspend a permit without prior hearing when the action is needed to protect the public health, safety or welfare and there is insufficient time for a suspension hearing. A carrier whose permit is suspended may secure reinstatement of the permit by correcting conditions leading to suspension. A carrier may contest suspension by requesting a brief adjudication or an adjudication.

(5) **Cancellation for cause.** The commission may cancel a permit for cause. Cause includes, but is not limited to, the following circumstances:

(a) Failure to pay the required regulatory fee or fees.

(b) Failure to demonstrate that the carrier has corrected the conditions leading to suspension within the time defined in the order of suspension.

(c) Committing or allowing to exist violations of pertinent requirements of law or rule affecting the public health or safety when the commission has reason to believe that the carrier would not comply following a period of suspension.

(d) Repeated failure or refusal of the carrier to comply with regulatory requirements or to provide information, or the submission of false, misleading, or inaccurate information of a sort that is necessary to the commission for performance of its functions.

(6) **Cancellation hearing prior to.** The commission will hold a hearing prior to canceling a carrier's authority, pursuant to RCW 81.80.280, except when cancellation results from failure to correct causes of a suspension in which an adjudication or brief adjudication was held or was available to the carrier. A carrier whose permit is cancelled may apply for reinstatement under WAC 480-14-220, or may apply for a new permit under WAC 480-14-180, if the causes of cancellation are corrected.

NEW SECTION

WAC 480-14-240 Inactive status of permits during military service. (1) When the holder of a common carrier permit is called into or enters the military service of the United States and must cease operation over the public highways, the commission will upon application place that carrier's permit in an inactive file for the period of military service.

(2) The carrier shall file with the commission a written, informal application which lists:

(a) The applicant's name and permit number;

(b) The branch of military service the applicant is to enter;

(c) The date upon which the applicant requests the inactive status to begin;

(d) A statement that the applicant will not permit its equipment to be operated under inactive status.

(3) Application for reinstatement of a permit placed on inactive status during military service shall be made within six months after such military service has terminated. The

commission shall, at no charge, grant reinstatement upon a showing of compliance with the requirements of the law governing operation over the public highways.

NEW SECTION

WAC 480-14-250 Insurance requirements; cause for suspension or cancellation. (1) **Requirements.** Each applicant for common carrier authority, and each common carrier, shall file with the commission evidence of currently effective liability and property damage insurance written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit granted.

(a) Filings shall be for the amount shown on the following table:

Category of Carrier Operation	Filing Required
1. Property (nonhazardous)	\$750,000
2. Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquified compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455	\$5,000,000
3. Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in 2. above or in 4. below	\$1,000,000
4. Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455	\$5,000,000

(b) Taxicabs whose only operation subject to commission jurisdiction is the operation of small parcel general freight service under a permit issued pursuant to chapter 81.80 RCW shall comply with the provisions of RCW 46.72.040 and 46.72.050 in lieu of the above. Such carriers must comply with the reporting requirements of this section.

(c) Carriers registering under WAC 480-14-300 as registered interstate carriers may provide evidence of insurance in the amount prescribed by the Interstate Commerce Commission written by a company authorized to write insurance in any state.

(d) Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a permit.

(e) Evidence of insurance shall be submitted either on a uniform motor carrier bodily injury and property damage liability certificate of insurance, filed in triplicate with the commission, or a written binder issued by an insurance agent or insurance company evidencing the coverages as required above. If a binder is submitted, it shall be effective for not longer than sixty days, during which time the carrier must file the required evidence of insurance.

(2) **Insurance, continuation of.** Proper evidence of continued insurance shall be filed with the commission not less than ten days prior to termination date of insurance then on file in order that there shall be no question of continuous coverage as required by law.

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(3) **Insurance endorsement.** All liability and property damage insurance policies issued to motor freight carriers shall carry a "uniform motor carrier bodily injury and property damage liability endorsement."

(4) **Insurance termination.** All insurance policies issued under the requirements of chapter 81.80 RCW shall provide that the same shall continue in full force and effect unless and until canceled by at least thirty days' written notice served on the insured and the Washington utilities and transportation commission by the insurance company, with the thirty days' notice to commence to run from the date notice is actually received by the commission, except for binders which may be cancelled on ten days' written notice.

Notice of cancellation or expiration shall be submitted in duplicate on forms prescribed by the commission and shall not be submitted more than sixty days before the desired termination date, except binders which may be cancelled by written notification from the insurance agency or the insurance company on ten days' written notice.

No common carrier may operate upon the public highways of this state without insurance as required in this section. The permit of any common carrier who fails to maintain evidence on file that its insurance is in current force and effect as required herein shall be suspended by operation of law beginning with the time of the failure, until the permit is canceled or the cause of the suspension is cured and the permit is reinstated. The commission will make a good faith effort to notify carriers of impending suspension for failure to maintain evidence of insurance and will make a good faith effort to enter a timely order of suspension, but failure to do so shall not invalidate the suspension.

NEW SECTION

WAC 480-14-260 Leasing. Common carriers may perform transportation in or with equipment which they do not own only in accordance with this leasing rule.

(1) **Lease requirements.** The lease shall:

(a) Be made between the common carrier and the owner of the equipment;

(b) Be in writing and signed by the parties;

(c) Specify the time and date on which the lease begins and ends;

(d) Provide for the exclusive possession, control and use of the equipment and for the complete assumption of responsibility by the lessee while under the dispatch of the lessee or for the duration of said lease. The lease shall be specific as to the responsibility of each party thereto as to fuel expense; all taxes related to equipment operation; permits of all types; tolls; ferry charges; detentions and accessorial services; base plates and licenses; tires; oil; parts; maintenance; empty miles; major and minor repairs; principal and interest on any loans secured by the equipment; property, liability, fire, theft, collision, and comprehensive insurance; and any other vehicle-related expense. All of the above expense items shall be specifically set forth and allocated between the lessor and lessee in the lease document;

(e) Control of permit operations using the leased equipment must clearly reside with the lessee, and the manner in which the responsibility for expenses is allocated must clearly show such control. However, under any lease

arrangement, the lessee shall assume full responsibility for compliance with all applicable safety rules and regulations pertaining to the operation of leased vehicles subject to this rule, and shall provide insurance as specified in WAC 480-14-250;

(f) Specify the compensation to be paid by the lessee to the lessor.

(2) **Identification.** The common carrier using equipment under this rule shall identify the equipment as being operated by the lessee during the period of the lease in accordance with the requirements of WAC 480-14-340.

(3) **Rental of equipment with drivers.** Common carriers shall not rent equipment with drivers to private carriers or shippers except pursuant to their common carrier authority.

NEW SECTION

WAC 480-14-270 Pseudo leasing. Where private carriers lease equipment and the driver of the equipment is in any manner furnished or controlled directly or indirectly by corporate device or otherwise by the lessor of the vehicle, such facts shall give rise to a presumption that the lessor is furnishing a common carrier transportation service. The carrier shall not provide such service unless it acquires common carrier authority to do so. The commission may institute proceedings to determine whether the lessor should be classified as a common carrier under the provisions of chapter 81.80 RCW and/or RCW 81.04.510.

Where, as a result of a classification hearing, the commission has reason to believe a lease between the lessor and lessee was entered into for the purpose of evading the Transportation Act, chapter 81.80 RCW, or the rules and regulations of the commission promulgated thereunder, the commission may institute criminal proceedings under appropriate state law against the lessor and the lessee to the full extent permitted by law and/or the provisions of RCW 81.04.510.

NEW SECTION

WAC 480-14-280 Diversion of freight. Unless in conflict with the Constitution or laws of the United States:

(1) An interstate carrier shall not at any time carry or move freight or commodities originating at a point in the state of Washington and destined to a point in Washington where the movement of freight between such points is commonly and ordinarily over a highway wholly within the state of Washington, unless the carrier has permit authority to perform such service.

(2) It is declared to be the rule that freight originating at a point in Washington and destined to a point in Washington and which can be moved by motor vehicles over a route wholly within the state of Washington, commonly and ordinarily used for the movement of commodities by motor vehicles between such points of origin and destination, shall be constituted and considered as freight moving in intrastate commerce and wholly subject to the jurisdiction of the utilities and transportation commission.

(3) It shall be a violation of the laws of the state of Washington and the rules of the commission for any interstate carrier to divert an intrastate freight movement into an interstate movement, either directly or indirectly, and such

action shall be in violation of the rights as granted authorizing the use of the highways of the state of Washington for movement of freight in interstate commerce.

NEW SECTION

WAC 480-14-290 Interstate operations; requirements; definitions. It shall be unlawful for any carrier to perform any interstate transportation service for compensation upon the public roads of this state without first having secured appropriate authority from the Interstate Commerce Commission, if that authority is required, and without possessing valid insurance and valid evidence that it has registered as specified in these rules.

(1) **Registered carriers.** Carriers operating in interstate or foreign commerce under authority issued by the Interstate Commerce Commission are "registered carriers."

(2) **Registered exempt carriers.** Carriers operating in interstate or foreign commerce under the exemptions of the Federal Motor Carrier Act without interstate authority issued by the Interstate Commerce Commission are "registered exempt carriers."

(3) **Compliance required.** Registered and registered exempt carriers in the conduct of interstate operations must comply with the laws and rules that apply to that activity and to equipment in which it is conducted. Interstate carriers conducting Washington intrastate operations must, as to the intrastate activity, comply with the laws and rules applicable to the activity and to equipment in which it is conducted.

NEW SECTION

WAC 480-14-300 Registered carriers. (1) It shall be unlawful for a carrier operating under authority issued by the Interstate Commerce Commission to operate a vehicle in interstate commerce on the public roads of this state without having first secured valid insurance as required by the Interstate Commerce Commission, registered with a base state as required in 49 CFR Part 1023, paid the required Washington state registration fee for that vehicle, and without having in the vehicle a legible receipt showing base state registration. The receipt shall be subject to inspection at all times by the law enforcement agents and the commission's representatives.

(2) The registration fee for registered carriers in Washington state is ten dollars for each vehicle operated within the state.

(3) **Washington-based carriers.** Washington is a participant in the base state insurance registration program established in 49 USC § 11506 and 49 CFR Part 1023. Any carrier whose base state as defined in federal regulation is Washington state shall register for interstate operations as follows:

(a) Between August 1 and November 30 of each year, each such Washington-based interstate carrier shall apply to the commission to register for the following year.

(b) The registering carrier shall state the number of vehicles to be operated in each participating state, provide other required information, and submit the registration fee established by that state for each such vehicle.

(c) The commission within thirty days will provide to the carrier a receipt or receipts showing, at a minimum, the

carrier's name and address, its ICC permit number, and the names of the states for which it has registered.

(d) The carrier shall place a receipt or an authorized copy in each vehicle for which it has paid the required fee.

(e) Any Washington-based carrier that begins interstate operations in a state for which it has not registered may register for that state at any time, stating the number of vehicles to be operated in each state and submitting the required information and registration fee for each vehicle. The commission will provide a new receipt, if the carrier has not previously registered, or supplemental receipt, if it has registered, showing the states for which the carrier has registered.

(4) No carrier may operate a vehicle in Washington state that is not registered as specified in this rule unless it is registered for interstate exempt traffic under WAC 480-14-320.

NEW SECTION

WAC 480-14-320 Registered exempt carriers. (1) No carrier may operate any vehicle or combination of vehicles upon the public roads of this state in interstate commerce under the exemptions of the Federal Motor Carrier Act without first registering with the commission and having available within the cab of the motive power vehicle a valid receipt showing that the carrier has provided Washington state with proof of insurance and paid the per-vehicle fee established by order of the commission. The receipt shall be subject to inspection by law enforcement agents and the commission's representatives at all times.

(2) Each carrier conducting interstate exempt operations in interstate commerce within the state may apply to register its insurance between August 1 and November 30 of each year, or at any time thereafter when it begins interstate exempt operations within the state or when it identifies additional vehicles as operating in the state. Each application shall be on forms furnished by the commission and accompanied by the required fee.

(3) All receipts issued for a calendar year expire December 31 of that year. A receipt may be issued for the ensuing calendar year on or after the first day of the preceding August.

(4) All delinquent fees or penalties which are due and payable by the carrier to the commission must be paid at the time an application is made. The commission may refuse to issue a receipt until all such fees are paid.

NEW SECTION

WAC 480-14-330 Private carriers. Private carriers conducting terminal operations in Washington state, and having nonexempt vehicles rated at twenty-six thousand one pounds or greater gross vehicle weight or gross combination weight, or vehicles of any rated weight that are used to transport hazardous materials in a quantity requiring the vehicle to be placarded, shall register as private carriers with the commission.

(1) Definitions for purposes of this section:

(a) A private carrier is a person who transports by its own motor vehicle, with or without compensation for the transportation, property that the person owns or is buying or selling, or property of which the person is lessee or bailee,

when the transportation is incidental to and in furtherance of some other primary business conducted by that person in good faith. The term "private carrier" includes the agents, officers, representatives and employees of a private carrier who are responsible for hiring, training, supervising, assigning, or dispatching drivers, or who are responsible for ordering or directing the maintenance of motor vehicles used by a private carrier.

(b) A terminal operation is a location in the state of Washington where a private carrier maintains driver or vehicle records, or where it dispatches or maintains vehicles, or where it regularly parks, stores or houses vehicles that are available for transportation service.

(c) An exempt vehicle is a motor vehicle:

(i) That is owned and normally operated by a farmer to transport his or her own agricultural products, farm machinery and/or farm supplies to or from the owner's farm, within one hundred fifty air miles of the farm, and not transporting hazardous materials of a type or quantity that requires the vehicle to be placarded; or

(ii) That is owned and used by the United States government, Washington state, or a county, city or municipality; or

(iii) Has a rated gross vehicle weight or gross combination weight of twenty-six thousand pounds or less and is not used for transporting hazardous materials of a type or quantity that requires the vehicle to be placarded.

(2) Registration and payment of fees.

(a) Private carriers who are required to register with the commission shall do so by filing a master business application with the Washington state department of licensing. The private carrier registration fee shall be a one-time payment of thirty-five dollars per registration. When registering, the carrier shall also pay an annual fee of ten dollars per nonexempt vehicle.

(b) Private carriers who have registered under this section shall maintain their registration by renewing their master business license, including payment of the annual fee of ten dollars per nonexempt vehicle.

(c) Failure to register as required herein and to pay the required per-vehicle fee is a violation of law and commission rule.

(3) The commission will audit terminal operations of registered private carriers for compliance with requirements of law and rule regarding driver and equipment safety. Private carriers must comply with provisions of WAC 480-14-340, 480-14-350, 480-14-360, 480-14-370, 480-14-380, 480-14-390, and 480-14-400 and with such other laws and regulations as pertain to safe motor carrier operations.

NEW SECTION

WAC 480-14-340 Equipment—Identification. (1) All motor vehicles, except those defined as exempt under RCW 81.80.040 and those operated by private carriers that singly or in combination are less than thirty-six thousand pounds gross vehicle weight, shall display a permanent marking identifying the carrier's name or number, or both, on each side of each power unit in the manner specified in this rule.

(2) Common carriers, private carriers, or leased carriers adding, modifying, or renewing identification markings after the effective date of this rule must display on the driver and

passenger doors of power units identification markings as specified below. The markings must be clearly legible, with letters no less than three inches high, in a color that contrasts with the surrounding body panel. Leased vehicles may display either permanent markings or placards on the driver and passenger doors of the power unit.

(a) Motor vehicles operated by or under lease to a common carrier must display the name of the permittee as registered with the commission and the permit number. Provided however, common carriers holding both intrastate and interstate authority may display either the ICC certificate number, commission permit number, or both.

(b) Motor vehicles operated by or under lease to a private carrier must display the name and address of either the business operating the vehicle or the registered owner.

NEW SECTION

WAC 480-14-350 Equipment, lawful operation of.

(1) Every "motor carrier" shall comply with the motor vehicle laws of the state relative to the operation of, inspection of and maintenance of all equipment operated.

(2) Failure of any permit holder to obey and comply with all motor vehicle safety laws of the state shall be grounds for cancellation of permit.

NEW SECTION

WAC 480-14-360 Equipment—Inspection—Ordered out-of-service for repairs. (1) All motor vehicles operated under chapter 81.80 RCW shall be maintained in a safe and sanitary condition. They shall at all times be subject to inspection by the commission and its duly authorized representatives who shall have power to order out of service any vehicle meeting the out-of-service criteria standards contained in the *North American Uniform Out-of-Service Criteria*, or which is not being operated in compliance with state laws in regard to equipment or method.

(2) Equipment standards. The purpose of this section is to identify critical vehicle inspection items and provide criteria for placing a vehicle(s) in an out-of-service category subsequent to a safety inspection. The criteria for out-of-service condition are those defined in the *North American Uniform Out-of-Service Criteria*. Copies of this document may be viewed at the commission branch of the Washington state library, located with the commission headquarters office, and are available from the commission upon request.

(3) Out-of-service condition. When any vehicle(s) is in out-of-service condition, no motor carrier shall require nor shall any person operate such motor vehicle declared and marked "out-of-service" until all required repairs have been satisfactorily completed.

NEW SECTION

WAC 480-14-370 Equipment—Drivers—Safety. In addition to other laws and regulations of this state, all motor vehicles operating under chapter 81.80 RCW shall comply with the following:

(1) Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing motor carrier safety prescribed by the United States Department of Transportation in Title 49, Code

of Federal Regulations, part 392; part 393; part 396; part 397; as well as and including all appendices and amendments thereto are adopted and prescribed by the commission to be observed by all common, private, registered, and registered exempt carriers operating under chapter 81.80 RCW. Exceptions: Carriers operating exclusively in intrastate commerce are not subject to provisions of 49 CFR, part 392.2 and with respect to 49 CFR, part 396.11, no driver vehicle inspection report need be filed if no defects are found.

(2) Whenever the designations "director, office of motor carrier safety," "director, regional motor carrier safety office," "regional highway administrator," and "federal highway administration" are used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (1) of this section, such designations for the purpose of this rule shall mean the "Washington utilities and transportation commission."

(3) **Safety chains or other load fastening devices.** Any motor truck, truck tractor, trailer, semi-trailer, or any combination thereof, transporting logs upon a public highway where binder devices are required, shall have the load thereon securely fastened and protected as follows:

(a) Placement and number of wrappers required on log trucks using stakes.

(i) In the hauling of one log loads, one wrapper chain or cable shall be required and it shall be secured to the rear bunk and the log shall be properly blocked or secured in a manner which will prevent it from rolling or shifting. An additional wrapper, secured to the front bunk, is optional.

(ii) In the hauling of two log loads, not less than two wrapper chains or cables shall be used to secure the load. The logs shall be properly blocked to prevent them from rolling or shifting.

(iii) On loads consisting of three or four logs not over forty-four feet in length, the load shall be secured by not less than two properly spaced wrapper chains or cables. Ends of short logs not secured by such wrappers shall be secured with extra wrappers. If any log is over forty-four feet in length, the load shall be secured by not less than three properly spaced wrappers.

(iv) Loads consisting of five or more logs, when the logs are all seventeen feet or less in length, shall be secured by not less than two properly spaced wrappers. Loads consisting of five or more logs, when any log is over seventeen feet in length, shall be secured by not less than three properly spaced wrappers.

(b) Placement and number of wrappers required on log trucks using chock blocks.

(i) In the hauling of one log load, one wrapper chain or cable shall be required and secured to the rear bunk and the log shall be properly blocked in a manner to prevent it from rolling or shifting.

(ii) One additional wrapper chain or cable shall be required on log trucks using chock blocks over and above the requirements in (a)(iii) and (iv) of this subsection.

(c) Placement and number of wrappers required on crosswise loaded trucks, trailers, etc. In the case of short logs loaded crosswise, the following method of securing the load shall be used if the truck trailer is not provided with solid ends of a height sufficient to prevent any log in the load from rolling off: Not less than two chock blocks shall

be used at each open end of the vehicle and the load shall be held with at least two wrapper chains or cables. The wrappers shall be firmly attached to the end of the truck or trailer. Rigid standards or stakes may be used in lieu of chock blocks but each such standard or stake shall be either rigidly connected to the bed of the truck or trailer or shall be placed in a tight fitting socket at least twelve inches in depth. Other means furnishing equivalent security may be acceptable.

(d) Wrapper placement. When two wrappers are required, they shall be applied within six feet of the front and rear bunks. When more than two wrappers are required, the front and back binder shall be applied within six feet of the front and rear bunks.

(e) Short logs. To properly secure short logs, binders shall be placed near the end, not less than twelve inches from the end of the log.

(f) Log on top or in outside saddle. No log loaded on top or in outside saddles of a load shall be transported unless secured by not less than two wrapper chains or cables, one of which shall be placed near each end of such log.

(g) Fasten in place. All wrappers and binders shall be fastened in place prior to tightening to prevent the displacement of logs on the top of the load.

(h) Surround load. All wrapper chains or cables, except in the case of one log loads, shall entirely surround the load. This does not apply to gut-wrappers.

(i) Gut-wrappers. Gut-wrappers, when used, shall be adjusted so as to be tightened by, but not carry the weight of the logs above them.

(j) Wrappers and binders to be placed before leaving immediate loading area. Wrappers and binders shall be placed and tightened around the completed load before the truck leaves the immediate loading area.

(k) Construction of wrappers and binders. Wrapper chains or cables, binders, fasteners, or attachments thereof, used for any purpose as required by these standards, shall have a minimum breaking strength of not less than fifteen thousand pounds and shall be rigged so that it can be safely released.

(l) Bundle straps or banding. For the purposes of this standard, applied bundle straps or banding are not acceptable as wrappers and binders.

(m) Loose ends secured. All loose ends of wrapper chains or cables shall be securely fastened so as to prevent their swinging free in a manner that will create a hazard.

(n) Trucks in sorting yards. Trucks and trailers used around sorting yards, etc., which travel at slow speeds, will not be required to use wrappers providing all logs are contained by and lie below the height of the stakes and there are no persons on the ground exposed to such traffic.

(o) Binder hook design. Binders for securing wrappers on logging trucks shall be fitted with hooks of proper size and design for the wrapper chain being used.

(p) Defective wrappers. Wrappers shall be removed from service when any of the following conditions exist:

- (i) Excessively worn links on chains;
- (ii) Deformed or stretched chain links;
- (iii) Cracked chain links;

(iv) Frayed, stranded, knotted, or otherwise defective wire rope.

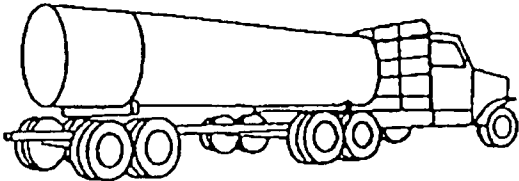
(q) Binder extensions. Pipe extension handles (swedes) for tightening or securing binders shall be limited to not longer than thirty-six inches. Care shall be taken that a sufficient amount of the pipe extends over the binder handle.

(r) Defective binders. Defective binders shall be immediately removed from service.

Note: See the following Diagrams for illustrations of placement and number of load fastening devices.

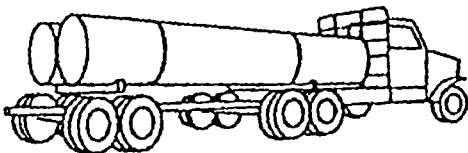
PLACEMENT AND NUMBER OF WRAPPERS

One log load



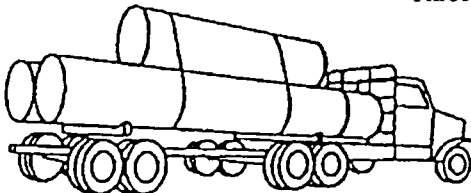
One wrapper required which shall be secured to the rear bunk. Log shall be blocked or secured in a manner to prevent it from rolling or shifting. A second wrapper secured to the front bunk is optional.

Two log load



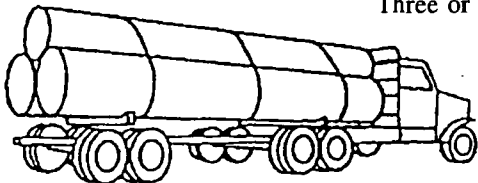
A minimum of two wrappers required. Logs shall be blocked to prevent them from rolling or shifting.

Three or four log load forty-four feet or less



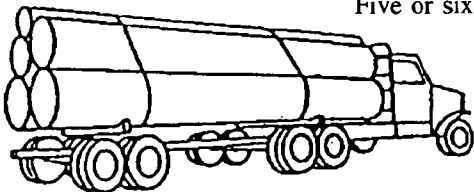
A minimum of two wrappers required.

Three or four log loads more than forty-four feet



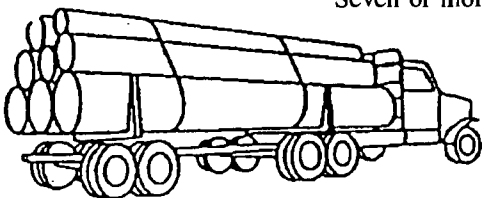
A minimum of three wrappers required.

Five or six log load all logs seventeen feet or less



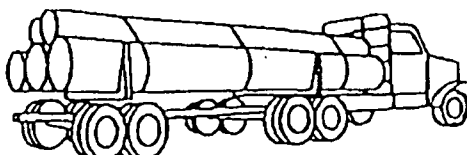
A minimum of two wrappers required.

Seven or more log load all logs seventeen feet or less



A minimum of two wrappers required.

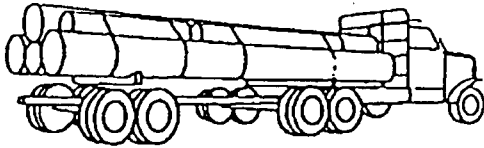
Five or more log load if any logs are more than seventeen feet



A minimum of three wrappers required.

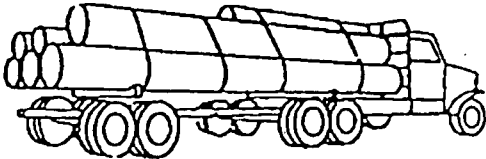
EMERGENCY

Outside logs or top logs



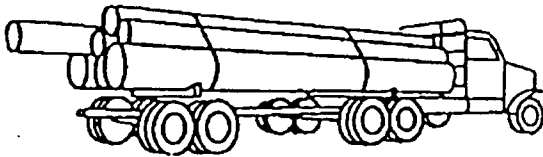
All outside or top logs shall be secured by a binder near but not within 12 inches of each end.

A wrapper shall be near each bunk



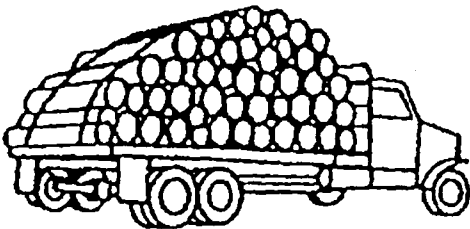
Each load shall be secured by having a wrapper within 6 feet of each bunk except on one log loads.

Proper support for logs



Not more than approximately one-third the weight of any log shall extend beyond the end of the logs or bunk supporting it.

Short logs loaded crosswise



A minimum of two wrappers are required and two chocks or stakes shall be used on the open end of the truck.

Note: All loads of logs on logging trucks equipped with chock blocks instead of stakes, shall have at least one additional wrapper over and above the requirements for trucks equipped with stakes, excepting on one and two log loads and trucks with short logs loaded crosswise.

(4) **Approved load fastening devices.** The following binder devices are hereby approved for purposes of transporting logs as referred to in subsection (3) of this section, provided that they meet a breaking strength of at least fifteen thousand pounds:

- (a) Three-eighths inch high-test steel chain;
- (b) One-half inch diameter steel cable; and
- (c) Steel strapping not less than two inches by fifty one-thousandths inches in dimension.

(5) **Anti-spray devices.** Every vehicle shall be equipped with a device adequate to effectively reduce the wheel spray or splash of water from the roadway to the rear thereof. All such devices shall be as wide as the tires behind which they are mounted and extend downward at least to the center of the axle.

(6) **Pole trailers.**

(a) **Welded reach extension prohibited.** No motor carrier shall operate a pole trailer that has had the length of its reach extended by welding or any other means, except that a telescopic reach manufactured and designed to extend by using an inner and outer reach with securing clamp shall be permissible. In addition to the securing clamp on a

telescopic reach there must be a secondary device to keep the inner and outer reach from separating. The term "reach" as used in this rule means the steel tube that joins the axle(s) of the pole trailer to the rear of the power unit towing the trailer.

(b) **Damaged reach.** No motor carrier shall operate a pole trailer that has sustained cracks to the reach nor shall it be permissible to operate a trailer that has had welded repair or repair of any kind made to cracks in the reach.

(c) **Empty pole trailers.** Any empty pole trailer loaded upon any truck-tractor (except pole trailers that straddle the truck-tractor bunks) shall be fastened to the truck-tractor by not less than one 5/16 inch, grade seven or better chain and one tensioning or locking device in such a manner as to prevent the pole trailer from falling or shifting while in transit. The chain shall be securely fastened between the forward point on the reach tunnel and a point on the truck-tractor frame or from either axle of the pole trailer to a point directly below on the truck-tractor frame or crossmember.

(7) **Qualifications of drivers.** Adoption of United States Department of Transportation motor carrier safety regulations. The rules and regulations governing qualifications of drivers prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 382, part 383, and part 391, as well as and including all appendices and amendments thereto, are adopted and prescribed by the commission to be observed by all com-

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mon, private, registered, and registered exempt carriers operating under chapter 81.80 RCW except carriers operating exclusively in intrastate commerce:

(a) The minimum age requirement for drivers prescribed in subparagraph (1) of paragraph 391.11(b) shall be eighteen years of age.

(b) With respect to the limited exemption prescribed in section 391.61, the time period identified therein shall be the period of time prior to October 20, 1979.

(c) With respect to the limited exemptions prescribed in sections 391.65 and 391.71, the time periods identified in these sections shall have as a starting date October 20, 1979.

(d) Sections 391.21, 391.23, 391.25, 391.27, 391.31, 391.33, 391.35, and 391.37 shall not apply to a single vehicle owner driver private carrier, or to a single vehicle owner driver common carrier when operating under its own permit.

(e) Section 391.49 shall not apply when a driver has obtained from the department of licensing the proper drivers license endorsement and restrictions (if any) for the operation of the motor vehicle the person is driving.

(f) The provisions of paragraphs (a) and (b) of section 391.2, section 391.69, subparagraph (2) of paragraph 391.71(a), and subparagraph (4) of paragraph 391.71(b) shall not apply.

(g) Carriers operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand pounds shall not be subject to the provisions of part 391 unless the vehicle is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-14-390.

(8) **Out-of-service criteria.** All drivers operating motor vehicles under chapter 81.80 RCW shall do so in compliance with the safety rules and regulations defined therein. Duly authorized personnel of the commission shall have the power to order out-of-service any driver found to be operating in violation of those rules and regulations. The criteria for conditions under which a driver may be ordered out-of-service are those defined in the *North American Uniform Out-of-Service Criteria*. Copies of this document are available from the commission upon request.

(9) Whenever the designation "director, office of motor carrier safety" is used in the respective parts of Title 49, Code of Federal Regulations, as described in subsection (6) of this section, such designation for the purpose of this rule shall mean the "Washington utilities and transportation commission," located in Olympia, Washington.

NEW SECTION

WAC 480-14-380 Hours of service—On duty—Adoption of federal safety regulations. The rules and regulations adopted by the United States Department of Transportation in Title 49, Code of Federal Regulations, part 395 are adopted and prescribed by the commission to be observed by all common, private, registered and registered exempt carriers operating under chapter 81.80 RCW, except:

(1) A driver who is driving a motor vehicle in the hauling of logs from the point of production or in dump truck operations, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours

following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.

(2) A driver who is driving a motor vehicle in the hauling of agricultural products from the point of production on farms, exclusively in intrastate commerce, shall not drive nor be permitted to drive more than twelve hours following eight consecutive hours off duty. Such driver shall not be on duty nor be permitted to be on duty more than ninety hours in any period of seven consecutive days.

(3) The rules and regulations governing driver's daily logs prescribed in Title 49, Code of Federal Regulations, section 395.8 and adopted in this section, do not apply to a driver who drives exclusively in intrastate commerce and wholly within a radius of one hundred miles of the terminal or garage at which he or she reports for work, if the motor carrier who employs the driver maintains and retains for a period of one year accurate and true records showing the total number of hours of driving time and the time that the driver is on duty each day and the time at which the driver reports for, and is released from, duty each day. A tacograph showing the required driver hourly information may be substituted for the required records.

(4) Carriers operating exclusively in intrastate commerce operating vehicles with a manufacturer's gross vehicle weight rating (GVWR) of less than ten thousand one pounds shall not be subject to the provisions of part 395 unless the vehicle is being used to transport hazardous materials of a type or quantity that requires the vehicle to be marked or placarded in accordance with WAC 480-14-390.

NEW SECTION

WAC 480-14-390 Hazardous materials regulations.

(1) The rules and regulations governing hazardous materials prescribed by the United States Department of Transportation in Title 49, Code of Federal Regulations, parts 170-189, as well as and including all appendices and amendments thereto, are adopted and prescribed by the commission to define hazardous materials for motor vehicle transportation purposes, and to state the precautions that must be observed in storage, packaging, loading, and unloading such materials, and in maintaining, placarding, marking, and certifying motor vehicles and equipment used in transporting such materials, and in the maintenance of shipping papers prepared in conjunction with transporting such materials. The rules and regulations adopted and prescribed by this rule shall be observed by all common and registered carriers operating in this state.

(2) In addition to any accident reporting requirement now or hereafter prescribed by the commission, every common and registered carrier operating in this state who reports to the United States Department of Transportation any incidents occurring in this state involving hazardous materials, shall send a copy of any such report to the commission.

(3) Out-of-service criteria.

(a) All motor vehicles operated under chapter 81.80 RCW shall be operated in compliance with the rules and regulations governing the transportation of hazardous materials. They shall at all times be subject to inspection by the commission and its duly authorized representatives who

shall have power to order out-of-service any vehicle meeting the standards set forth in this section, or is not being operated in compliance with laws in regard to equipment or method.

(b) Standards. The purpose of this section is to identify critical hazardous materials inspection items and provide criteria for placing a vehicle(s) in an out-of-service or restricted service category subsequent to an inspection. The criteria for out-of-service condition or restricted service condition are those defined in the *North American Uniform Out-of-Service Criteria*. Copies of this document are available from the commission upon request.

(i) Out-of-service condition. No motor carrier shall require nor shall any person operate a motor vehicle(s) when an out-of-service condition is found to exist. The vehicle shall not be allowed to continue in operation until the unsafe condition is corrected and the shipment thereon complies with applicable laws, rules, and regulations: *Provided*, That if safety may be jeopardized by an out-of-service action at the inspection site, the vehicle(s) may be escorted to a safer location.

NEW SECTION

WAC 480-14-400 Transportation of radioactive materials—Driving and parking rules. (1) Attendance and surveillance of motor vehicles.

(a) Except as provided in (b) of this subsection, a motor vehicle containing an amount of radioactive material requiring highway route control pursuant to CFR part 173.403 must be attended at all times by its driver or a qualified representative of the motor carrier that operates it.

(b) Subdivision (a) of this subsection shall not apply if all of the following conditions exist:

(i) The vehicle is located on the property of the motor carrier, on the property of a shipper or consignee of the radioactive material, or in a safe haven; and

(ii) The lawful bailee of the radioactive material is aware of the nature of the radioactive material the vehicle contains and has been instructed in the procedures that must be followed in emergencies; and

(iii) The vehicle is within the bailee's unobstructed field of view.

(c) For purposes of this section:

(i) A motor vehicle is attended when the person in charge of the vehicle is on the vehicle, awake, and not in a sleeper berth, or is within one hundred feet of the vehicle with an unobstructed field of view;

(ii) A qualified representative of a motor carrier is a person who:

(A) Has been designated by the carrier to attend the vehicle;

(B) Is aware of the nature of the radioactive materials contained in the vehicle;

(C) Has been instructed in the procedures to be followed in emergencies; and

(D) Is authorized to move the vehicle and has the means and ability to do so.

(d) A safe haven is an area specifically approved in writing by local, state or federal government authorities for the parking of unattended vehicles containing highway route controlled quantities of radioactive material.

(e) The rules in this section do not relieve a driver from any obligation imposed by law relating to the placing of warning devices when a motor vehicle is stopped on the public street or highway.

(2) Parking. A motor vehicle which contains an amount of radioactive material requiring highway route control must not be parked:

(a) On or within five feet of the traveled portion of a public street or highway;

(b) On private property (including premises of a fueling or eating facility) without the knowledge and consent of the person who is in charge of the property and who is aware of the nature of the hazardous materials the vehicle contains; or

(c) Within three hundred feet of a bridge, tunnel, dwelling, building, or place where people work, congregate, or assemble, except for brief periods when the necessities of operation require the vehicle to be parked and make it impracticable to park the vehicle in any other place.

NEW SECTION

WAC 480-14-410 Accidents, reporting of. (1) Accidents occurring in this state arising from or in connection with the operation of a motor vehicle by any common or registered carrier in this state, resulting in an injury to any person, the death of any person, or involving a motor vehicle carrying hazardous materials and required to be placarded, shall be reported by such carrier to the commission as soon as possible, but in no event later than twelve hours after the occurrence of the accident. The occurrence of such accidents shall be reported to the commission by telephone at the following number: 1-800-562-6150; or if the call is made from out of the state: 1-206-586-1119.

(2) Copies of written reports of all accidents, including those accidents described in subsection (1) of this section, shall be maintained in the main office of the carrier subject to inspection by the commission.

NEW SECTION

WAC 480-14-420 Optional provisions. (1) Carriers of general commodities, materials transported by armored cars and hazardous materials may, but are not required to, participate in the optional programs identified in this subsection.

(a) Uniform Bill of Lading. The commission adopts as the appropriate uniform bill of lading:

(i) The Uniform Straight Bill shown in Appendix A of this chapter, or in the alternative,

(ii) Carriers subscribing to the National Motor Freight Classification shall use the form of the bill of lading for shipments as shown in the National Motor Freight Classification in effect on May 28, 1994, and may modify its terms as indicated within the terms shown thereon. Adoption by the commission does not supersede the publisher's copyright in the document nor authorize its use by persons not entitled thereto. It is available from the Traffic Department, American Trucking Association, 2200 Mill Road, Alexandria, Virginia 22314.

(b) Uniform freight classification. The commission adopts as the appropriate uniform freight classification the National Motor Freight Classification published by the American Trucking Association, effective May 28, 1994.

(i) The uniform freight classification is available for inspection in the utilities and transportation branch of the Washington state library, located with the headquarters office of the commission. It is available from the Traffic Department, American Trucking Association, 2200 Mill Road, Alexandria, Virginia 22314.

(ii) Subscribing carriers shall use the uniform freight classification for intrastate shipments. Adoption by the commission does not supersede the publisher's copyright in the document nor authorize its use by persons not entitled thereto.

(c) Standard mileage guide. The commission adopts as the standard mileage guide for shipments in the state of Washington, the *Official State Highway Map* published by the Washington state department of transportation.

(i) Mileage between points not designated on the map shall be calculated by using the indicated map mileage for as much of the traveled route as is possible and then adding to that mileage the actual odometer mileage to or from the unnamed point.

(ii) The map is available for inspection in the utilities and transportation branch of the Washington state library, located with the headquarters office of the commission, and it is available from the Washington State Department of Transportation, WSDOT Public Affairs Office, P. O. Box 47322, Olympia, Washington 98504-7322.

(2) A carrier may opt-in to any of these programs at any time by completing a form at the time it applies for authority, at the time it submits a periodic report of operations, or at any other time by filing written notice with the commission.

(a) A carrier who has opted-in may advertise its option status and must disclose to shippers its option status before accepting a shipment.

(b) A carrier who has opted-in must act in conformity with its option until it has completed steps necessary to opt-out of the program. Carriers may not subscribe selectively for some shipments or shippers but not for others.

(3) Opting out. All carriers will be assumed to have opted-out of participating in any of the optional programs until such time as they officially notify the commission that they have opted-in to one or more of the programs.

(a) No carrier who has opted-out of any program may represent that it subscribes to the program. Carriers who have opted-out of any program may advertise or represent that they do not participate in the program.

(b) A carrier may choose to opt-out of any optional program at any time by:

(i) Filing with the commission its written notice that it opts-out of the program;

(ii) Advising the shippers it has served within the past year that it has opted-out; and

(iii) Withdrawing any advertising it may have for dissemination to the public that states its optional participation.

(4) For the purposes of this rule only, the term "written notice" may also include filing via notification through the commission's telefacsimile machine.

(5) Violations. It shall be a violation of rule for a carrier to advertise or represent to the public or to any shipper that it is an option participant in any program when

it has not opted-in, and to advertise or represent to the public or any shipper that it is not an option participant when it is.

NEW SECTION

WAC 480-14-900 Appendix A.

UNIFORM STRAIGHT BILL OF LADING Original--Not Negotiable--Domestic

Shipper's No. _____

Carrier _____

Agent's No. _____

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading.

at _____ 19 _____ from _____

the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and acceptor for himself and his assigns.

Consigned to _____

Destination _____ State of _____ Zip Code _____ County Of _____

Routing _____ Delivering Carrier _____ Vehicle or Car Initial _____ No. _____

Collect on Delivery \$ _____ and remit to: _____

C.O.D. charge to be paid by: Shipper Consignee

Street _____ City _____ State _____

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements:
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

No. Packages	HM	Description of Articles, Special Marks, and Exceptions	*Weight (Sub. to Car.)	Class or Rate	Check Column

(Signature of Consignor) _____

If charges are to be prepaid, write or stamp here "TO BE PREPAID."

Received \$ _____ to apply to prepayment of the charges on the property described hereon.
Agent or Cashier _____

Per _____
(The signature here acknowledges only the amount Prepaid.)

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE--Where the rate is dependent on value shippers are required to state specifically in writing the agreed or declared value of the property.
The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: \$ _____ per

Charges Advanced: \$ _____

Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.
Agent of _____

_____, Shipper, Per _____, Agent, Per _____

Permanent post-office address of shipper. _____

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

CONTRACT TERMS AND CONDITIONS

Sec. 1.(a) The carrier or party in possession of any of the property herein described shall be liable as at common law for any loss thereof or damage thereto, except as hereinafter provided.

(b) No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof or damage thereto or delay caused by the Act of God, the public enemy, the authority of law, or the act or default of

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the shipper or owner, or for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

Sec. 2.(a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum

amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

Sec. 3. Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary coeprage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

Sec. 4.(a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then

in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee or the party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within 15 days after notice of arrival shall have been duly sent or given, the carrier may sell the same at public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

(c) Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

(d) Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

(e) The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should there be a balance it shall be paid to the owner of the property sold hereunder.

(f) Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after

unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location where consignee or consignee's agent is not regularly located, the risk after unloading, or delivery, shall be that of the owner.

Sec. 5. No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

Sec. 6. Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

Sec. 7. The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

Sec. 8. If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered a part of this bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

Sec. 9. (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13, 1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

Sec. 10. Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

This Shipping Order Must be legibly filled in, in ink, in indelible Pencil, or in Carbon and retained by the Agent.

Shipper's No. _____

Carrier _____

Agent's No. _____

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading.

at _____ 19 _____ from _____

the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and acceptor for himself and his assigns.

Consigned to _____

Destination _____ State of _____ Zip Code _____ County Of _____

Routing _____ Delivering Vehicle or Carrier _____ Car Initial _____ No. _____

Collect on Delivery \$ _____ and remit to: _____

C.O.D. charge to be paid by: Shipper Consignee

Street _____ City _____ State _____

No. Packages	HM	Description of Articles, Special Marks, and Exceptions	*Weight (Sub. to Cor.)	Class or Rate	Check Column

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements:
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of Consignor) _____

If charges are to be prepaid, write or stamp here "TO BE PREPAID."

Received \$ _____ to apply to prepayment of the charges on the property described hereon.

Agent or Cashier _____

Per _____
(The signature here acknowledges only the amount Prepaid.)

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE--Where the rate is dependent on value shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: \$ _____ per _____

Charges Advanced: \$ _____

Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.

Agent of Shipper _____

Shipper, Per _____ Agent must detach and retain this shipping Order And must sign the Original Bill of Lading.

Permanent post-office address of shipper. _____

page ②

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

CONTRACT TERMS AND CONDITIONS

Sec. 1.(a) The carrier or party in possession of any of the property herein described shall be liable as at common law for any loss thereof or damage thereto, except as hereinafter provided.

(b) No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof or damage thereto or delay caused by the Act of God, the public enemy, the authority of law, or the act or default of the shipper or owner, or for natural shrinkage. The carrier's

liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of

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negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

Sec. 2.(a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for

delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

Sec. 3. Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary cooerage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

Sec. 4.(a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee or the party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within 15 days after notice of arrival shall have been duly sent or given, the carrier may sell the same at

public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. **PROVIDED**, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

(c) Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: **PROVIDED**, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

(d) Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

(e) The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should there be a balance it shall be paid to the owner of the property sold hereunder.

(f) Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location where consignee or consignee's agent is not regularly located, the risk after unloading, or delivery, shall be that of the owner.

Sec. 5. No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published

classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

Sec. 6. Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

Sec. 7. The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. **PROVIDED**, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsigned or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsigned or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

Sec. 8. If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered a part of this bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

Sec. 9. (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of

the Congress of the United States, approved on February 13, 1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

Sec. 10. Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation

hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

This Memorandum is an acknowledgement that a Bill of Lading has been issued and is not the Original Bill of Lading, nor a copy or duplicate, covering the property named herein, and is intended solely for filing or record.

Shipper's No. _____

Carrier _____

Agent's No. _____

RECEIVED, subject to the classifications and tariffs in effect on the date of the issue of this Bill of Lading,

at _____ 19____ from _____

the property described below, in apparent good order, except as noted (content and condition of contents of packages unknown) marked, consigned, and destined as show below, which said company (the word company being understood throughout this contract as meaning any person or corporation in possession of the property under contract) agrees to carry to its usual place of delivery at said destination, if on its own railroad, water line, highway route or routes, or within the territory of its highway operations, otherwise deliver to another carrier on the route to said destination. It is mutually agreed, as to each carrier of all or any of said property over all or any portion of said route to destination, and as to each party at any time interested in all or any of said property, that every service to be performed hereunder shall be subject to all the conditions not prohibited by law, whether printed or written, herein contained, including the conditions on the back hereof, which are hereby agreed to by the shipper and acceptor for himself and his assigns.

Consigned to _____

Destination _____ State of _____ Zip Code _____ County Of _____

Delivering _____ Vehicle or _____

Routing _____ Carrier _____ Car Initial _____ No. _____

Collect on Delivery \$ _____ and remit to: _____

C.O.D. charge to be paid by: Shipper Consignee

_____ Street _____ City _____ State _____

No. Packages	HM	Description of Articles, Special Marks, and Exceptions	*Weight (Sub. to Cor.)	Class or Rate	Check Column

Subject to Section 7 of conditions, if this shipment is to be delivered to the consignee without recourse on the consignor, the consignor shall sign the following statements:
The carrier shall not make delivery of this shipment without payment of freight and all other lawful charges.

(Signature of Consignor) _____

If charges are to be prepaid, write or stamp here "TO BE PREPAID."

Received \$ _____ to apply to prepayment of the charges on the property described hereon.
Agent or Cashier _____

Per _____
(The signature here acknowledges only the amount Prepaid.)

Charges Advanced: \$ _____

*If the shipment moves between two ports by a carrier by water, the law requires that the bill of lading shall state whether it is "carrier's or shipper's weight." NOTE—Where the rate is dependent on value shippers are required to state specifically in writing the agreed or declared value of the property. The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding: \$ _____ per _____

Mark with "X" to designate Hazardous Materials as defined in the Department of Transportation Regulations governing the transportation of hazardous materials.

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the Department of Transportation.
Agent of Shipper _____

Shipper, Per _____ Agent, Per _____

Permanent post-office address of shipper, _____

page ③

(This Bill of Lading is to be signed by the shipper and agent of the carrier issuing same.)

CONTRACT TERMS AND CONDITIONS

Sec. 1.(a) The carrier or party in possession of any of the property herein described shall be liable as at common law for any loss thereof or damage thereto, except as hereinafter provided.

(b) No carrier or party in possession of all or any of the property herein described shall be liable for any loss thereof

or damage thereto or delay caused by the Act of God, the public enemy, the authority of law, or the act or default of the shipper or owner, or for natural shrinkage. The carrier's liability shall be that of warehouseman, only, for loss, damage, or delay caused by fire occurring after the expiration of the free time (if any) allowed by tariffs lawfully on

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file (such free time to be computed as therein provided) after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination, or tender of delivery of the property to the party entitled to receive it, has been made. Except in case of negligence of the carrier or party in possession (and the burden to prove freedom from such negligence shall be on the carrier or party in possession), the carrier or party in possession shall not be liable for loss, damage, or delay occurring while the property is stopped and held in transit upon the request of the shipper, owner, or party, entitled to make such request, or resulting from a defect or vice in the property, or for country damage to cotton, or from riots or strikes. Except in case of carrier's negligence, no carrier or party in possession of all or any of the property herein described shall be liable for delay caused by highway obstruction, faulty or impassable highway, or lack of capacity of any highway, bridge or ferry, and the burden to prove freedom from such negligence shall be on the carrier or party in possession.

(c) In case of quarantine the property may be discharged at risk and expense of owners into quarantine depot or elsewhere, as required by quarantine regulations or authorities, or for the carrier's dispatch at nearest available point in carrier's judgement, and in any such case carrier's responsibility shall cease when property is so discharged, or property may be returned by carrier at owner's expense to shipping point, earning freight both ways. Quarantine expenses of whatever nature or kind upon or in respect to property shall be borne by the owners of the property or be in lien thereon. The carrier shall not be liable for loss or damage occasioned by fumigation or disinfection or other acts required or done by quarantine regulations or authorities even though the same may have been done by carrier's officers, agents, or employees, nor for detention, loss, or damage of any kind occasioned by quarantine or the enforcement thereof. No carrier shall be liable, except in case of negligence, for any mistake or inaccuracy in any information furnished by the carrier, its agents, or officers, as to quarantine laws or regulations. The shipper shall hold the carriers harmless from any expense they may incur, or damages they may be required to pay, by reason of the introduction of the property covered by this contract into any place against the quarantine laws or regulations in effect at such place.

Sec. 2.(a) No carrier is bound to transport said property by any particular schedule, train, vehicle, or vessel, or in time for any particular market or otherwise than with reasonable dispatch. Every carrier shall have the right in case of physical necessity to forward said property by any carrier or route between the point of shipment and the point of destination. In all cases not prohibited by law, where a lower value than actual value has been represented in writing by the shipper or has been agreed upon in writing as the released value of the property as determined by the classification or tariffs upon which the rate is based, such lower value plus freight charges if paid shall be the maximum amount to be recovered, whether or not such loss or damage occurs from negligence.

(b) As a condition precedent to recovery, claims must be filed in writing with the receiving or delivering carrier, or carrier issuing this bill of lading, or carrier on whose line the

loss, damage, injury or delay occurred, or carrier in possession of the property when the loss, damage, injury or delay occurred, within nine months after delivery of the property (or, in the case of export traffic, within nine months after delivery at port of export) or, in case of failure to make delivery, then within nine months after a reasonable time for delivery has elapsed; and suits shall be instituted against any carrier only within two years and one day from the day when notice in writing is given by the carrier to the claimant that the carrier has disallowed the claim or any part or parts thereof specified in the notice. Where claims are not filed or suits are not instituted thereon in accordance with the foregoing provisions, no carrier shall be liable, and such claims will not be paid.

(c) Any carrier or party liable on account of loss of or damage to any of said property shall have the full benefit of any insurance that may have been effected upon or on account of said property, so far as this shall not avoid the policies or contracts of insurance: PROVIDED, That the carrier reimburse the claimant for the premium paid thereon.

Sec. 3. Except where such service is required as the result of carrier's negligence, all property shall be subject to necessary cooperage and baling at owner's cost. Each carrier over whose route cotton or cotton linters is to be transported hereunder shall have the privilege, at its own cost and risk, of compressing the same for greater convenience in handling or forwarding, and shall not be held responsible for deviation or unavoidable delays in procuring such compression. Grain in bulk consigned to a point where there is a railroad, public or licensed elevator, may (unless otherwise expressly noted herein, and then if it is not promptly unloaded) be there delivered, and placed with other grain of the same kind and grade without respect to ownership (and prompt notice thereof shall be given to the consignor), and if so delivered shall be subject to a lien for elevator charges in addition to all other charges hereunder.

Sec. 4.(a) Property not removed by the party entitled to receive it within the free time (if any) allowed by tariffs, lawfully on file (such free time to be computed as therein provided), after notice of the arrival of the property at destination or at the port of export (if intended for export) has been duly sent or given, and after placement of the property for delivery at destination has been made, or property not received, at time tender of delivery of the property to the party entitled to receive it has been made, may be kept in vessel, vehicle, car, depot, warehouse or place of business of the carrier, subject to the tariff charge for storage and to carrier's responsibility as warehouseman, only, or at the option of the carrier, may be removed to and stored in a public or licensed warehouse at the point of delivery or at other available point, or if no such warehouse is available at point of delivery or at other available point, then in other available storage facility; at cost of the owner, and there held without liability on the part of the carrier, and subject to a lien for all freight and other lawful charges, including a reasonable charge for storage. In the event consignee cannot be found at address given for delivery, then in that event, notice of the placing of such goods in warehouse shall be mailed to the address given for delivery and mailed to any other address given on the bill of lading for notification, showing the warehouse in which such property has been placed, subject to the provisions of this paragraph.

(b) Where nonperishable property which has been transported to destination hereunder is refused by consignee or the party entitled to receive it upon tender of delivery, or said consignee or party entitled to receive it fails to receive or claim it within 15 days after notice of arrival shall have been duly sent or given, the carrier may sell the same at public auction to the highest bidder, at such place as may be designated by the carrier.

PROVIDED, That the carrier shall have first mailed, sent, or given to the consignor notice that the property has been refused or remains unclaimed, as the case may be, and that it will be subject to sale under the terms of the bill of lading if disposition be not arranged for, and shall have published notice containing a description of the property, the name of the party to whom consigned, or, if shipped order notify, the name of the party to be notified, and the time and place of sale, once a week for two successive weeks, in a newspaper of general circulation at the place of sale or nearest place where such newspaper is published. PROVIDED, That 30 days shall have elapsed before publication of notice of sale after said notice that the property was refused or remains unclaimed was mailed, sent or given.

(c) Where perishable property which has been transported hereunder to destination is refused by consignee or party entitled to receive it, or said consignee or party entitled to receive it shall fail to receive it promptly, the carrier, may, in its discretion, to prevent deterioration or further deterioration, sell the same to the best advantage at private or public sale: PROVIDED, That if time serves for notification to the consignor or owner the refusal of the property or the failure to receive it and request for disposition of the property, such notification shall be given, in such manner as the exercise of due diligence requires, before the property is sold.

(d) Where the procedure provided for in the two paragraphs last preceding is not possible, it is agreed that nothing contained in said paragraphs shall be constituted to abridge the right of the carrier at its option to sell the property under such circumstances and in such manner as may be authorized by law.

(e) The proceeds of any sale made under this section shall be applied by the carrier to the payment of freight, demurrage, storage, and any other lawful charges and the expense of notice, advertisement, sale, and other necessary expense and of caring for and maintaining the property, if proper care of same requires special expense, and should there be a balance it shall be paid to the owner of the property sold hereunder.

(f) Property destined to or taken from a station, wharf, landing or other place at which there is no regularly appointed freight agent, shall be entirely at risk of owner after unloaded from cars, vehicles or vessels or until loaded into cars, vehicles, or vessels, and, except in case of carrier's negligence, when received from or delivered to such stations, wharfs, landings, or other places, shall be at owner's risk until the cars are attached to and after they are detached from locomotive or train or until loaded into and after unloaded from vessels, or if property is transported in motor vehicle trailers or semi-trailers, until such trailers or semi-trailers are attached to and after they are detached from power units. Where a carrier is directed to unload or deliver property transported by motor vehicle at a particular location

where consignee or consignee's agent is not regularly located, the risk after unloading, or delivery, shall be that of the owner.

Sec. 5. No carrier hereunder will carry or be liable in any way for any documents, specie, or for any articles of extraordinary value not specifically rated in the published classifications or tariffs unless a special agreement to do so and a stipulated value of the articles are endorsed hereon.

Sec. 6. Every party, whether principal or agent, shipping explosives or dangerous goods, without previous full written disclosure to the carrier of their nature, shall be liable for and indemnify the carrier against all loss or damage caused by such goods, and such goods may be warehoused at owner's risk and expense or destroyed without compensation.

Sec. 7. The owner or consignee shall pay the freight and average, if any, and all other lawful charges accruing on said property; but, except in those instances where it may lawfully be authorized to do so, no carrier shall deliver or relinquish possession at destination of the property covered by this bill of lading until all tariff rates and charges thereon have been paid. The consignor shall be liable for the freight and all other lawful charges, except that if the consignor stipulates, by signature, in the space provided for that purpose on the face of this bill of lading that the carrier shall not make delivery without requiring payment of such charges, and the carrier, contrary to such stipulation shall make delivery without requiring such payment, the consignor (except as hereinafter provided) shall not be legally liable for such charges. PROVIDED, That, where the carrier has been instructed by the shipper or consignor to deliver said property to a consignee other than the shipper or consignor, such consignee shall not be legally liable for transportation charges in respect of the transportation of said property (beyond those billed against him at the time of delivery for which he is otherwise liable) which may be found to be due after the property has been delivered to him, if the consignee (a) is an agent only and has no beneficial title in said property, and (b) prior to delivery of said property has notified the delivering carrier in writing of the fact of such agency and absence of beneficial title, and, in the case of a shipment reconsignee or diverted to a point other than that specified in the original bill of lading, has also notified the delivering carrier in writing of the name and address of the beneficial owner of said property; and, in such cases the shipper or consignor, or, in the case of a shipment so reconsignee or diverted, the beneficial owner shall be liable for such additional charges. If the consignee has given to the carrier erroneous information as to who the beneficial owner is, such consignee shall himself be liable for such additional charges. Nothing herein shall limit the right of the carrier to require at time of shipment the prepayment or guarantee of the charges. If upon inspection it is ascertained that the articles shipped are not those described in this bill of lading, the freight charges must be paid upon the articles actually shipped.

Sec. 8. If this bill of lading is issued on the order of the shipper, or his agent, in exchange or in substitution for another bill of lading, the shipper's signature to the prior bill of lading as to the statement of value or otherwise, or election of common law or bill of lading liability, in or in connection with such prior bill of lading, shall be considered

a part of this bill of lading as fully as if the same were written or made in or in connection with this bill of lading.

Sec. 9. (a) If all or any part of said property is carried by water over any part of said route, such water carriage shall be performed subject to all the terms and provisions of, and all the exemptions from liability contained in, the Act of the Congress of the United States, approved on February 13, 1893, and entitled "An act relating to the navigation of vessels, etc." and of other statutes of the United States according carriers by water the protection of limited liability, and to the conditions contained in this bill of lading not inconsistent therewith or with this section.

(b) No such carrier by water shall be liable for any loss or damage resulting from any fire happening to or on board the vessel, or from explosion, bursting of boilers or breakage of shafts, unless caused by the design or neglect of such carrier.

(c) If the owner shall have exercised due diligence in making the vessel in all respects seaworthy and properly manned, equipped and supplied, no such carrier shall be liable for any loss or damage resulting from the perils of the lakes, seas, or other waters, or from latent defects in hull, machinery, or appurtenances whether existing prior to, at the time of, or after sailing, or from collision, stranding, or other accidents of navigation, or from prolongation of the voyage. And, when for any reason it is necessary, any vessel carrying any or all of the property herein described shall be at liberty to call at any port or ports, in or out of the customary route, to tow and be towed, to transfer, trans-ship, or lighter, to load and discharge goods at any time, to assist vessels in distress, to deviate for the purpose of saving life or property, and for docking and repairs. Except in case of negligence such carrier shall not be responsible for any loss or damage to property if it be necessary or is usual to carry the same upon deck.

(d) General Average shall be payable according to the York-Antwerp Rules of 1924, Section 1 to 15, inclusive, and Sections 17 to 22, inclusive, and as to matters not covered thereby according to the laws and usages of the Port of New York. If the owners shall have exercised due diligence to make the vessel in all respects seaworthy and properly manned, equipped and supplied, it is hereby agreed that in case of danger, damage or disaster resulting from faults or errors in navigation, or in the management of the vessel, or from any latent or other defects in the vessel, her machinery or appurtenances, or from unseaworthiness, whether existing at the time of shipment or at the beginning of the voyage (provided the latent or other defects or the unseaworthiness was not discoverable by the exercise of due diligence), the shippers, consignees and/or owners of the cargo shall nevertheless pay salvage and any special charges incurred in respect of the cargo, and shall contribute with the shipowner in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred for the common benefit or to relieve the adventure from any common peril.

(e) If the property is being carried under a tariff which provides that any carrier or carriers party thereto shall be liable for loss from perils of the sea, then as to such carrier or carriers the provisions of this section shall be modified in accordance with the tariff provisions, which shall be regarded as incorporated into the conditions of this bill of lading.

(f) The term "water carriage" in this section shall not be construed as including lighterage in or across rivers, harbors, or lakes, when performed by or on behalf of carriers other than water.

Sec. 10. Any alteration, addition, or erasure in this bill of lading which shall be made without the special notation hereon of the agent of the carrier issuing this bill of lading, shall be without effect, and this bill of lading shall be enforceable according to its original tenor.

WSR 95-10-040
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-38—Filed April 28, 1995, 4:39 p.m.]

Date of Adoption: April 28, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-35000D and 220-56-38000X; and amending WAC 220-56-350 and 220-56-380.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: A harvestable surplus of clams exists for recreational harvest at Penrose State Park. In the other areas the harvestable surplus of clams and oysters has been taken.

Effective Date of Rule: Immediately.

April 28, 1995
Robert Turner
Director

NEW SECTION

WAC 220-56-35000E Clams other than razor clams—Areas and seasons. Notwithstanding the provisions of WAC 220-56-350, effective immediately until further notice, it is unlawful to harvest or possess clams, cockles, borers or mussels taken for personal use from the following tidelands except during the times shown:

- (1) Cama Beach State Park - **Closed** through May 31, 1995.
- (2) Eagle Creek - **Closed** until further notice.
- (3) Kayak Point County Park - **Closed** until further notice.
- (4) Kitsap Memorial State Park - **Closed** May 1 until further notice.
- (5) Penrose Point State Park - **Open** May 1 through June 30.
- (6) Point Whitney Tidelands (excluding the lagoon) - **Closed** May 1 until further notice.
- (7) Port Townsend Ship Canal - **Closed** May 1 until further notice.

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- (8) Potlatch State Park - **Closed** May 16 until further notice.
- (9) South Lilliwaup - **Closed** until further notice.
- (10) Wolfe Property State Park - **Open** through May 31, 1995.

NEW SECTION

WAC 220-56-38000Y Oysters—Areas and seasons. Notwithstanding the provisions of WAC 220-56-380, effective May 1 until further notice, it is unlawful to harvest or possess oysters taken for personal use from Scenic Beach State Park.

REPEALER

The following section of the Washington Administrative Code are repealed:

- WAC 220-56-35000D Clams other than razor clams—Areas and seasons. (95-09)
- WAC 220-56-38000X Oysters—Areas and seasons. (95-09)

**WSR 95-10-041
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-41—Filed April 28, 1995, 4:40 p.m.]

Date of Adoption: April 28, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-32-05500K; and amending WAC 220-32-055 and 220-32-060.

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: These rules are necessary in order to make the WAC rules consistent with subsistence and ceremonial fishing closures initiated by the four treaty tribes, to protect a record low run of upriver spring chinook.

Effective Date of Rule: Immediately.

April 28, 1995
Robert Turner
Director

NEW SECTION

WAC 220-32-05500L Columbia River — Salmon seasons above Bonneville. Notwithstanding the provisions of WAC 220-32-055:

- (1) Effective April 28 through May 31, 1995, it is unlawful for a person possessing treaty fishing rights under the Yakama, Warm Springs, Umatilla and Nez Perce treaties to take or possess salmon, shad or sturgeon taken for

subsistence purposes from those waters of the Columbia River between Bonneville Dam and McNary Dam.

(2) Effective immediately until further notice, it is unlawful for a person possessing treaty fishing rights under the Yakama treaty to take or possess salmon taken for subsistence purposes from the Yakima River and Klickitat River, except under the following provisions:

(a) The Yakima River from Horn Rapids Dam to Wapato Dam is open noon Tuesday to 6:00 p.m. Saturday of each week through June 10, 1995.

(b) The Klickitat River from the Swinging Bridge (RM 1.5) to Fishway No. 5 (RM 2.2) is open noon Thursday to 6:00 p.m. Saturday of each week through May 6, 1995.

(c) Allowable Gear: Dipnets, setbag net, or rod and reel with bait or lures. All other fishing gear and methods, including snagging are unlawful.

NEW SECTION

WAC 220-32-06000A Columbia River off reservation treaty Indian ceremonial fishery. Notwithstanding the provisions of WAC 220-32-060, effective April 29 through May 31, 1995, it is unlawful for a person possessing treaty fishing rights under the Yakama, Warm Springs, Umatilla and Nez Perce treaties to take or possess salmon, shad or sturgeon taken for ceremonial purposes from those waters of the Columbia River between Bonneville Dam and McNary Dam.

REPEALER

The following section of the Washington Administrative Code is repealed:

- WAC 220-32-05500K Columbia River tributaries—Subsistence (95-31)

**WSR 95-10-049
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Filed May 1, 1995, 2:35 p.m.]**

Date of Adoption: May 1, 1995.

Purpose: To require pasteurization or proper handling of frozen dessert mixes at plants where they are frozen and packaged, to prevent contamination of mixes with harmful bacteria during post-pasteurization transport and handling.

Citation of Existing Rules Affected by this Order: Amending WAC 16-144-001; and new section.

Statutory Authority for Adoption: RCW 15.36.021 and 69.04.398(3).

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: Inadequate protection of frozen dessert mix during transport and handling could cause contamination after pasteurization. This rule simply requires

EMERGENCY

pasteurization as last step after transport, and handling, and the addition of potentially contaminated ingredients. Permits transport in approved single use containers without final pasteurization. The overall purpose of the rule is to prevent an outbreak as occurred at Schwans.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: We are in the process of adopting a permanent rule covering handling and pasteurization of frozen desserts.

Effective Date of Rule: Immediately.

April 26, 1995
James M. Jesernig
Director

AMENDATORY SECTION (Amending Order 1069, filed 9/20/67, effective 11/1/67)

~~WAC 16-144-001 Promulgation and purpose. ((~~Donald W. Moos, director of agriculture of the state of Washington, after public notice and hearing held at Olympia, Washington on September 6, 1967, by virtue of authority vested in me under chapters 34.04, 15.32 and 15.36 RCW, do hereby promulgate the following regulations governing frozen desserts.~~) This chapter is promulgated under authority of RCW 15.36.021 and 69.04.398(3). The purpose of this rule is to establish requirements for production of frozen desserts.~~

NEW SECTION

WAC 16-144-015 Frozen dessert processing requirements. Frozen desserts mix; transportation and pasteurization requirements.

(1) Frozen dessert mixes and other fluid dairy ingredients intended for frozen desserts which are transported from the plant where they are originally pasteurized in milk cans or in other nonhermetically sealed containers, including bulk tank trucks, or which are stored at the original plant more than seventy-two hours after original pasteurization, shall be repasteurized prior to freezing and packaging. This requirement does not apply to frozen dessert mixes which are transported in sealed single use containers or containers with single use liners which meet the container requirements for Grade A pasteurized milk products under WAC 16-101-700, Pasteurized Milk Ordinance (PMO) Section 18p page 109-110 and Appendix J page 255.

(2) The following ingredients, must be added to the frozen dessert mix before final pasteurization: All dairy products including milk solids, whey, nonfat dry milk, condensed milk, cream, skim milk, and other milk products, egg products, cocoa, cocoa products, emulsifier, stabilizers, liquid sweeteners, dry sugar or any reconstituted or recombined dry ingredients mixed with water. This does not apply to cocoa, cocoa products, emulsifiers or stabilizers which are used without being reconstituted or recombined or which meet one or more of the requirements under subsection (3) of this section.

(3) The only ingredients which may be added after final pasteurization are those flavoring, coloring ingredients, or listed ingredients under subsection (2) of this section which meet one of the following applicable criteria:

(a) Subjected to prior heat treatment sufficient to destroy pathogenic microorganisms.

- (b) Of 0.85% water activity or less.
- (c) Of pH 4.7 or less.
- (d) Roasted nuts or confectionary chips (added at the freezer).
- (e) Contain high alcohol content (i.e., 15% or more by volume).
- (f) Harmless lactic acid forming bacteria cultures.
- (g) Fruits and vegetables added at the freezer.
- (h) Subjected to any other process approved by the director which will assure that the finished product is free of pathogenic organisms.

**WSR 95-10-056
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)**

[Order 95-43—Filed May 2, 1995, 4:45 p.m., effective May 20, 1995, 9:00 a.m.]

Date of Adoption: May 2, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-56-325.

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: A harvestable shrimp population exists. This rule will provide recreational opportunity and ensure an orderly fishery.

Effective Date of Rule: May 20, 1995, 9:00 a.m.

May 2, 1995
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-56-32500B Shrimp and crab—Hood Canal. Notwithstanding the provisions of WAC 220-56-310, 220-56-315, 220-56-320, 220-56-325 and 220-56-300, effective May 20, 1995, until further notice it is unlawful to fish for or possess shrimp or crab taken from those waters of Hood Canal south of the Hood Canal floating bridge except as provided for in this section:

(1) Fishing for shrimp and crab is allowed 9:00 a.m. to 2:00 p.m. on the following dates:

- May 20 and 21;
- May 27 and 28;
- June 3 and 4.

This subsection does not pertain to harvest of crab taken by hand while wading from shore; such harvest is permitted at any time.

(2) Each shrimp fisher must have their own shrimp pot, and no shrimp fisher may use more than one shrimp pot,

which shrimp pot must conform to the Hood Canal shrimp pot gear requirements set forth in WAC 220-56-320(4).

Fishers may leave their gear in the water from:

- 9:00 a.m. May 20 through 2:00 p.m. May 21;
- 9:00 a.m. May 27 through 2:00 p.m. May 28;
- 9:00 a.m. June 3 through 2:00 p.m. June 4.

No shrimp gear may remain in the water between:

- 2:00 p.m. May 21 and 9:00 a.m. May 27;
- 2:00 p.m. May 28 and 9:00 a.m. June 3;
- or after 2:00 p.m. June 4.

(3) All unattended shrimp gear must be buoyed, and the buoy must conform with the requirements and be marked as provided for in WAC 220-56-320(1). It is unlawful to have more than one shrimp pot attached to one line.

(4) The daily shrimp bag limit is seven pounds of whole shrimp per fisher.

(5) Crab pot gear is prohibited. No crab fisher may use more than one ring net or one star trap. Fishers may leave their gear in the water from:

- 9:00 a.m. May 20 through 2:00 p.m. May 21;
- 9:00 a.m. May 27 through 2:00 p.m. May 28;
- 9:00 a.m. June 3 through 2:00 p.m. June 4.

No crab gear may remain in the water between:

- 2:00 p.m. May 21 and 9:00 a.m. May 27;
- 2:00 p.m. May 28 and 9:00 a.m. June 3;
- or after 2:00 p.m. June 4.

(6) All unattended crab gear must be buoyed, and the buoy must conform with the requirements and be marked as provided for in WAC 220-56-320(1).

WSR 95-10-057
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-44—Filed May 2, 1995, 4:47 p.m.]

Date of Adoption: May 2, 1995.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-52-07100U; and amending WAC 220-52-071.

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 amounts of sea cucumbers are available for harvest in all four districts. Titlow Beach Marine Preserve is closed to preserve the character of the Marine Preserve. Eagle Harbor and Sinclair Inlet are closed due to contamination and for the economic well-being of the industry.

Effective Date of Rule: Immediately.

May 2, 1995
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-52-07100V Sea cucumbers. Notwithstanding the provisions of WAC 220-52-071, effective immediately until further notice it is unlawful to fish for or possess sea cucumbers taken for commercial use from all state waters except during the times and in the areas as provided for in this section:

(1) Sea cucumber harvest using shellfish diver gear is allowed in Sea Cucumber Districts 1, 2, 3, and 4, Monday, Tuesday, and Wednesday of each week from 6:00 a.m. to one-half hour before official sunset of each day, except for closures as provided for in this section.

(2) The following waters are closed to the harvest of sea cucumbers at all times.

(a) Titlow Beach Marine Preserve - All waters due west from the southern end of the Tacoma Outboard Association building near the boat launch ramp to the outer harbor line, then south following the outer harbor line to a line due west from the old ferry landing dock at the 6th Ave. extension then following the line to the high water line then to the point of origin.

(b) Those waters in the San Juan Islands permanently closed under WAC 220-52-071 (1)(a).

(c) Eagle Harbor - All waters westerly of a line projected northerly from Wing Point to Eagle Harbor Creosote Light number one and then due west to the shoreline of Bainbridge Island.

(d) Sinclair Inlet - Those waters of Marine Fish-Shellfish Management and Catch Reporting Area 26C west of a line projected southerly from the easternmost point of Point Turner to landfall below the Veterans Home in Annapolis. The remainder of Area 26C is open to harvest.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-07100U Sea cucumbers. (95-37)

WSR 95-10-104
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE
(Fisheries)

[Order 95-42—Filed May 3, 1995, 11:40 a.m., effective May 5, 1995, 12 noon]

Date of Adoption: May 2, 1995.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-36000M; and amending WAC 220-56-360.

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: Test results show that adequate clams remain and are available for harvest in this portion of Razor Clam Area 3. Clams from this area have been certified by the Department of Health as safe for human consumption.

Effective Date of Rule: May 5, 1995, 12 noon.

May 2, 1995
Judith Freeman
Deputy
for Robert Turner
Director

[NEW SECTION]

WAC 220-56-36000N Razor clams. Notwithstanding the provisions of WAC 220-56-360, it is unlawful to dig for or possess razor clams taken for personal use from any beach in Razor Clam Areas 1, 2, 3, or except as provided for in this section:

(1) Effective 12:01 a.m. May 7th through 11:59 p.m. May 19, 1995, on odd days, between 12:01 a.m. and 11:59 a.m. only, razor clam digging is allowed only in that portion of Razor Clam Area 3 that is located between the Copalis River (Grays Harbor County) and the southern boundary of the Quinault Indian Reservation (as posted).

(2) It is unlawful to dig for razor clams at any time in the Long Beach, Twin Harbors Beach or Copalis Beach Clam Sanctuaries defined in WAC 220-56-372.

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

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 noon May 5, 1995:

WAC 220-56-36000M Razor clams. (95-22)

EMERGENCY



WSR 95-10-001D
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER
 [Memorandum—April 20, 1995]

Pursuant to board action on April 19, 1995, the following change was made to the board's 1995 regular meeting schedule.

The regular meeting originally scheduled for Wednesday, July 19 has been rescheduled for Saturday/Sunday, July 22-23 at 10 a.m. at the Port Ludlow Resort and Conference Center. This meeting will coincide with the annual board of directors retreat.

WASHINGTON STATE CONVENTION AND TRADE CENTER
 1995 Regular Meetings of the Board of Directors

- Wednesday,
January 11
- February 22
- March 15
- April 19
- May 17
- June 21
- Sat/Sun, July 22-23
- September 13
- October 18
- November 15
- December 20

No meeting is scheduled in the month of August.

All meetings will begin at 1:30 p.m. and will be held at the Washington State Convention and Trade Center, 800 Convention Place, in downtown Seattle.

WSR 95-10-004
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—April 21, 1995]

The regular meeting of the Bellingham Technical College board of trustees scheduled for May 18, 1995, has been canceled.

WSR 95-10-005
NOTICE OF PUBLIC MEETINGS
PUBLIC WORKS BOARD
 [Memorandum—March 9, 1995]

NOTICE OF MEETING LOCATION CHANGE

The Public Works Board regular meeting scheduled for 8:30 a.m. May 2, 1995, in the city of SeaTac has been moved.

The meeting will be held at the Batelle Seattle Conference Center, 4000 N.E. 41st Street, Seattle, WA.

WSR 95-10-022
ATTORNEY GENERAL OPINION
Cite as: AGO 1995 No. 2
 [February 24, 1995]

SALARY - COMPENSATION - COLLEGES AND UNIVERSITIES - STATE BUDGET - WHETHER INCREASED VACATION LEAVE AMOUNTS TO INCREASED SALARY

A college may increase the vacation leave of its employees without thereby increasing their "salaries" for purposes of interpreting salary increase limits contained in the 1993-95 state operating budget.

Requested by:

Desmond P. McArdle, President
 Bellingham Technical College
 3028 Lindbergh Avenue
 Bellingham, WA 98225-1599

WSR 95-10-023
ATTORNEY GENERAL OPINION
Cite as: AGO 1995 No. 5
 [April 11, 1995]

TAXATION - PROPERTY - VALUATION - CONSTITUTIONAL REQUIREMENTS ON IMPOSITION OF AD VALOREM PROPERTY TAX

1. Article 7 of the Washington State Constitution does not require that property subject to ad valorem property tax be assessed at 100 per cent of true and fair value.
2. The State Constitution imposes three requirements on the assessment of property subject to ad valorem property tax: (1) any tax must be uniform, as to any class of property within the territorial limits of the authority levying the tax; (2) the valuation system must be administered in a systematic, non-discriminatory manner; and, (3) the aggregate of all taxes levied upon real and personal property by the state and all taxing districts must not, in any year, exceed one per cent of true and fair value of each property.

Requested by:

Honorable Greg Fisher
 State Representative, District 33
 239 John L. O'Brien Building
 M.S. 40666
 Olympia, WA 98504-0666

WSR 95-10-029
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
 [Memorandum—April 24, 1995]

The Seattle Community College District board of trustees will hold their regular meeting, at 6:00 p.m., on May 2, 1995, at the Seattle Community College District, Siegal Education and Service Center, 1500 Harvard, Seattle, WA 98122.

The meeting will be preceded by a work session at 4:30 p.m.

MISCELLANEOUS

WSR 95-10-031
NOTICE OF PUBLIC MEETINGS
MULTIMODAL TRANSPORTATION PROJECTS
AND PROGRAMS COMMITTEE

[Memorandum—April 27, 1995]

The Multimodal Transportation Projects and Programs Committee has called a special meeting for Friday, May 19, 1995. The meeting will be held at the Holiday Inn, Sea-Tac, 17338 International Boulevard, SeaTac, WA, in the SeaTac Room on the 12th floor. The meeting is scheduled to be from 9:00 a.m. - 3:00 p.m.

The purpose of the meeting is to: Approve final selection of projects for the 1995-97 Central Puget Sound public transportation account (CPSPTA); approve final selection of projects of the 1996 Statewide STP Competitive Program; approve CPSPTA and public transportation systems account (PTSA) program guidelines; approve revised application guidelines and applications for the CPSPTA and the PTSA; and other miscellaneous matters as requested by the committee.

WSR 95-10-044
NOTICE OF PUBLIC MEETINGS
HIGHER EDUCATION
COORDINATING BOARD

[Memorandum—April 28, 1995]

At the April 27, 1995, Higher Education Coordinating Board meeting, Resolution 95-08 was adopted incorporating additional board meeting dates for the 1995 calendar year. Those dates are: May 12, August 9, and December 14.

The revised board meeting calendar looks like this:

Friday	May 12
Friday	June 16
Thursday	July 13
Wednesday	August 9
Wednesday	September 20
Thursday	October 26
Thursday	November 16
Thursday	December 14

WSR 95-10-062
DEPARTMENT OF ECOLOGY

[Filed May 3, 1995, 10:15 a.m.]

NOTICE OF PUBLIC HEARINGS
State Implementation Plan Update and
Regulation Amendments
June 7, 1995

The Washington State Department of Ecology will [be] conducting two public hearings on Wednesday, June 7, 1995, 7:00 p.m., at Ecology's Northwest Regional Office, 3190 160th Avenue S.E., Conference Rooms 1A and 1B, Bellevue, WA. The department is conducting these hearings to solicit comments on the following issues:

1. Proposed amendments to the state transportation conformity regulation, chapter 173-420 WAC.
2. Proposed revisions to the state implementation plan (SIP) for transportation conformity.

The purpose of the proposed amendments is to ensure that the state regulation complies with the federal transportation conformity regulation. The purpose of the state regulation is to ensure that transportation activities do not worsen air quality or delay attainment of air quality standards in nonattainment areas.

The transportation conformity SIP is a required component of the state implementation plan. The proposed revision is to ensure that the existing transportation conformity SIP regulation in the state implementation plan complies with the federal transportation conformity requirements.

Interested persons are encouraged to provide oral comments at these hearings. Written comments will be considered if postmarked no later than June 14, 1995, and should be sent to Paul Carr, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. For more information on these issues, or for a copy of the draft documents prior to the hearings, contact Paul Carr at (360) 407-6863.

Ecology is an equal opportunity and affirmative action employer. If you have special accommodation needs, please call Tami Dahlgren, (360) 407-6830 (voice), or (360) 407-6006 (TDD only).

WSR 95-10-063
DEPARTMENT OF ECOLOGY

[Filed May 3, 1995, 10:16 a.m.]

NOTICE OF PUBLIC HEARINGS
State Implementation Plan Update

The Washington State Department of Ecology will [be] conducting three public hearings to solicit comments on a revision to the Washington state implementation plan (SIP) for the motor vehicle inspection and maintenance program (emission check program). This document provides information required by EPA on specific elements of the emission check program, and replaces the inspection and maintenance program SIP approved by EPA in 1980. The hearings are scheduled as follows:

Tuesday, June 6, 1995
Clark Public Utilities
Electric Center
1200 Fort Vancouver Way
Vancouver, WA
7:00 p.m.

Wednesday, June 7, 1995
Department of Ecology
Northwest Regional Office
3190 160th Avenue S.E.
Rooms 1A and 1B
Bellevue, WA
7:00 p.m.

MISCELLANEOUS

Thursday, June 8, 1995
Department of Ecology
Eastern Regional Office
North 4601 Monroe
Large Conference Room
Spokane, WA
7:00 p.m.

For more information regarding these hearings, please contact Tom Olsen, (206) 649-7121. Written comments are encouraged and will be considered if postmarked no later than June 14, 1995. Comments should be sent to Tom Olsen, Department of Ecology, Northwest Regional Office, Air Quality Program, 3190 160th Avenue S.E., Bellevue, WA 98008-5452.

Ecology is an equal opportunity and affirmative action employer. If you have special accommodation needs, please contact Tami Dahlgren at (360) 407-6830 (voice) or (360) 407-6006 (TDD only).

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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16-166-010	REP-P	95-10-100	50-60-035	NEW-P	95-05-084	51-20-0417	REP-P	95-04-106
16-166-020	REP-P	95-10-100	50-60-040	AMD-P	95-05-084	51-20-0420	REP-P	95-04-106
16-166-030	REP-P	95-10-100	50-60-042	NEW-P	95-05-084	51-20-0500	REP-P	95-04-106
16-166-040	REP-P	95-10-100	50-60-045	AMD-P	95-05-084	51-20-0503	REP-P	95-04-106
16-166-050	REP-P	95-10-100	50-60-050	AMD-P	95-05-084	51-20-0514	REP-P	95-04-106
16-166-060	REP-P	95-10-100	50-60-060	AMD-P	95-05-084	51-20-0515	REP-P	95-04-106
16-166-070	REP-P	95-10-100	50-60-070	AMD-P	95-05-084	51-20-0551	REP-P	95-04-106
16-166-080	REP-P	95-10-100	50-60-080	AMD-P	95-05-084	51-20-0600	REP-P	95-04-106
16-166-090	REP-P	95-10-100	50-60-08001	NEW-P	95-05-084	51-20-0605	REP-P	95-04-106
16-230-190	AMD-P	95-10-094	50-60-08002	NEW-P	95-05-084	51-20-0700	REP-P	95-04-106
16-414-010	AMD-P	95-09-038	50-60-08003	NEW-P	95-05-084	51-20-0702	REP-P	95-04-106
16-414-015	NEW-P	95-09-038	50-60-08004	NEW-P	95-05-084	51-20-0800	REP-P	95-04-106
16-414-020	AMD-P	95-09-038	50-60-08005	NEW-P	95-05-084	51-20-0801	REP-P	95-04-106
16-414-030	AMD-P	95-09-038	50-60-08006	NEW-P	95-05-084	51-20-0802	REP-P	95-04-106
16-414-085	NEW-P	95-09-038	50-60-08007	NEW-P	95-05-084	51-20-0900	REP-P	95-04-106
16-414-090	AMD-P	95-09-038	50-60-08008	NEW-P	95-05-084	51-20-0901	REP-P	95-04-106

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67-25-388	AMD	95-06-057	131-28-026	AMD-E	95-07-004	132G-126-350	REP	95-07-103
67-25-390	AMD	95-06-057	131-28-026	PREP	95-10-088	132G-126-360	REP-P	95-04-008
67-25-392	REP	95-06-057	131-28-026	AMD-P	95-10-090	132G-126-360	REP	95-07-103
67-25-394	AMD	95-06-057	131-28-028	REP-E	95-07-004	132G-126-370	REP-P	95-04-008
67-25-396	AMD	95-06-057	131-28-028	PREP	95-10-088	132G-126-370	REP	95-07-103
67-25-398	NEW	95-06-057	131-28-028	REP-P	95-10-090	132G-126-380	REP-P	95-04-008
67-25-399	NEW	95-06-057	131-28-030	AMD-E	95-07-004	132G-126-380	REP	95-07-103
67-25-400	AMD	95-06-057	131-28-030	PREP	95-10-088	132G-126-390	REP-P	95-04-008
67-25-404	AMD	95-06-057	131-28-030	AMD-P	95-10-090	132G-126-390	REP	95-07-103
67-25-408	AMD	95-06-057	131-28-040	AMD-E	95-07-004	132G-126-400	REP-P	95-04-008
67-25-412	AMD	95-06-057	131-28-040	PREP	95-10-088	132G-126-400	REP	95-07-103
67-25-416	AMD	95-06-057	131-28-040	AMD-P	95-10-090	132I-130	PREP	95-06-004
67-25-418	NEW	95-06-057	131-28-045	AMD-E	95-07-004	132I-130-030	NEW-P	95-06-083
67-25-420	REP	95-06-057	131-28-045	PREP	95-10-088	132I-130-030	NEW	95-09-072
67-25-428	REP	95-06-057	131-28-045	AMD-P	95-10-090	132I-160	PREP	95-10-021
67-25-432	AMD	95-06-057	131-28-080	AMD-E	95-07-004	132M-108-090	NEW-P	95-06-052
67-25-436	NEW	95-06-057	131-28-080	PREP	95-10-088	132Q-04-097	NEW	95-03-060
67-25-440	AMD	95-06-057	131-28-080	AMD-P	95-10-090	139-10-210	AMD-P	95-04-068
67-25-444	AMD	95-06-057	131-28-085	AMD-E	95-07-004	139-10-210	AMD	95-08-036
67-25-446	AMD	95-06-057	131-28-085	PREP	95-10-088	139-10-210	AMD	95-09-070
67-25-448	AMD	95-06-057	131-28-085	AMD-P	95-10-090	173-06-010	REP-P	95-03-081
67-25-452	AMD	95-06-057	131-28-090	AMD-E	95-07-004	173-06-010	REP	95-07-058
67-25-500	REP	95-06-057	131-28-090	PREP	95-10-088	173-06-020	REP-P	95-03-081
67-25-505	REP	95-06-057	131-28-090	AMD-P	95-10-090	173-06-020	REP	95-07-058
67-25-510	REP	95-06-057	131-46-135	NEW-P	95-06-054	173-06-030	REP-P	95-03-081
67-25-525	REP	95-06-057	131-46-135	NEW	95-10-013	173-06-030	REP	95-07-058
67-25-530	REP	95-06-057	132G-126-010	REP-P	95-04-008	173-06-040	REP-P	95-03-081
67-25-540	AMD	95-06-057	132G-126-010	REP	95-07-103	173-06-040	REP	95-07-058
67-25-545	AMD	95-06-057	132G-126-020	REP-P	95-04-008	173-06-100	NEW-P	95-03-081
67-25-550	AMD	95-06-057	132G-126-020	REP	95-07-103	173-06-100	NEW	95-07-058
67-25-560	AMD	95-06-057	132G-126-030	REP-P	95-04-008	173-06-110	NEW-P	95-03-081
67-25-570	AMD	95-06-057	132G-126-030	REP	95-07-103	173-06-110	NEW	95-07-058
67-25-590	AMD	95-06-057	132G-126-040	REP-P	95-04-008	173-06-120	NEW-P	95-03-081
67-35-030	PREP	95-04-012	132G-126-040	REP	95-07-103	173-06-120	NEW	95-07-058
67-35-030	AMD-P	95-05-040	132G-126-050	REP-P	95-04-008	173-06-130	NEW-P	95-03-081
67-35-210	PREP	95-04-012	132G-126-050	REP	95-07-103	173-06-130	NEW	95-07-058
67-35-210	AMD-P	95-05-040	132G-126-060	REP-P	95-04-008	173-12	PREP	95-03-080
67-35-215	PREP	95-04-012	132G-126-060	REP	95-07-103	173-12-010	REP-P	95-05-065
67-35-215	NEW-P	95-05-040	132G-126-070	REP-P	95-04-008	173-12-010	REP	95-09-036
67-35-220	PREP	95-04-012	132G-126-070	REP	95-07-103	173-12-020	REP-P	95-05-065
67-35-220	AMD-P	95-05-040	132G-126-080	REP-P	95-04-008	173-12-020	REP	95-09-036
67-35-230	PREP	95-04-012	132G-126-080	REP	95-07-103	173-12-030	REP-P	95-05-065
67-35-230	AMD-P	95-05-040	132G-126-200	REP-P	95-04-008	173-12-030	REP	95-09-036
67-35-350	PREP	95-04-012	132G-126-200	REP	95-07-103	173-12-040	REP-P	95-05-065
67-35-350	REP-P	95-05-040	132G-126-210	REP-P	95-04-008	173-12-040	REP	95-09-036
67-35-360	PREP	95-04-012	132G-126-210	REP	95-07-103	173-12-050	REP-P	95-05-065
67-35-360	AMD-P	95-05-040	132G-126-220	REP-P	95-04-008	173-12-050	REP	95-09-036
67-35-430	PREP	95-04-012	132G-126-220	REP	95-07-103	173-12-060	REP-P	95-05-065
67-35-430	AMD-P	95-05-040	132G-126-230	REP-P	95-04-008	173-12-060	REP	95-09-036
130-10	PREP	95-06-051A	132G-126-230	REP	95-07-103	173-19-250	PREP	95-04-101
131-12-010	AMD-E	95-10-012	132G-126-240	REP-P	95-04-008	173-19-250	AMD-P	95-07-144
131-12-010	PREP	95-10-017	132G-126-240	REP	95-07-103	173-19-2513	PREP	95-05-063
131-12-010	AMD-P	95-10-018	132G-126-250	REP-P	95-04-008	173-19-2515	PREP	95-07-020
131-16-005	PREP	95-05-026	132G-126-250	REP	95-07-103	173-19-2519	PREP	95-07-022
131-16-005	REP-P	95-06-064	132G-126-260	REP-P	95-04-008	173-19-2521	PREP	95-07-021
131-16-005	REP	95-10-014	132G-126-260	REP	95-07-103	173-19-260	PREP	95-04-076
131-16-056	PREP	95-10-087	132G-126-270	REP-P	95-04-008	173-19-260	AMD-P	95-05-064
131-16-056	NEW-P	95-10-089	132G-126-270	REP	95-07-103	173-19-3101	AMD	95-10-051
131-28-010	AMD-E	95-07-004	132G-126-280	REP-P	95-04-008	173-19-3507	AMD-S	95-03-082
131-28-010	PREP	95-10-088	132G-126-280	REP	95-07-103	173-19-3507	AMD	95-08-042
131-28-010	AMD-P	95-10-090	132G-126-290	REP-P	95-04-008	173-19-3514	AMD-P	95-03-078
131-28-015	AMD-E	95-07-004	132G-126-290	REP	95-07-103	173-19-360	PREP	95-07-019
131-28-015	PREP	95-10-088	132G-126-300	REP-P	95-04-008	173-19-360	AMD	95-07-125
131-28-015	AMD-P	95-10-090	132G-126-300	REP	95-07-103	173-19-360	AMD-P	95-09-052
131-28-021	AMD-E	95-07-004	132G-126-310	REP-P	95-04-008	173-221A	PREP	95-07-057
131-28-021	PREP	95-10-088	132G-126-310	REP	95-07-103	173-303	PREP	95-05-062
131-28-021	AMD-P	95-10-090	132G-126-320	REP-P	95-04-008	173-360-100	AMD	95-04-102
131-28-025	AMD-E	95-07-004	132G-126-320	REP	95-07-103	173-360-110	AMD	95-04-102
131-28-025	PREP	95-10-088	132G-126-330	REP-P	95-04-008	173-360-120	AMD	95-04-102
131-28-025	AMD-P	95-10-090	132G-126-330	REP	95-07-103	173-360-130	AMD	95-04-102
131-28-02501	NEW-E	95-07-004	132G-126-340	REP-P	95-04-008	173-360-190	AMD	95-04-102
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173-360-305	AMD	95-04-102	174-116-010	PREP	95-05-010	180-77-014	NEW-P	95-08-058
173-360-310	AMD	95-04-102	174-116-011	PREP	95-05-010	180-77-015	AMD-P	95-08-058
173-360-320	AMD	95-04-102	174-116-020	PREP	95-05-010	180-77-020	AMD-P	95-08-058
173-360-325	AMD	95-04-102	174-116-020	AMD-P	95-07-132	180-77-030	REP-P	95-08-058
173-360-330	AMD	95-04-102	174-116-030	PREP	95-05-010	180-77-031	NEW-P	95-08-058
173-360-335	AMD	95-04-102	174-116-030	AMD-P	95-07-132	180-77-035	REP-P	95-08-058
173-360-340	AMD	95-04-102	174-116-040	PREP	95-05-010	180-77-040	REP-P	95-08-058
173-360-345	AMD	95-04-102	174-116-040	AMD-P	95-07-132	180-77-041	NEW-P	95-08-058
173-360-350	AMD	95-04-102	174-116-041	PREP	95-05-010	180-77-045	REP-P	95-08-058
173-360-370	AMD	95-04-102	174-116-041	AMD-P	95-07-132	180-77-050	REP-P	95-08-058
173-360-380	AMD	95-04-102	174-116-042	PREP	95-05-010	180-77-055	REP-P	95-08-058
173-360-385	AMD	95-04-102	174-116-042	AMD-P	95-07-132	180-77-060	REP-P	95-08-058
173-360-600	AMD	95-04-102	174-116-043	PREP	95-05-010	180-77-065	REP-P	95-08-058
173-360-610	AMD	95-04-102	174-116-043	AMD-P	95-07-132	180-77-068	NEW-P	95-08-058
173-360-620	NEW	95-04-102	174-116-044	PREP	95-05-010	180-77-070	AMD-P	95-08-058
173-360-630	AMD	95-04-102	174-116-044	AMD-P	95-07-132	180-77-075	AMD-P	95-08-058
173-360-640	REP	95-04-102	174-116-046	PREP	95-05-010	180-77-080	AMD-P	95-08-058
173-360-650	REP	95-04-102	174-116-046	AMD-P	95-07-132	180-77-085	REP-P	95-08-058
173-360-655	REP	95-04-102	174-116-050	PREP	95-05-010	180-77-090	REP-P	95-08-058
173-360-660	REP	95-04-102	174-116-050	AMD-P	95-07-132	180-77-095	REP-P	95-08-058
173-360-680	REP	95-04-102	174-116-060	PREP	95-05-010	180-77-100	REP-P	95-08-058
173-360-690	REP	95-04-102	174-116-060	AMD-P	95-07-132	180-77-105	REP-P	95-08-058
173-360-695	REP	95-04-102	174-116-071	PREP	95-05-010	180-77-106	NEW-P	95-08-058
173-400	PREP	95-06-067	174-116-071	AMD-P	95-07-132	180-77-110	AMD-P	95-08-058
173-400-030	AMD	95-07-126	174-116-072	PREP	95-05-010	180-77-120	NEW-P	95-08-058
173-400-099	NEW	95-07-126	174-116-072	AMD-P	95-07-132	180-77-122	NEW-P	95-08-058
173-400-100	AMD	95-07-126	174-116-080	PREP	95-05-010	180-78-145	PREP	95-06-024
173-400-101	AMD	95-07-126	174-116-080	AMD-P	95-07-132	180-78-145	AMD-P	95-08-057
173-400-102	NEW	95-07-126	174-116-091	PREP	95-05-010	180-85	PREP	95-05-042
173-400-103	NEW	95-07-126	174-116-091	AMD-P	95-07-132	180-95	AMD-P	95-05-076
173-400-104	NEW	95-07-126	174-116-092	PREP	95-05-010	180-95	AMD	95-08-029
173-400-171	AMD	95-07-126	174-116-092	AMD-P	95-07-132	180-95-005	AMD-P	95-05-076
173-420-020	AMD-P	95-10-052	174-116-119	PREP	95-05-010	180-95-005	AMD	95-08-029
173-420-030	AMD-P	95-10-052	174-116-119	AMD-P	95-07-132	180-95-050	AMD-P	95-05-076
173-420-040	AMD-P	95-10-052	174-116-121	PREP	95-05-010	180-95-050	AMD	95-08-029
173-420-050	AMD-P	95-10-052	174-116-121	AMD-P	95-07-132	180-95-070	NEW-P	95-05-076
173-420-055	NEW-P	95-10-052	174-116-122	PREP	95-05-010	180-95-070	NEW	95-08-029
173-420-060	AMD-P	95-10-052	174-116-122	AMD-P	95-07-132	182-04	PREP	95-04-057
173-420-065	NEW-P	95-10-052	174-116-123	PREP	95-05-010	182-08	PREP	95-04-057
173-420-070	AMD-P	95-10-052	174-116-123	AMD-P	95-07-132	182-12	PREP	95-04-057
173-420-080	AMD-P	95-10-052	174-116-124	PREP	95-05-010	182-12-110	AMD-E	95-08-002
173-420-110	AMD-P	95-10-052	174-116-124	AMD-P	95-07-132	182-12-111	AMD-E	95-08-002
173-420-120	NEW-P	95-10-052	174-116-125	PREP	95-05-010	182-12-115	AMD-E	95-08-002
173-422-020	AMD	95-06-068	174-116-126	PREP	95-05-010	182-12-122	AMD-E	95-08-002
173-422-030	AMD	95-06-068	174-116-127	PREP	95-05-010	182-13-010	NEW-P	95-03-063
173-422-035	AMD	95-06-068	174-116-127	AMD-P	95-07-132	182-13-010	NEW-W	95-03-074
173-422-050	AMD	95-06-068	178-01	PREP	95-04-016	182-13-010	NEW-P	95-03-075
173-422-060	AMD	95-06-068	178-01-010	REP-P	95-04-017	182-13-010	NEW	95-07-011
173-422-065	AMD	95-06-068	178-01-010	REP	95-08-008	182-13-020	NEW-P	95-03-063
173-422-070	AMD	95-06-068	180-27	PREP	95-05-038	182-13-020	NEW-W	95-03-074
173-422-090	AMD	95-06-068	180-27-019	AMD-P	95-05-083	182-13-020	NEW-P	95-03-075
173-422-100	AMD	95-06-068	180-27-019	AMD	95-08-032	182-13-020	NEW	95-07-011
173-422-120	AMD	95-06-068	180-29-015	PREP	95-05-036	182-13-030	NEW-P	95-03-063
173-422-160	AMD	95-06-068	180-29-015	AMD-P	95-05-081	182-13-030	NEW-W	95-03-074
173-422-170	AMD	95-06-068	180-29-015	AMD	95-08-033	182-13-030	NEW-P	95-03-075
173-422-190	AMD	95-06-068	180-29-095	PREP	95-05-037	182-13-030	NEW	95-07-011
173-422-195	AMD	95-06-068	180-29-095	AMD-P	95-05-082	182-13-040	NEW-P	95-03-063
173-430-010	AMD	95-03-083	180-29-095	AMD	95-08-031	182-13-040	NEW-W	95-03-074
173-430-020	AMD	95-03-083	180-29-125	PREP	95-05-035	182-13-040	NEW-P	95-03-075
173-430-030	AMD	95-03-083	180-29-125	AMD-P	95-05-080	182-13-040	NEW	95-07-011
173-430-040	AMD	95-03-083	180-29-125	AMD	95-08-030	182-14-010	NEW-E	95-08-001
173-430-050	AMD	95-03-083	180-43-010	AMD-P	95-05-077	182-14-020	NEW-E	95-08-001
173-430-060	AMD	95-03-083	180-43-010	AMD	95-08-028	182-14-030	NEW-E	95-08-001
173-430-070	AMD	95-03-083	180-43-015	AMD-P	95-05-077	182-14-040	NEW-E	95-08-001
173-430-080	AMD	95-03-083	180-43-015	AMD	95-08-028	182-14-050	NEW-E	95-08-001
173-430-090	NEW	95-03-083	180-75-070	PREP	95-05-043	182-14-060	NEW-E	95-08-001
173-430-100	NEW	95-03-083	180-77-001	NEW-P	95-08-058	182-14-070	NEW-E	95-08-001
173-548	AMD-C	95-06-055	180-77-002	NEW-P	95-08-058	182-14-080	NEW-E	95-08-001
173-548-010	AMD-E	95-07-009	180-77-003	AMD-P	95-08-058	182-14-090	NEW-E	95-08-001
173-548-015	NEW-E	95-07-009	180-77-004	NEW-P	95-08-058	182-14-100	NEW-E	95-08-001
173-548-030	AMD-E	95-07-009	180-77-005	AMD-P	95-08-058	182-16	PREP	95-04-057
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182-20-100	NEW-P	95-08-060	197-11-256	NEW	95-08-041	220-56-125	REP	95-04-066
182-20-130	NEW-P	95-08-060	197-11-259	NEW	95-08-041	220-56-127	REP	95-04-066
182-20-160	NEW-P	95-08-060	197-11-262	NEW	95-08-041	220-56-130	AMD	95-04-066
182-20-200	NEW-P	95-08-060	197-11-265	NEW	95-08-041	220-56-180	AMD	95-04-066
182-20-300	NEW-P	95-08-060	197-11-268	NEW	95-08-041	220-56-185	AMD	95-04-066
182-20-320	NEW-P	95-08-060	197-11-305	AMD	95-07-023	220-56-19100H	REP-E	95-02-069
182-20-400	NEW-P	95-08-060	197-11-340	AMD	95-07-023	220-56-19100I	NEW-E	95-02-069
192-12	PREP	95-10-053	197-11-680	AMD	95-07-023	220-56-19100I	REP-E	95-10-006
192-12-130	PREP	95-04-104	197-11-748	REP	95-07-023	220-56-19100J	NEW-E	95-10-006
192-12-141	PREP	95-04-104	197-11-890	AMD	95-07-023	220-56-205	AMD	95-04-066
192-12-141	PREP	95-07-075	197-11-904	AMD	95-07-023	220-56-210	AMD	95-04-066
192-12-184	AMD-P	95-06-081	197-11-908	AMD	95-07-023	220-56-225	AMD	95-04-066
192-12-184	AMD	95-09-085	197-11-938	AMD	95-07-023	220-56-235	AMD	95-04-066
192-12-190	AMD-P	95-06-081	204-24-050	AMD-S	95-03-089	220-56-240	AMD	95-04-066
192-12-190	AMD	95-09-085	204-24-050	AMD	95-07-137	220-56-265	AMD	95-04-066
192-12-320	AMD-P	95-06-081	204-41-030	AMD-E	95-04-060	220-56-282	AMD	95-04-066
192-12-320	AMD	95-09-085	204-41-030	PREP	95-05-001	220-56-28500D	NEW-E	95-05-049
192-12-340	AMD-P	95-06-081	204-41-030	AMD-P	95-06-065	220-56-28500E	NEW-E	95-10-001B
192-12-340	AMD	95-09-085	204-41-030	AMD	95-09-091	220-56-310	AMD	95-04-066
192-16-007	REP-P	95-06-081	220-12-020	AMD	95-04-066	220-56-312	AMD	95-04-066
192-16-007	REP	95-09-085	220-22-030	AMD-P	95-09-081	220-56-32500B	NEW-E	95-10-056
192-16-017	AMD-P	95-06-081	220-32-05100M	NEW-E	95-04-087	220-56-335	AMD	95-04-066
192-16-017	AMD	95-09-085	220-32-05100M	REP-E	95-07-010	220-56-340	AMD	95-04-066
192-16-019	AMD-P	95-06-081	220-32-05100N	NEW-E	95-07-010	220-56-35000C	REP-E	95-04-086
192-16-019	AMD	95-09-085	220-32-05500K	NEW-E	95-09-031	220-56-35000D	NEW-E	95-04-086
192-16-021	AMD-P	95-06-081	220-32-05500K	REP-E	95-10-041	220-56-35000D	REP-E	95-10-040
192-16-021	AMD	95-09-085	220-32-05500L	NEW-E	95-10-041	220-56-35000E	NEW-E	95-10-040
192-16-025	AMD-P	95-06-081	220-32-05700Q	NEW-E	95-03-002	220-56-36000M	NEW-E	95-07-028
192-16-025	AMD	95-09-085	220-32-06000A	NEW-E	95-10-041	220-56-36000M	REP-E	95-10-104
192-16-050	AMD-P	95-06-081	220-33-04000A	NEW-E	95-03-013	220-56-36000N	NEW-E	95-10-104
192-16-050	AMD	95-09-085	220-36-021	AMD-P	95-10-105	220-56-365	AMD	95-04-066
192-16-065	REP-P	95-06-081	220-36-023	AMD-P	95-10-105	220-56-370	AMD	95-04-066
192-16-065	REP	95-09-085	220-40-021	AMD-P	95-10-105	220-56-38000W	REP-E	95-04-086
192-23-018	PREP	95-07-075	220-40-027	AMD-P	95-10-105	220-56-38000X	NEW-E	95-04-086
192-23-019	NEW-P	95-08-077	220-44-050	AMD-P	95-06-094	220-56-38000X	REP-E	95-10-040
192-28-100	REP-P	98-06-081	220-44-050	AMD	95-08-069	220-56-38000Y	NEW-E	95-10-040
192-28-100	REP	95-09-085	220-44-05000M	REP-E	95-05-007	220-56-390	AMD	95-04-066
192-28-110	AMD-P	98-06-081	220-44-05000N	NEW-E	95-05-007	220-57	AMD-C	95-04-064
192-28-110	AMD	95-09-085	220-44-05000N	REP-E	95-05-021	220-57-16000A	NEW-E	95-08-037
192-28-120	AMD-P	98-06-081	220-44-05000P	NEW-E	95-05-021	220-57-16000Z	NEW-E	95-05-049
192-28-120	AMD	95-09-085	220-44-05000P	REP-E	95-08-034	220-57-16000Z	REP-E	95-08-037
192-32-001	AMD-P	95-06-081	220-44-05000Q	NEW-E	95-08-034	220-57-17500B	NEW-E	95-05-049
192-32-001	AMD	95-09-085	220-44-05000Q	REP-E	95-10-001C	220-57-29000R	NEW-E	95-08-037
192-32-010	AMD-P	95-06-081	220-44-05000R	NEW-E	95-10-001C	220-57-31000N	NEW-E	95-05-049
192-32-010	AMD	95-09-085	220-47-262	AMD-P	95-09-081	220-57-31500A	NEW-E	95-08-037
192-32-015	AMD-P	95-06-081	220-47-304	AMD-P	95-09-081	220-57-31900I	NEW-E	95-05-049
192-32-015	AMD	95-09-085	220-47-307	AMD-P	95-09-081	220-57-49700J	NEW-E	95-08-037
192-32-025	AMD-P	95-06-081	220-47-311	AMD-P	95-09-081	220-57-50500X	NEW-E	95-08-037
192-32-025	AMD	95-09-085	220-47-401	AMD-P	95-09-081	220-57A	AMD-C	95-04-064
192-32-045	AMD-P	95-06-081	220-47-411	AMD-P	95-09-081	220-95-011	REP-P	95-03-088
192-32-045	AMD	95-09-085	220-47-412	AMD-P	95-09-081	220-95-011	REP	95-07-012
192-42-005	REP	95-05-048	220-49-02000H	NEW-E	95-04-088	220-95-013	NEW-P	95-03-088
192-42-010	REP	95-05-048	220-52-04600A	NEW-E	95-06-001	220-95-013	NEW	95-07-012
192-42-021	REP	95-05-048	220-52-04600A	REP-E	95-06-016	220-95-016	REP-P	95-03-088
192-42-030	REP	95-05-048	220-52-04600B	NEW-E	95-06-016	220-95-016	REP	95-07-012
192-42-056	REP	95-05-048	220-52-04600B	REP-E	95-07-027	220-95-018	NEW-P	95-03-088
192-42-057	REP	95-05-048	220-52-04600C	NEW-E	95-09-027	220-95-018	NEW	95-07-012
192-42-058	REP	95-05-048	220-52-04600Z	NEW-E	95-05-056	220-95-021	REP-P	95-03-088
192-42-081	REP	95-05-048	220-52-04600Z	REP-E	95-06-001	220-95-021	REP	95-07-012
197-11-200	NEW-W	95-08-061	220-52-07100U	NEW-E	95-10-030	220-95-022	NEW-P	95-03-088
197-11-210	NEW	95-07-023	220-52-07100U	REP-E	95-10-057	220-95-022	NEW	95-07-012
197-11-220	NEW	95-07-023	220-52-07100V	NEW-E	95-10-057	220-95-026	REP-P	95-03-088
197-11-225	NEW-E	95-03-059	220-52-07300V	REP-E	95-03-064	220-95-026	REP	95-07-012
197-11-228	NEW-E	95-03-059	220-52-07300W	NEW-E	95-03-067	220-95-027	NEW-P	95-03-088
197-11-228	NEW	95-07-023	220-52-07300W	REP-E	95-07-080	220-95-027	NEW	95-07-012
197-11-230	NEW-E	95-03-059	220-52-07300X	NEW-E	95-07-080	220-95-031	REP-P	95-03-088
197-11-230	NEW	95-07-023	220-52-07300X	REP-E	95-07-119	220-95-031	REP	95-07-012
197-11-232	NEW-E	95-03-059	220-52-07300Y	NEW-E	95-07-119	220-95-032	NEW-P	95-03-088
197-11-232	NEW	95-07-023	220-56	AMD-C	95-04-064	220-95-032	NEW	95-07-012
197-11-235	NEW-E	95-03-059	220-56-100	AMD	95-04-066	222-10-030	NEW-C	95-04-073
197-11-235	NEW	95-07-023	220-56-105	AMD	95-04-066	222-10-040	NEW-C	95-04-073

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222-16-010	AMD-E	95-04-074	230-08-160	AMD	95-07-094	232-28-253	NEW-P	95-06-101
222-16-075	NEW-C	95-04-073	230-12-040	AMD-P	95-04-039	232-28-254	NEW-P	95-06-103
222-16-080	AMD-C	95-04-073	230-12-040	AMD	95-07-093	232-28-255	NEW-P	95-06-105
222-16-080	AMD-E	95-04-074	230-12-075	REP-P	95-06-012	232-28-256	NEW-P	95-06-104
222-21-010	NEW-C	95-04-073	230-12-075	REP	95-09-061	232-28-257	NEW-P	95-06-096
222-21-020	NEW-C	95-04-073	230-12-079	NEW-P	95-04-037	232-28-619	AMD	95-05-008
222-21-030	NEW-C	95-04-073	230-12-079	NEW-C	95-07-099	232-28-619	AMD-P	95-06-093
222-21-040	NEW-C	95-04-073	230-12-079	NEW	95-09-062	232-28-619	AMD	95-10-027
222-24-030	AMD-C	95-04-073	230-20-070	AMD-P	95-04-037	232-28-61900A	NEW-E	95-04-065
222-24-030	AMD-E	95-04-074	230-20-070	AMD-C	95-07-099	232-28-61900B	NEW-E	95-07-018
222-30-050	AMD-C	95-04-073	230-20-070	AMD	95-09-062	232-28-61900C	NEW-E	95-09-050
222-30-050	AMD-E	95-04-074	230-20-090	AMD-P	95-07-111	232-28-61900D	NEW-E	95-09-051
222-30-060	AMD-C	95-04-073	230-20-130	AMD-P	95-06-010	232-28-61940	REP-E	95-09-050
222-30-060	AMD-E	95-04-074	230-20-130	AMD	95-09-064	232-28-61941	REP-E	95-09-050
222-30-065	NEW-C	95-04-073	230-20-170	AMD-P	95-07-111	232-28-61942	REP-E	95-09-050
222-30-065	NEW-E	95-04-074	230-20-190	AMD-P	95-07-111	232-28-61945	REP-E	95-09-050
222-30-070	AMD-C	95-04-073	230-20-220	AMD-P	95-07-111	232-28-61946	REP-E	95-09-050
222-30-070	AMD-E	95-04-074	230-20-300	AMD-P	95-04-039	232-28-61947	REP-E	95-09-050
222-30-075	NEW-C	95-04-073	230-20-300	AMD	95-07-093	232-28-61950	REP-E	95-09-050
222-30-075	NEW-E	95-04-074	230-20-325	AMD-P	95-04-039	232-28-61951	REP-E	95-09-050
222-30-100	AMD-C	95-04-073	230-20-325	AMD	95-07-093	232-28-61952	NEW-W	95-03-066
222-30-100	AMD-E	95-04-074	230-20-335	NEW-P	95-04-039	232-28-61953	REP-E	95-09-050
222-38-020	AMD-C	95-04-073	230-20-335	NEW	95-07-093	232-28-61954	REP-E	95-09-050
222-38-020	AMD-E	95-04-074	230-20-620	AMD-P	95-06-010	232-28-61957	REP-E	95-09-050
222-38-030	AMD-C	95-04-073	230-20-620	AMD	95-09-064	236-15-010	NEW	95-05-044
222-38-030	AMD-E	95-04-074	230-20-630	AMD-P	95-07-111	236-15-015	NEW	95-05-044
230-02-010	AMD-P	95-04-043	230-25-055	AMD-P	95-07-111	236-15-050	NEW	95-05-044
230-02-010	AMD	95-07-095	230-25-070	AMD-P	95-07-111	236-15-100	NEW	95-05-044
230-02-125	REP-P	95-06-012	230-25-330	AMD-P	95-07-111	236-15-200	NEW	95-05-044
230-02-125	REP	95-09-061	230-40-400	AMD-E	95-05-070	236-15-300	NEW	95-05-044
230-02-183	AMD-P	95-04-039	230-40-400	AMD-P	95-06-011	236-15-700	NEW	95-05-044
230-02-183	AMD	95-07-093	230-40-400	AMD-C	95-09-060	236-15-800	NEW	95-05-044
230-02-240	AMD-P	95-04-037	230-46-010	AMD-P	95-07-111	236-15-900	NEW	95-05-044
230-02-240	AMD-C	95-07-099	230-48-010	NEW-E	95-07-065	240-10-030	AMD	95-09-025
230-02-240	AMD	95-09-062	230-48-010	NEW-P	95-07-096	240-10-040	AMD	95-09-025
230-02-350	AMD-P	95-04-038	230-50-010	AMD-C	95-04-040	245-02-010	NEW	95-04-115
230-02-350	AMD	95-07-094	230-50-010	AMD-C	95-06-013	245-02-020	NEW	95-04-115
230-02-360	AMD-P	95-04-038	230-50-010	AMD-C	95-07-097	245-02-025	NEW	95-04-115
230-02-360	AMD	95-07-094	232-12-001	AMD	95-05-008	245-02-030	NEW	95-04-115
230-02-370	AMD-P	95-04-038	232-12-131	AMD	95-03-034	245-02-035	NEW	95-04-115
230-02-370	AMD	95-07-094	232-12-151	AMD	95-05-008	245-02-040	NEW	95-04-115
230-02-380	AMD-P	95-04-038	232-12-227	AMD	95-02-070	245-02-045	NEW	95-04-115
230-02-380	AMD	95-07-094	232-12-287	AMD-P	95-06-095	245-02-050	NEW	95-04-115
230-02-418	AMD-P	95-04-037	232-12-287	AMD	95-10-026	245-02-100	NEW	95-04-112
230-02-418	AMD-C	95-07-099	232-12-619	AMD	95-05-008	245-02-110	NEW	95-04-112
230-02-418	AMD	95-09-062	232-12-61900A	NEW-E	95-04-065	245-02-115	NEW	95-04-112
230-04-075	AMD-P	95-07-111	232-28-02202	AMD	95-03-024	245-02-120	NEW	95-04-112
230-04-080	AMD-P	95-04-038	232-28-02203	AMD	95-03-025	245-02-125	NEW	95-04-112
230-04-080	AMD	95-07-094	232-28-02204	AMD	95-03-026	245-02-130	NEW	95-04-112
230-04-110	AMD-E	95-07-064	232-28-02205	AMD	95-03-027	245-02-131	NEW	95-04-112
230-04-110	AMD-P	95-07-098	232-28-02206	AMD	95-03-028	245-02-135	NEW	95-04-112
230-04-115	NEW-E	95-07-064	232-28-02210	AMD	95-03-029	245-02-140	NEW	95-04-112
230-04-115	NEW-P	95-07-098	232-28-02220	AMD	95-03-040	245-02-145	NEW	95-04-112
230-04-145	AMD-P	95-04-037	232-28-02220	AMD-P	95-06-100	245-02-150	NEW	95-04-112
230-04-145	AMD-C	95-07-099	232-28-02280	AMD	95-03-030	245-02-155	NEW	95-04-112
230-04-145	AMD	95-09-062	232-28-239	REP-P	95-06-099	245-02-160	NEW	95-04-112
230-04-147	AMD-P	95-04-037	232-28-240	AMD	95-03-031	245-02-165	NEW	95-04-112
230-04-147	AMD-C	95-07-099	232-28-241	AMD	95-03-032	245-02-170	NEW	95-04-112
230-04-147	AMD	95-09-062	232-28-24102	NEW	95-03-035	245-02-175	NEW	95-04-112
230-04-203	AMD-E	95-07-064	232-28-242	AMD	95-03-033	245-02-180	NEW	95-04-112
230-04-203	AMD-P	95-07-098	232-28-243	REP-P	95-06-099	245-03-010	NEW-P	95-06-075
230-04-280	AMD-C	95-04-040	232-28-244	REP-P	95-06-099	245-03-010	NEW-W	95-07-037
230-04-280	AMD-C	95-06-013	232-28-245	REP-P	95-06-099	245-03-020	NEW-P	95-06-075
230-04-280	AMD-C	95-07-097	232-28-246	NEW	95-03-036	245-03-020	NEW-W	95-07-037
230-04-400	AMD-C	95-04-040	232-28-246	AMD-P	95-06-107	245-03-040	NEW-P	95-06-075
230-04-400	AMD-C	95-06-013	232-28-24601	NEW-E	95-03-068	245-03-040	NEW-W	95-07-037
230-04-400	AMD-C	95-07-097	232-28-247	NEW	95-03-037	245-03-050	NEW-P	95-06-075
230-04-405	NEW-P	95-07-110	232-28-248	NEW	95-03-038	245-03-050	NEW-W	95-07-037
230-08-070	AMD-P	95-04-039	232-28-248	AMD-P	95-06-106	245-03-080	NEW-P	95-06-075
230-08-070	AMD	95-07-093	232-28-249	NEW	95-03-039	245-03-080	NEW-W	95-07-037
230-08-130	AMD-P	95-04-038	232-28-250	NEW-P	95-06-097	245-03-120	NEW-P	95-06-075
230-08-130	AMD	95-07-094	232-28-251	NEW-P	95-06-098	245-03-120	NEW-W	95-07-037

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245-03-160	NEW-P	95-06-075	245-04-115	AMD-P	95-03-101	246-170-080	REP	95-04-035
245-03-160	NEW-W	95-07-037	245-04-115	AMD	95-06-048	246-170-090	REP	95-04-035
245-03-180	NEW-P	95-06-075	245-04-125	NEW-P	95-04-113	246-249-020	AMD-P	95-04-100
245-03-180	NEW-W	95-07-037	245-04-130	NEW-P	95-04-113	246-249-080	AMD-P	95-04-100
245-03-200	NEW-P	95-06-075	245-04-135	NEW-P	95-04-113	246-254	PREP	95-05-058
245-03-200	NEW-W	95-07-037	245-04-140	NEW-P	95-04-113	246-254-053	AMD-P	95-08-066
245-03-220	NEW-P	95-06-075	245-04-145	NEW-P	95-04-113	246-254-070	AMD-P	95-08-066
245-03-220	NEW-W	95-07-037	245-04-150	NEW-P	95-04-113	246-254-080	AMD-P	95-08-066
245-03-240	NEW-P	95-06-075	245-04-155	NEW-P	95-04-113	246-254-090	AMD-P	95-08-066
245-03-240	NEW-W	95-07-037	245-04-160	NEW-P	95-04-113	246-254-100	AMD-P	95-08-066
245-03-260	NEW-P	95-06-075	245-04-165	NEW-P	95-04-113	246-254-120	AMD-P	95-08-066
245-03-260	NEW-W	95-07-037	245-04-170	NEW-P	95-04-113	246-255	PREP	95-05-058
245-03-280	NEW-P	95-06-075	245-04-175	NEW-P	95-04-113	246-272-25001	AMD-P	95-04-034
245-03-280	NEW-W	95-07-037	245-04-180	NEW-P	95-04-113	246-272-25001	AMD	95-09-018
245-03-300	NEW-P	95-06-075	245-04-185	NEW-P	95-04-113	246-290-990	PREP	95-05-059
245-03-300	NEW-W	95-07-037	245-04-190	NEW-P	95-04-113	246-291	PREP	95-09-017
245-03-320	NEW-P	95-06-075	245-04-195	NEW-P	95-04-113	246-314	PREP	95-07-073
245-03-320	NEW-W	95-07-037	245-04-200	NEW-P	95-06-079	246-314-990	AMD-P	95-09-059
245-03-390	NEW-P	95-06-075	245-04-200	NEW-W	95-07-032	246-316	PREP	95-07-073
245-03-390	NEW-W	95-07-037	245-04-210	NEW-P	95-06-079	246-316-990	AMD-P	95-09-059
245-03-520	NEW-W	95-07-035	245-04-210	NEW-W	95-07-032	246-318	PREP	95-07-073
245-03-540	NEW-W	95-07-035	245-04-220	NEW-P	95-06-079	246-318-990	AMD-P	95-09-059
245-03-560	NEW-W	95-07-035	245-04-220	NEW-W	95-07-032	246-322	PREP	95-07-073
245-03-580	NEW-W	95-07-035	245-04-230	NEW-P	95-06-079	246-322-990	AMD-P	95-09-059
245-03-610	NEW-P	95-06-076	245-04-230	NEW-W	95-07-032	246-322-991	AMD-P	95-09-059
245-03-620	NEW-P	95-06-076	245-04-240	NEW-P	95-06-079	246-323	PREP	95-07-073
245-03-620	NEW-W	95-07-036	245-04-240	NEW-W	95-07-032	246-323-990	AMD-P	95-09-059
245-03-630	NEW-P	95-06-076	245-04-300	NEW-P	95-06-078	246-325	PREP	95-07-073
245-03-640	NEW-P	95-06-076	245-04-300	NEW-W	95-07-031	246-325-990	AMD-P	95-09-059
245-03-640	NEW-W	95-07-036	245-04-310	NEW-P	95-06-078	246-326	PREP	95-07-073
245-03-650	NEW-P	95-06-076	245-04-310	NEW-W	95-07-031	246-326-990	AMD-P	95-09-059
245-03-650	NEW-W	95-07-036	245-04-320	NEW-P	95-06-078	246-327	PREP	95-07-073
245-03-660	NEW-P	95-06-076	245-04-320	NEW-W	95-07-031	246-327-990	AMD-P	95-09-059
245-03-660	NEW-W	95-07-036	245-04-330	NEW-P	95-06-078	246-331	PREP	95-07-073
245-03-670	NEW-P	95-06-076	245-04-330	NEW-W	95-07-031	246-331-990	AMD-P	95-09-059
245-03-680	NEW-P	95-06-076	245-04-340	NEW-P	95-06-078	246-336	PREP	95-07-073
245-03-680	NEW-W	95-07-036	245-04-340	NEW-W	95-07-031	246-336-990	AMD-P	95-09-059
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245-03-810	NEW-W	95-07-034	245-04-350	NEW-W	95-07-031	246-358-020	AMD-E	95-08-018
245-03-820	NEW-P	95-06-074	245-08-010	NEW-P	95-04-114	246-358-085	AMD-E	95-08-018
245-03-820	NEW-W	95-07-034	245-08-010	NEW-W	95-07-030	246-358-140	AMD-E	95-08-018
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245-03-830	NEW-W	95-07-034	245-08-020	NEW-W	95-07-030	246-560-001	PREP	95-06-073
245-03-840	NEW-P	95-06-074	245-08-030	NEW-P	95-04-114	246-560-010	PREP	95-06-073
245-03-840	NEW-W	95-07-034	245-08-030	NEW-W	95-07-030	246-560-015	PREP	95-06-073
245-03-860	NEW-P	95-06-074	245-08-040	NEW-P	95-04-114	246-560-020	PREP	95-06-073
245-03-860	NEW-W	95-07-034	245-08-040	NEW-W	95-07-030	246-560-030	PREP	95-06-073
245-03-880	NEW-P	95-06-074	245-08-050	NEW-P	95-04-114	246-560-040	PREP	95-06-073
245-03-880	NEW-W	95-07-034	245-08-050	NEW-W	95-07-030	246-560-050	PREP	95-06-073
245-04-010	NEW-P	95-06-077	246-01-040	AMD-P	95-07-054	246-560-060	PREP	95-06-073
245-04-010	NEW-W	95-07-033	246-01-040	AMD	95-10-043	246-560-070	PREP	95-06-073
245-04-020	NEW-P	95-06-077	246-01-080	AMD-P	95-07-054	246-560-080	PREP	95-06-073
245-04-020	NEW-W	95-07-033	246-01-080	AMD	95-10-043	246-560-090	PREP	95-06-073
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245-04-040	NEW-W	95-07-033	246-170-010	REP	95-04-035	246-812-015	NEW-E	95-09-029
245-04-050	NEW-P	95-06-077	246-170-011	NEW	95-04-035	246-812-101	NEW-E	95-09-029
245-04-050	NEW-W	95-07-033	246-170-020	REP	95-04-035	246-812-120	NEW-E	95-09-029
245-04-060	NEW-P	95-06-077	246-170-021	NEW	95-04-035	246-812-125	NEW-E	95-09-029
245-04-060	NEW-W	95-07-033	246-170-030	REP	95-04-035	246-812-130	NEW-E	95-09-029
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245-04-080	NEW-W	95-07-033	246-170-050	REP	95-04-035	246-812-160	NEW-E	95-09-029
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246-812-460	NEW-E	95-09-029	246-937-110	NEW	95-04-083	287-04-031	AMD-P	95-10-102
246-812-501	NEW-E	95-09-029	250-20-011	AMD-P	95-03-014	292-09-010	NEW	95-05-031
246-812-510	NEW-E	95-09-029	250-20-011	AMD	95-10-007	292-09-020	NEW	95-05-031
246-812-520	NEW-E	95-09-029	250-20-021	AMD-P	95-03-014	292-09-030	NEW	95-05-031
246-812-601	NEW-E	95-09-029	250-20-021	AMD	95-10-007	292-09-040	NEW	95-05-031
246-812-610	NEW-E	95-09-029	250-44	AMD-C	95-02-067	292-09-050	NEW	95-05-031
246-812-620	NEW-E	95-09-029	250-44-050	AMD-E	95-02-068	292-09-060	NEW	95-05-031
246-812-630	NEW-E	95-09-029	250-44-050	AMD	95-07-087	292-09-070	NEW	95-05-031
246-812-990	NEW-E	95-09-029	250-44-110	AMD-E	95-02-068	292-09-080	NEW	95-05-031
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246-815-050	AMD	95-07-003	250-44-130	AMD-E	95-02-068	292-09-100	NEW	95-05-031
246-815-070	AMD	95-02-056	250-44-130	AMD	95-07-087	292-09-110	NEW	95-05-031
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246-830-230	AMD-P	95-07-013	250-79-010	AMD-P	95-10-061	292-09-130	NEW	95-05-031
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246-830-430	AMD-P	95-07-013	251-17-010	AMD-P	95-10-079	292-09-170	NEW	95-05-031
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246-830-450	AMD-P	95-07-013	251-17-110	AMD-P	95-10-081	292-100-020	NEW-E	95-04-004
246-830-475	AMD-P	95-07-013	251-17-200	AMD-P	95-10-082	292-100-030	NEW-E	95-04-004
246-830-610	AMD-P	95-07-013	251-19-070	AMD-P	95-10-083	292-100-040	NEW-E	95-04-004
246-830-990	AMD-P	95-07-013	251-19-150	AMD-P	95-10-084	292-100-050	NEW-E	95-04-004
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246-838-100	PREP	95-06-018	253-16	PREP	95-07-131	292-100-070	NEW-E	95-04-004
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392-122-214	REP-P	95-05-020	415-104-0122	NEW-P	95-09-069	415-113-065	NEW	95-03-001
392-122-214	REP	95-08-025	415-104-224	NEW-P	95-09-069	415-113-070	NEW	95-03-001
392-122-221	AMD-P	95-05-020	415-104-225	NEW-P	95-09-069	415-113-080	NEW	95-03-001
392-122-221	AMD	95-08-025	415-104-235	NEW-P	95-09-069	415-113-082	NEW	95-03-001
392-122-230	AMD-P	95-05-020	415-104-245	NEW-P	95-09-069	415-113-084	NEW	95-03-001
392-122-230	AMD	95-08-025	415-108-010	AMD-P	95-09-069	415-113-090	NEW	95-03-001
392-122-260	REP-P	95-05-020	415-108-0101	NEW-P	95-09-069	415-113-100	NEW	95-03-001
392-122-260	REP	95-08-025	415-108-0102	NEW-P	95-09-069	415-115-030	AMD-P	95-09-068
392-122-275	AMD-P	95-05-020	415-108-0103	NEW-P	95-09-069	415-115-050	AMD-P	95-09-068
392-122-275	AMD	95-08-025	415-108-0104	NEW-P	95-09-069	415-115-060	AMD-P	95-09-068
392-169-005	AMD-P	95-06-084	415-108-0105	NEW-P	95-09-069	415-115-070	AMD-P	95-09-068
392-169-005	AMD	95-09-042	415-108-0106	NEW-P	95-09-069	415-115-080	AMD-P	95-09-068
392-169-015	AMD-P	95-06-084	415-108-0107	NEW-P	95-09-069	415-115-120	AMD-P	95-09-068
392-169-015	AMD	95-09-042	415-108-0108	NEW-P	95-09-069	419-18	AMD-P	95-03-091
392-169-020	AMD-P	95-06-084	415-108-0109	NEW-P	95-09-069	419-18	AMD	95-06-066
392-169-020	AMD	95-09-042	415-108-679	NEW-P	95-09-069	419-18-020	AMD-P	95-03-091
392-169-022	AMD-P	95-06-084	415-108-680	NEW-P	95-09-069	419-18-020	AMD	95-06-066
392-169-022	AMD	95-09-042	415-108-690	NEW-P	95-09-069	419-18-030	AMD-P	95-03-091
392-169-023	AMD-P	95-06-084	415-108-700	NEW-P	95-09-069	419-18-030	AMD	95-06-066
392-169-023	AMD	95-09-042	415-108-710	NEW-P	95-09-069	419-18-040	AMD-P	95-03-091
392-169-025	AMD-P	95-06-084	415-108-720	NEW-P	95-09-069	419-18-040	AMD	95-06-066
392-169-025	AMD	95-09-042	415-108-725	NEW-P	95-09-069	419-18-045	NEW-P	95-03-091
392-169-033	NEW-P	95-06-084	415-108-726	NEW-P	95-09-069	419-18-045	NEW	95-06-066
392-169-033	NEW	95-09-042	415-108-728	NEW-P	95-09-069	419-18-050	AMD-P	95-03-091
392-169-035	REP-P	95-06-084	415-112-015	AMD-P	95-09-069	419-18-050	AMD	95-06-066
392-169-035	REP	95-09-042	415-112-0151	NEW-P	95-09-069	419-18-060	AMD-P	95-03-091
392-169-045	AMD-P	95-06-084	415-112-0152	NEW-P	95-09-069	419-18-060	AMD	95-06-066
392-169-045	AMD	95-09-042	415-112-0153	NEW-P	95-09-069	419-18-070	AMD-P	95-03-091
392-169-050	AMD-P	95-06-084	415-112-0154	NEW-P	95-09-069	419-18-070	AMD	95-06-066
392-169-050	AMD	95-09-042	415-112-0155	NEW-P	95-09-069	419-18-080	NEW-P	95-03-091
392-169-055	AMD-P	95-06-084	415-112-0156	NEW-P	95-09-069	419-18-080	NEW	95-06-066
392-169-055	AMD	95-09-042	415-112-0157	NEW-P	95-09-069	419-70-010	REP	95-09-049
392-169-057	AMD-P	95-06-084	415-112-0158	NEW-P	95-09-069	419-70-020	REP	95-09-049
392-169-057	AMD	95-09-042	415-112-0159	NEW-P	95-09-069	419-70-030	REP	95-09-049
392-169-060	AMD-P	95-06-084	415-112-0161	NEW-P	95-09-069	419-70-040	REP	95-09-049
392-169-060	AMD	95-09-042	415-112-0162	NEW-P	95-09-069	419-70-050	REP	95-09-049
392-169-065	AMD-P	95-06-084	415-112-0163	NEW-P	95-09-069	419-72-010	AMD	95-09-049
392-169-065	AMD	95-09-042	415-112-0164	NEW-P	95-09-069	419-72-012	NEW	95-09-049
392-169-075	AMD-P	95-06-084	415-112-0165	NEW-P	95-09-069	419-72-015	AMD	95-09-049
392-169-075	AMD	95-09-042	415-112-0166	NEW-P	95-09-069	419-72-020	AMD	95-09-049
392-169-080	AMD-P	95-06-084	415-112-0167	NEW-P	95-09-069	419-72-025	AMD	95-09-049
392-169-080	AMD	95-09-042	415-112-119	NEW-P	95-09-069	419-72-030	REP	95-09-049
392-169-085	AMD-P	95-06-084	415-112-120	NEW-P	95-09-069	419-72-035	REP	95-09-049
392-169-085	AMD	95-09-042	415-112-125	NEW-P	95-09-069	419-72-040	REP	95-09-049
392-169-090	AMD-P	95-06-084	415-112-130	NEW-P	95-09-069	419-72-041	NEW	95-09-049
392-169-090	AMD	95-09-042	415-112-135	NEW-P	95-09-069	419-72-045	AMD	95-09-049
392-169-100	AMD-P	95-06-084	415-112-140	NEW-P	95-09-069	419-72-050	AMD	95-09-049
392-169-100	AMD	95-09-042	415-112-145	NEW-P	95-09-069	419-72-055	REP	95-09-049
392-169-105	AMD-P	95-06-084	415-112-155	NEW-P	95-09-069	419-72-060	AMD	95-09-049
392-169-105	AMD	95-09-042	415-112-409	NEW-W	95-02-058	419-72-065	AMD	95-09-049
392-169-110	AMD-P	95-06-084	415-113-005	NEW	95-03-001	419-72-068	NEW-W	95-02-059
392-169-110	AMD	95-09-042	415-113-010	REP	95-03-001	419-72-070	AMD	95-09-049
392-169-115	AMD	95-09-042	415-113-020	REP	95-03-001	419-72-075	AMD	95-09-049
392-169-120	AMD-P	95-06-084	415-113-030	AMD	95-03-001	419-72-080	AMD	95-09-049
392-169-120	AMD	95-09-042	415-113-0301	NEW	95-03-001	419-72-090	REP	95-09-049
392-169-125	AMD-P	95-06-084	415-113-0302	NEW	95-03-001	419-72-095	REP	95-09-049
392-169-125	AMD	95-09-042	415-113-0303	NEW	95-03-001	434-09-020	AMD-E	95-05-050
392-171	PREP	95-04-089	415-113-0304	NEW	95-03-001	434-09-030	AMD-E	95-05-050
392-171	PREP	95-10-050	415-113-0305	NEW	95-03-001	434-09-040	AMD-E	95-05-050
399-10-010	AMD-P	95-07-107	415-113-0306	NEW	95-03-001	434-09-050	AMD-E	95-05-050
399-20-020	AMD-P	95-07-108	415-113-0307	NEW	95-03-001	434-09-060	AMD-E	95-05-050
399-30-040	AMD-P	95-07-109	415-113-0308	NEW	95-03-001	434-09-070	AMD-E	95-05-050
415-104-011	AMD-P	95-09-069	415-113-0309	NEW	95-03-001	434-09-080	AMD-E	95-05-050
415-104-0111	NEW-P	95-09-069	415-113-0310	NEW	95-03-001	434-09-090	AMD-E	95-05-050
415-104-0112	NEW-P	95-09-069	415-113-040	REP	95-03-001	434-120-025	PREP	95-06-049
415-104-0113	NEW-P	95-09-069	415-113-041	NEW	95-03-001	434-120-025	AMD-P	95-08-073
415-104-0114	NEW-P	95-09-069	415-113-042	NEW	95-03-001	434-120-103	NEW-P	95-08-073
415-104-0115	NEW-P	95-09-069	415-113-045	NEW	95-03-001	434-120-105	PREP	95-06-049
415-104-0117	NEW-P	95-09-069	415-113-050	REP	95-03-001	434-120-105	AMD-P	95-08-073
415-104-0118	NEW-P	95-09-069	415-113-055	NEW	95-03-001	434-120-105	PREP	95-06-049
415-104-0120	NEW-P	95-09-069	415-113-057	NEW	95-03-001	434-120-125	PREP	95-06-049
415-104-0121	NEW-P	95-09-069	415-113-059	NEW	95-03-001	434-120-125	AMD-P	95-08-073
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434-120-140	AMD-P	95-08-073	458-08-040	REP	95-07-067	458-20-189	PREP	95-04-079
434-120-145	PREP	95-06-049	458-08-050	REP-P	95-04-051	458-20-211	PREP	95-05-025
434-120-145	AMD-P	95-08-073	458-08-050	REP	95-07-067	458-20-258	AMD-P	95-03-050
434-120-200	NEW-P	95-08-073	458-08-060	REP-P	95-04-051	458-30-262	PREP	95-02-063
434-120-210	PREP	95-06-049	458-08-060	REP	95-07-067	458-30-262	AMD-P	95-06-040
434-120-215	PREP	95-06-049	458-08-070	REP-P	95-04-051	458-30-262	AMD	95-09-041
434-120-215	AMD-P	95-08-073	458-08-070	REP	95-07-067	458-30-590	AMD-P	95-02-062
434-120-218	NEW-P	95-08-073	458-08-080	REP-P	95-04-051	458-30-590	AMD	95-06-043
434-120-240	PREP	95-06-049	458-08-080	REP	95-07-067	458-40-610	PREP	95-04-094
434-120-255	PREP	95-06-049	458-08-090	REP-P	95-04-051	458-40-610	AMD-E	95-10-034
434-120-255	AMD-P	95-08-073	458-08-090	REP	95-07-067	458-40-610	AMD-P	95-10-064
434-120-260	PREP	95-06-049	458-08-100	REP-P	95-04-051	458-40-615	PREP	95-08-078
434-120-260	AMD-P	95-08-073	458-08-100	REP	95-07-067	458-40-640	PREP	95-08-078
434-120-265	PREP	95-06-049	458-08-110	REP-P	95-04-051	458-40-650	PREP	95-04-094
434-120-265	AMD-P	95-08-073	458-08-110	REP	95-07-067	458-40-650	AMD-E	95-10-035
434-120-300	PREP	95-06-050	458-08-120	REP-P	95-04-051	458-40-650	AMD-P	95-10-064
434-120-300	AMD-P	95-08-072	458-08-120	REP	95-07-067	458-40-660	PREP	95-08-078
434-120-305	PREP	95-06-050	458-08-130	REP-P	95-04-051	458-40-670	PREP	95-04-094
434-120-305	AMD-P	95-08-072	458-08-130	REP	95-07-067	458-40-670	PREP	95-08-078
434-120-310	PREP	95-06-050	458-08-140	REP-P	95-04-051	458-40-670	AMD-E	95-10-036
434-120-310	AMD-P	95-08-072	458-08-140	REP	95-07-067	458-40-670	AMD-P	95-10-064
434-120-315	PREP	95-06-050	458-08-150	REP-P	95-04-051	458-40-680	PREP	95-04-094
434-120-315	NEW-P	95-08-072	458-08-150	REP	95-07-067	458-40-680	AMD-E	95-10-037
434-120-317	PREP	95-06-050	458-08-160	REP-P	95-04-051	458-40-680	AMD-P	95-10-064
434-120-317	NEW-P	95-08-072	458-08-160	REP	95-07-067	458-40-684	PREP	95-08-078
434-120-330	PREP	95-06-050	458-08-170	REP-P	95-04-051	458-40-690	PREP	95-08-078
434-120-330	AMD-P	95-08-072	458-08-170	REP	95-07-067	458-53-010	PREP	95-09-083
434-120-335	PREP	95-06-050	458-08-180	REP-P	95-04-051	458-53-020	PREP	95-09-083
434-120-335	AMD-P	95-08-072	458-08-180	REP	95-07-067	458-53-030	PREP	95-09-083
446-65-010	AMD-E	95-08-048	458-08-190	REP-P	95-04-051	458-53-040	PREP	95-09-083
446-65-010	PREP	95-09-075	458-08-190	REP	95-07-067	458-53-050	PREP	95-09-083
446-65-010	AMD-P	95-10-058	458-08-200	REP-P	95-04-051	458-53-051	PREP	95-09-083
446-65-020	NEW-E	95-08-048	458-08-200	REP	95-07-067	458-53-070	PREP	95-09-083
446-65-020	PREP	95-09-075	458-08-210	REP-P	95-04-051	458-53-080	PREP	95-09-083
446-65-020	NEW-P	95-10-058	458-08-210	REP	95-07-067	458-53-090	PREP	95-09-083
456-09-110	AMD	95-05-033	458-08-220	REP-P	95-04-051	458-53-095	PREP	95-09-083
456-09-130	AMD	95-05-033	458-08-220	REP	95-07-067	458-53-100	PREP	95-09-083
456-09-230	AMD	95-05-033	458-08-230	REP-P	95-04-051	458-53-105	PREP	95-09-083
456-09-320	AMD	95-05-033	458-08-230	REP	95-07-067	458-53-110	PREP	95-09-083
456-09-325	AMD	95-05-033	458-08-240	REP-P	95-04-051	458-53-120	PREP	95-09-083
456-09-330	AMD	95-05-033	458-08-240	REP	95-07-067	458-53-130	PREP	95-09-083
456-09-340	AMD	95-05-033	458-08-250	REP-P	95-04-051	458-53-135	PREP	95-09-083
456-09-350	AMD	95-05-033	458-08-250	REP	95-07-067	458-53-140	PREP	95-09-083
456-09-365	AMD	95-05-033	458-08-260	REP-P	95-04-051	458-53-141	PREP	95-09-083
456-09-540	AMD	95-05-033	458-08-260	REP	95-07-067	458-53-142	PREP	95-09-083
456-09-705	AMD	95-05-033	458-08-270	REP-P	95-04-051	458-53-150	PREP	95-09-083
456-09-710	AMD	95-05-033	458-08-270	REP	95-07-067	458-53-160	PREP	95-09-083
456-09-725	AMD	95-05-033	458-14-005	PREP	95-07-139	458-53-163	PREP	95-09-083
456-09-730	AMD	95-05-033	458-14-015	PREP	95-07-139	458-53-165	PREP	95-09-083
456-09-930	AMD	95-05-033	458-14-056	PREP	95-07-139	458-53-180	PREP	95-09-083
456-09-935	AMD	95-05-033	458-14-066	PREP	95-07-139	458-53-200	PREP	95-09-083
456-09-945	AMD	95-05-033	458-14-116	PREP	95-07-139	458-53-210	PREP	95-09-083
456-09-955	AMD	95-05-033	458-14-127	PREP	95-07-139	460-52A-010	AMD-P	95-08-016
456-10-110	AMD	95-05-032	458-14-146	PREP	95-07-139	460-80-315	AMD-P	95-04-097
456-10-140	AMD	95-05-032	458-14-160	PREP	95-07-139	460-80-315	AMD	95-08-015
456-10-320	AMD	95-05-032	458-14-170	PREP	95-07-139	463-39	PREP	95-09-078
456-10-325	AMD	95-05-032	458-14-171	PREP	95-07-139	468-32-010	PREP	95-04-070
456-10-330	AMD	95-05-032	458-16-265	REP	95-06-042	468-32-010	NEW-P	95-04-071
456-10-340	AMD	95-05-032	458-16A-010	NEW	95-06-041	468-32-010	NEW	95-07-106
456-10-360	AMD	95-05-032	458-16A-020	NEW	95-06-042	468-51	PREP	95-10-001A
456-10-505	AMD	95-05-032	458-18-220	AMD-P	95-02-064	468-95-100	AMD-E	95-07-051
456-10-510	AMD	95-05-032	458-18-220	AMD	95-06-044	468-95-100	AMD-P	95-07-081
456-10-525	AMD	95-05-032	458-20-10001	NEW-P	95-04-054	478-168	PREP	95-07-101
456-10-530	AMD	95-05-032	458-20-10001	NEW	95-07-070	478-168-010	AMD-P	95-08-053
456-10-730	AMD	95-05-032	458-20-10002	NEW-P	95-04-052	478-168-020	AMD-P	95-08-053
456-10-755	AMD	95-05-032	458-20-10002	NEW	95-07-069	478-168-030	REP-P	95-08-053
458-08-010	REP-P	95-04-051	458-20-101	AMD-P	95-04-019	478-168-035	NEW-P	95-08-053
458-08-010	REP	95-07-067	458-20-101	AMD	95-07-089	478-168-040	REP-P	95-08-053
458-08-020	REP-P	95-04-051	458-20-104	AMD-P	95-04-018	478-168-050	REP-P	95-08-053
458-08-020	REP	95-07-067	458-20-104	AMD	95-07-088	478-168-060	REP-P	95-08-053
458-08-030	REP-P	95-04-051	458-20-183	PREP	95-03-092	478-168-070	AMD-P	95-08-053
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478-168-094	AMD-P	95-08-053	479-20-031	AMD	95-04-072	479-420-013	NEW	95-04-072
478-168-096	AMD-P	95-08-053	479-20-033	REP	95-04-072	479-420-016	NEW	95-04-072
478-168-100	REP-P	95-08-053	479-20-036	REP	95-04-072	479-420-020	NEW	95-04-072
478-168-110	REP-P	95-08-053	479-20-037	AMD	95-04-072	479-420-025	NEW	95-04-072
478-168-120	REP-P	95-08-053	479-20-075	REP	95-04-072	479-420-027	NEW	95-04-072
478-168-130	REP-P	95-08-053	479-20-086	AMD	95-04-072	479-420-031	NEW	95-04-072
478-168-140	REP-P	95-08-053	479-20-095	AMD	95-04-072	479-420-037	NEW	95-04-072
478-168-150	REP-P	95-08-053	479-24-030	AMD	95-04-072	479-420-086	NEW	95-04-072
478-168-160	AMD-P	95-08-053	479-112	AMD	95-04-072	479-420-089	NEW	95-04-072
478-168-170	AMD-P	95-08-053	479-112-001	NEW	95-04-072	479-420-095	NEW	95-04-072
478-168-180	AMD-P	95-08-053	479-112-003	NEW	95-04-072	480-09	PREP	95-06-089
478-168-200	AMD-P	95-08-053	479-112-005	REP	95-04-072	480-09-520	PREP	95-06-088
478-168-270	AMD-P	95-08-053	479-112-0055	NEW	95-04-072	480-12-001	NEW-E	95-10-038
478-168-280	AMD-P	95-08-053	479-112-008	AMD	95-04-072	480-12-075	REP-E	95-10-038
478-168-290	AMD-P	95-08-053	479-112-009	AMD	95-04-072	480-12-082	REP-E	95-10-038
478-168-294	AMD-P	95-08-053	479-112-017	AMD	95-04-072	480-12-085	REP-E	95-10-038
478-168-300	AMD-P	95-08-053	479-113-010	AMD	95-04-072	480-12-090	REP-E	95-10-038
478-168-310	AMD-P	95-08-053	479-113-011	AMD	95-04-072	480-12-095	REP-E	95-10-038
478-168-320	AMD-P	95-08-053	479-113-029	AMD	95-04-072	480-12-105	REP-E	95-10-038
478-168-325	NEW-P	95-08-053	479-113-031	AMD	95-04-072	480-12-110	REP-E	95-10-038
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	PROP	95-09-009	registration		
Occupational health standards			confiscation of arrested person's		
confined space standards	PREP	95-06-091	registration	PREP	95-02-071
	PREP	95-09-024		PROP	95-05-066
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	PERM	95-04-007	identification, use of assigned		
	PROP	95-05-061	identification on documents	PREP	95-06-015
	PROP	95-09-008	transfer of title	PREP	95-09-073
	PERM	95-10-016	rental cars		
	PROP	95-10-019	business registration	PREP	95-04-001
	PROP	95-10-093	vehicle registration	PREP	95-04-001
lead exposure	PERM	95-04-078	trip permits	PROP	95-01-017
Safety and health standards			Real estate commission		
agriculture industry	PREP	95-09-086	meetings	MISC	95-01-094
	PERM	95-10-045	real estate education	PERM	95-03-012
	PROP	95-10-046	Title and registration advisory committee		
general	PREP	95-09-008	meetings	MISC	95-06-014
	PROP	95-10-093		MISC	95-09-074
shipyard employment	PREP	95-09-024	Vessels		
	PROP	95-10-093	owner identification criteria	PROP	95-10-054
Safety standards			transfer of title	PREP	95-09-073
agriculture	PERM	95-10-045			
	PROP	95-10-046			
construction	PREP	95-04-032	LIQUOR CONTROL BOARD		
	PROP	95-04-082	Licenses		
	PROP	95-05-061	food products, minimum inventory	PREP	95-05-005
	PROP	95-09-008	hours of operation	PERM	95-04-044
	PERM	95-10-016	local health requirements, enforcement	PREP	95-05-004
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and moving walks	PERM	95-04-005	licenses	PREP	95-08-076
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	PREP	95-09-011	Schematics for stocking, valuation	PREP	95-08-017
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OSHA compliance	PREP	95-06-090	Wine warehouses		
	PREP	95-10-047	removal of wine for delivery by winery		
Workers' compensation			personnel	PREP	95-10-015
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independent	PERM	95-04-056	LOTTERY COMMISSION		
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rates and rating system	PERM	95-08-052	Instant game number 136 - Ace in the Hole	PERM	95-03-062
retrospective rating	PROP	95-01-116	Instant game number 137 - Walla	PERM	95-03-062
	PERM	95-06-069	Instant game number 138 - \$2 Bank Roll	PERM	95-03-062
				PROP	95-07-135
			Instant game number 139 - 100 Grands	PERM	95-03-062
LAKE WASHINGTON TECHNICAL COLLEGE			Instant game number 140 - Joker's Wild	PROP	95-03-100
Meetings	MISC	95-04-046		PERM	95-07-050
			Instant game number 141 - Go Bananas	PROP	95-03-100
LEGAL FOUNDATION OF WASHINGTON				PERM	95-07-050
Meetings	MISC	95-07-002	Instant game number 142 - Lucky Queen	PROP	95-07-135
			Instant game number 143 - High Stakes	PROP	95-07-135
LICENSING, DEPARTMENT OF			Instant Game number 144 - Pay Day	PROP	95-07-135
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Employment agencies				PROP	95-06-052
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Escrow commission			Oil spill prevention plan	PERM	95-01-029
meetings	MISC	95-01-094	Vessel operation		
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fleet vehicles			MARITIME COMMISSION		
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	PERM	95-10-086		PROP	95-10-077
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NATURAL RESOURCES, DEPARTMENT OF			Drug testing, limitations and uses		
Burning permit program			Examinations	PROP	95-10-081
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	PROP	95-07-129	modification of qualifications	PROP	95-10-069
	PROP	95-08-055	or tests	PROP	95-10-079
	PROP	95-08-056	requirements		
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Natural resources, board of			Leave without pay	PROP	95-10-066
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	MISC	95-03-097	Meetings	MISC	95-02-030
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Sources			Promotional organizational units	PROP	95-10-080
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			order of rank	PROP	95-10-070
			underfilling of position	PROP	95-10-072
OLYMPIC COLLEGE			Research appointments		
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	MISC	95-03-008	Salaries		
			reallocation	PROP	95-01-071
OUTDOOR RECREATION, INTERAGENCY			Temporary appointments from outside		
COMMITTEE FOR			state service	PROP	95-10-073
Meetings	MISC	95-03-010	Temporary appointments from within		
	MISC	95-03-017	classified service	PROP	95-10-074
	MISC	95-04-062	Work period designations	PROP	95-10-078
	MISC	95-06-023	Workers' compensation		
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Campsite reservation	EMER	95-02-051	Personnel resources board		
	PROP	95-02-052	(See PERSONNEL RESOURCES BOARD)		
	PROP	95-07-118	PIERCE COLLEGE		
	EMER	95-10-008	Meetings	MISC	95-01-031
	PROP	95-10-009		MISC	95-05-053
	PROP	95-10-010	PILOTAGE COMMISSIONERS, BOARD OF		
Environmental education and			Pilotage tariff rates		
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	PROP	95-04-091		PROP	95-04-096
Fees	PERM	95-07-061		PROP	95-07-120
Fort Worden	PROP	95-07-112		EMER	95-10-028
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Meetings	MISC	95-03-004		PROP	95-08-065
				EMER	95-10-028
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	MISC	95-08-063	determination costs	EMER	95-08-039
				PROP	95-08-040
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Appeals	PROP	95-03-054	BOARD OF REGISTRATION FOR		
	PERM	95-07-074	Meetings	MISC	95-01-004
Hearings	PROP	95-03-054	PUBLIC DISCLOSURE COMMISSION		
	PERM	95-07-074	Contributions		
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	PERM	95-07-074	independent expenditures	PREP	95-07-138
			Lobbyists and lobbying		
			expense reporting	PERM	95-01-074A
			Political advertising	PERM	95-01-074A
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Classification plan	PROP	95-01-071			
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extracurricular activities jobs	EMER	95-07-026	adjudicative proceedings	PROP	95-04-053
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enrolled student, definition	PROP	95-06-059	Excise taxes		
	PERM	95-10-011	nonprofit homes for the aging	PERM	95-06-041
enrollment counting	PERM	95-01-013		PERM	95-06-042
	EMER	95-04-055	Inflation rates	PROP	95-02-062
	PREP	95-04-107		PERM	95-06-043
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	PERM	95-09-042	agricultural land valuation	PREP	95-02-063
School districts				PROP	95-06-040
contracting out of services	PREP	95-08-035		PERM	95-09-041
Special education			annual ratio study	PREP	95-09-083
due process hearings	PREP	95-04-089	appeals procedure	PREP	95-07-139
programs, operation	PREP	95-10-050	forest land values	PERM	95-02-039
State institutions education program	PROP	95-05-020	nonprofit homes for the aging	EMER	95-01-078
	PERM	95-08-025		EMER	95-01-079
Teacher assistance program	PROP	95-01-002	refunds, rate of interest	PROP	95-02-064
				PERM	95-06-044
PUBLIC WORKS BOARD			Sales tax		
(See COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)			equipment rentals	PREP	95-05-025
PUGET SOUND AIR POLLUTION CONTROL AGENCY			physical fitness services	PREP	95-04-079
Ambient air quality standard			recreation activities and businesses	PREP	95-03-092
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Asbestos			Tax registration	PROP	95-04-019
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Compliance with standards	PROP	95-02-009	meetings	MISC	95-03-072
	PERM	95-06-003		MISC	95-04-092
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	PERM	95-06-003	scaling and grading methods	EMER	95-10-034
Outdoor fires			stumpage values	PREP	95-04-094
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	PERM	95-06-003		PERM	95-02-038
Particulate matter deposition	PROP	95-02-009		EMER	95-02-041
	PERM	95-06-003		EMER	95-02-042
Toxic air contaminants, impact evaluation	PROP	95-07-134		EMER	95-02-043
				PREP	95-04-094
PUGET SOUND WATER QUALITY AUTHORITY				PREP	95-08-078
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RENTON TECHNICAL COLLEGE				EMER	95-10-036
Meetings	MISC	95-03-021		EMER	95-10-037
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Membership eligibility	PREP	95-05-086	lodgepole pine	EMER	95-02-043
	PREP	95-07-006		EMER	95-10-037
	PROP	95-09-069	timber quality codes	PREP	95-04-094
Portability of benefits	PERM	95-03-001		EMER	95-10-035
Reporting				PROP	95-10-064
fee for untimely or inaccurate reports	PREP	95-07-113	RULES COORDINATORS		
	PROP	95-09-068	(See Issue 95-01 for a complete list of rules coordinators designated as of 12/21/94)		
Retirement allowance calculation vehicle			Asian American affairs, commission on	MISC	95-04-059
allowances and costs	PREP	95-07-005	Bellingham Technical College	MISC	95-01-096
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REVENUE, DEPARTMENT OF			Ecology, department of	MISC	95-01-088
Adjudicative proceedings	PROP	95-04-052	Financial management, office of	MISC	95-03-052
	PROP	95-04-053	Gambling commission	MISC	95-04-042
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			students, eligibility	PROP	95-03-045
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	PROP	95-08-073	utility allowances	PERM	95-06-029
registration	PREP	95-06-049		PREP	95-07-071
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	PROP	95-08-072	allocation of income	PREP	95-09-032
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				PREP	95-01-064
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	PERM	95-07-103	exempt income	PROP	95-09-035
			standards of assistance	PERM	95-03-046
SKAGIT VALLEY COLLEGE					
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	EMER	95-01-028	Job opportunities and basic skills		
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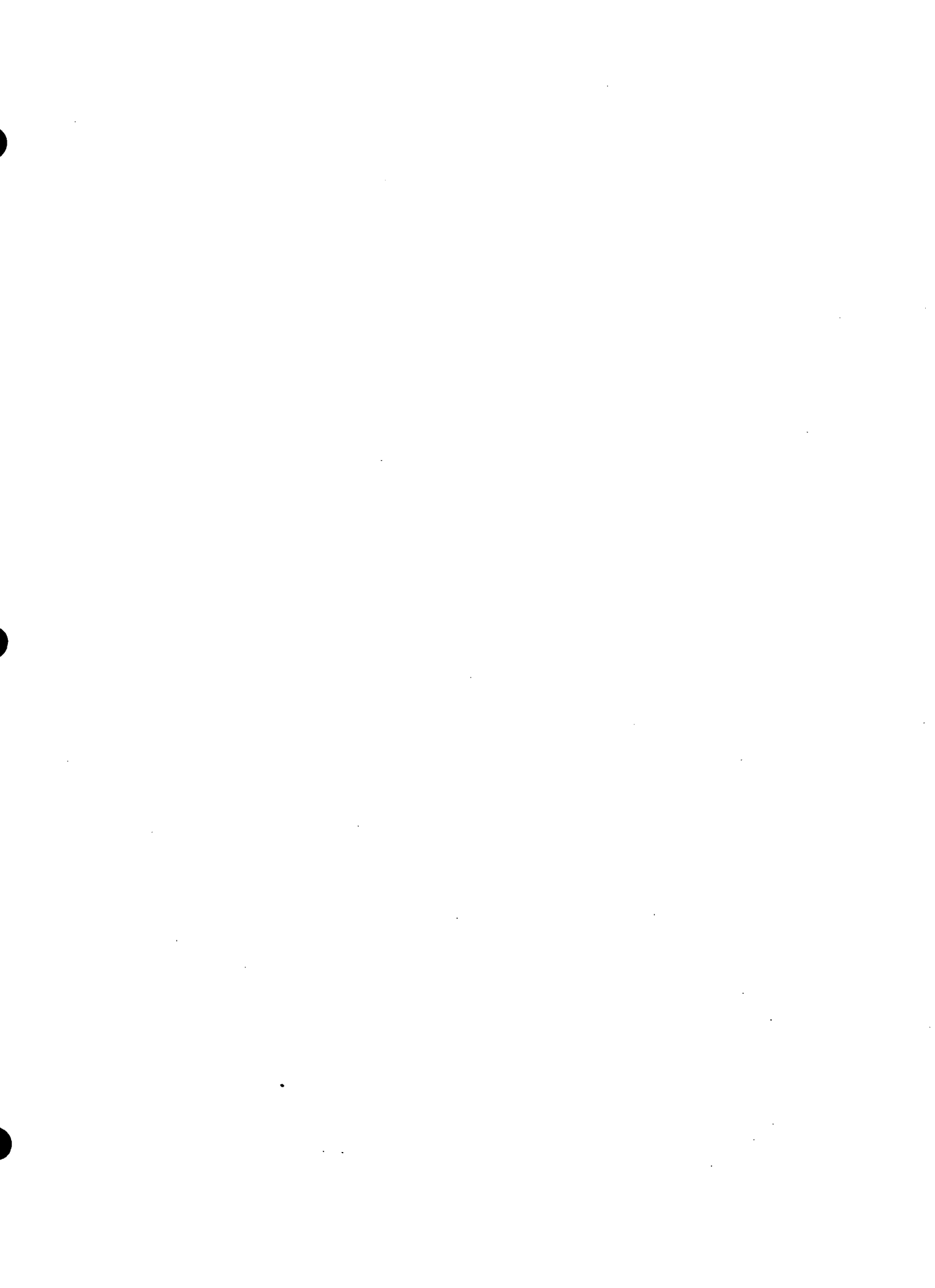
institutionalized client			MISC	95-06-038
income eligibility	PERM	95-02-028	MISC	95-07-102
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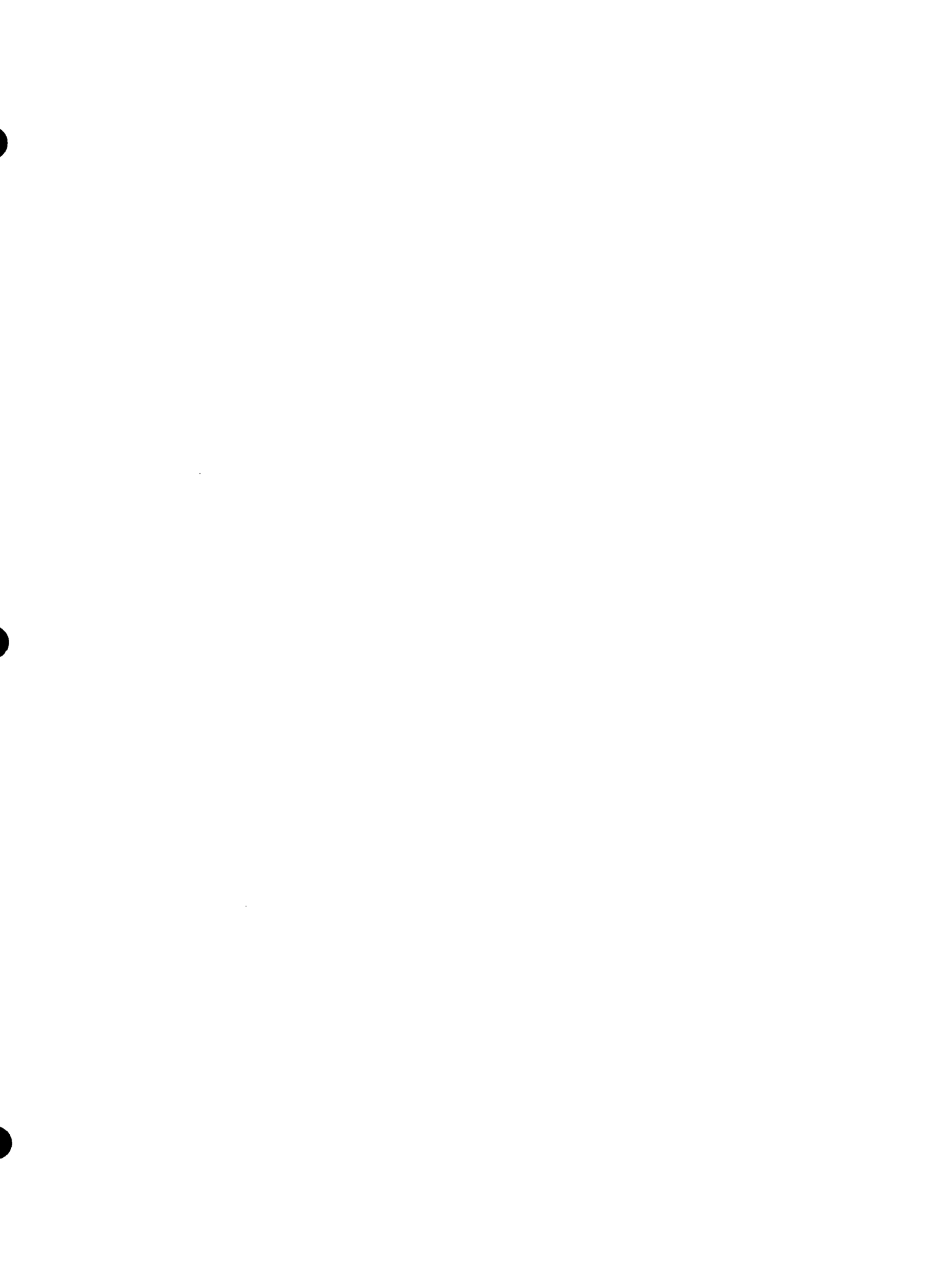
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